

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION February 11, 2020 at 6:15 p.m. with Mayor Mike Murray presiding in the Municipal Building, 819 Superior Avenue, Tomah WI.

Following the Pledge of Allegiance, roll call was taken with the following members present: Mike Murray, Travis Scholze (arrived at 6:25 p.m.), Lamont Kiefer, Donna Evans, Sue Holme, Shawn Zabinski, Jeff Cram, and Richard Yarrington. Quorum present. Adam Gigous was appointed during the meeting, took the Oath of Office, and joined the meeting.

Also present: City Attorney Penny Precour, City Administrator Roger Gorius, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Evans, second by Holme to adjourn to closed session pursuant to State Statute 19.85(1) (c) and (e) to Confer with Legal Counsel with Respect to Personnel Issues and Purchase of Property. Motion passed without negative vote. The meeting adjourned to Closed Session at 6:16 p.m. Meeting reconvened to Open Session Pursuant to State Statute 19.85(2) at 6:57p.m.

Anyone Desiring to Appear Before the City Council. No one desired to appear.

Appointment of Aldermanic District 1 Alderperson to Fulfill the Remaining Term with the Term Expiring April 2021 & Oath of Office. Letters of interest were requested at the January Council meeting regarding the 1st Aldermanic District vacancy. One letter was received from Adam Gigous.

Motion by Kiefer, second by Evans to appoint Adam Gigous to the Aldermanic seat in District 1 to fulfill the remaining term with the term expiring in April 2021. Motion passed without negative vote. Mr. Gigous was given the Oath of Office and joined the meeting.

Mayor. Mayor Murray advised that on February 23rd, the Special Olympics Basketball event will be held at the High School.

City Administrator & Long Range Planning Committee Report. City Administrator Gorius provided a written report regarding current and ongoing activities.

City Clerk. City Clerk Cram provided updates on the Spring Election process, Complete Count Census Committee, Appeal process regarding placement of union positions on the wage scale, and year end reports.

Library Monthly Report. Library Director Irma Keller advised the LED lights have been installed in the Library. Movie nights at the Library are having good attendance.

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

Senior & Disabled Services Report. Senior & Disabled Services Coordinator Pam Buchda provided a monthly calendar and written summary of events. The new PALS class is ongoing. Officer Delaney will be doing a program on scams on Feb. 20th. Sunday, February 16th is Sunday Funday for Special Needs citizens. There is construction occurring at the Sr. Center as they remodel their kitchenette.

Planning/Building Inspection Monthly Report. Shane Rolff provided a written report.

Consent Agenda Items.

Motion by Evans, second by Yarrington to approve the following Consent Agenda items with the exception of the Treasurers Cash & Investment Reports for January which needs to be tabled. Motion passed without negative vote.

- A. Minutes** of January 14, 2020 Regular Council Meeting as presented.
- B. Bartender Licenses** for Brandon Dutton, Devon Janusheske, Cassandra Kiel, Christopher Neal, Kaitlyn Sankey, Deborah Thiel, and Heather Wilcox.
- C. Special Wine Permit for Area Community Theater, Inc.** for "They're Playing Our Song" show on Feb. 13-16, 2020 and Feb. 19-23, 2020.
- D. Special Beer & Wine Permit** for Tomah Baseball Club, Opening Night on March 7, 2020
- E. Special Beer Permit** for Tomah Fire Department for Wild Turkey Federation Banquet on March 28, 2020

F. Request for Change of Agent from Randi Owen to Todd Steffel for American Legion, Grassman Sowle Larsen Senz A L Post 201, at 901 Wisconsin Ave.

Secondhand Article Dealer License Application for Tomah Hock & Pawn

Motion by Holme, second by Kiefer to approve the Secondhand Article Dealer License for Tomah Hock and Pawn at 320 Superior Avenue, Tomah for Jan. 1, 2020 to December 31, 2020. Motion passed without negative vote.

Downtown Thursday Night Special Event Cabaret Licenses for Tomah Chamber of Commerce. A public notice was published in the Tomah Journal on January 31st as designated by ordinance. Applications for Special Event Outdoor Cabaret Licenses were received from the Chamber for 800 and 900 Blocks of Superior Ave. for six Downtown Thursday Night concert events in July & August of 2020. They are: July 2, 9, 16, and 23, 2020 and August 6 & 13, 2020.

Motion by Holme, second by Evans to approve the Thursday Night Special Event Cabaret Licenses for the Tomah Chamber of Commerce for the 800 and 900 Blocks of Superior Avenue for July 2, 9, 16, and 23, 2020 and August 6 and 13, 2020 as requested. Motion passed without negative vote. (Cram abstained.)

Downtown Thursday Night Special Beer Permits for Lions Club.

Motion by Holme, second by Kiefer to approve the Special Beer Permits for the Tomah Lions Club for the 800 and 900 Blocks of Superior Avenue for July 2, 9, 16, and 23, 2020 and August 6 and 13, 2020 as requested for the Downtown Thursday Night events. Motion passed without negative vote. (Cram and Gigous abstained.)

Resolution Authorizing a Change in the 2020 Position Count by the Creation of a Full Time Fire Chief Position and Eliminating One Part Time Fire Chief Position.

Motion by Kiefer, second by Cram to approve **Resolution No 2020-02-11-04** authorizing a change in the 2020 Position Count by the creation of a full time Fire Chief position and eliminating the part time Fire Chief position effective May 1, 2020. Motion passed without negative vote.

RESOLUTION NO. 2020-02-11-04
A RESOLUTION AUTHORIZING A CHANGE IN THE 2020 CITY OF TOMAH
POSITION COUNT BY THE CREATION OF A FULL TIME
FIRE CHIEF POSITION
AND ELIMINATING ONE PART TIME FIRE CHIEF POSITION

WHEREAS, the Common Council of the City of Tomah hereby authorizes a change in the 2020 City of Tomah position count by the creation of a permanent full time Fire Chief position working a 40 hour week, and eliminating the part time Fire Chief position and,

WHEREAS, it is in the best interest of the City to create a permanent full time Fire Chief position to be responsible for managing the physical facilities and equipment; promoting fire prevention; developing and improving the City's firefighting response; improving the City firefighting forces with methods and techniques of firefighting and fire prevention; and making major changes in procedures and organization. The Chief also provides information to the Common Council, business groups, service organizations, special committees, including but not limited to state and national fire service direction and policy through input to the appropriate fire service organization. This position is appointed by the Police and Fire Commission and supervises all employees hired by the Police and Fire Commission that serve as employees of the Tomah Fire Department, and

WHEREAS, the Common Council of the City of Tomah establishes a full time Fire Chief as an exempt position that includes all applicable benefits afforded by City employees as outlined in the City of Tomah Personnel Policy effective May 1, 2020, and

WHEREAS, this individual will have a 40 hour work schedule based upon department needs who will work under the supervision of the Mayor. This position will be classified as Range R Step 5 of the City's Wage Schedule, and

NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Tomah Common Council does hereby authorize a change in the 2020 City of Tomah Position Count by the creation of a full time Fire Chief as designated above and hereby eliminates one part time Fire Chief Position previously approved. This position is classified as exempt, Range R, Step 5 of the Wage Schedule and will work under the direct supervision of the Mayor and will be effective as of May 1, 2020.

Dated this 11th day of February, 2020

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Establish Wage and Benefit Package for Full Time Fire Chief. Chief Adler has been with the City for many years on a part time basis. Chief Adler has been approved to go full time effective May 1, 2020.

Motion by Kiefer, second by Yarrington to authorize the wage for full time Fire Chief Adler at Range R Step 5 effective May 1, 2020 with 3 weeks of vacation and 3 weeks of sick leave to start with vacation accumulation moving to 4 weeks after 4 years of full time status and is also eligible for all benefits per the Personnel Manual. Motion passed without negative vote.

Review and Approval of Monroe County Recommended ATV/UTV Crossroads. The Monroe County Highway Department has received requests to approve ATV/UTV routes on segments of County Trunk Highways EW, ET, PP, CA, CM, M and A. The City's comments are requested regarding the proposed routes on the locations in the City. They are also requesting a copy of the ATV/UTV ordinance which is also on this agenda for action.

Motion by Kiefer, second by Cram to approve the proposed ATV/UTV crossroad routes at the locations in the City of Tomah as designated by Monroe County. Motion passed with one negative vote (Zabinski).

Discussion of Repayment of Borrowed Monies. When the State dissolved the Economic Development Program, it returned money to the City. At present, the fund balance is \$318,826.89. At this time, in an effort to reduce our debt ratio, the City should consider repayment of outstanding loans. If this is done, the balance of the funds would be \$57,080.93 with future monies returned to the account through payments made from loans to properties within TID 8.

Motion by Yarrington, second by Evans to approve the request to reduce the City's debt and pay back the loans in the amount of \$261,745.96 to the Board of Commissioners of Public Lands and use the remaining \$57,080.93 for loans and/or cash grants on TIF assistance for improvements in TID 8 with final consideration of the Long Range Planning Commission's recommendations to be made by the Council. Motion was subsequently amended to approve the request to reduce the City's debt and pay back the loans in the amount of \$261,745.96 to the Board of Commissioners of Public Lands and the remaining \$57,080.93 will stay in the General Fund until disbursement is determined. Motion as amended passed without negative vote.

Motion to amend the motion by Evans, second by Kiefer to remove using the \$57,080.93 returned to the account for payments made from loans. Motion passed without negative vote.

Ambulance Contract Proposal to Townships and Villages. The Director of the Ambulance Service is requesting authorization to send contract agreements to the Townships and Villages within our service area for providing ambulance coverage to their jurisdiction. This agreement will provide a written legal document for the entity serviced and the City authorizing the Tomah Area Ambulance to provide ambulance coverage

Motion by Yarrington, second by Kiefer to approve contracts being established between the Townships and Villages being served by the Tomah Area Ambulance Service as presented. Motion passed without negative vote.

Lease Assignment and Assumption Agreement for Airport Hangar. Nathan Gebhardt currently has a lease for Hangar 10, Lot 2 at the City Airport Bloyer Field. Mr. Gebhardt is selling his hangar to Ivan Vulovic and wishes to assign his current lease to Mr. Volovic.

Motion by Yarrington, second by Kiefer to approve the Lease Assignment and Assumption Agreement for Airport Hangar 10, Lot 2 of Bloyer Field as presented. Motion passed without negative vote.

Approval of Job Description for Ambulance Dept. Crew Leader. The Ambulance Department is implementing a crew leader position to administer planning, organizing, directing coordination and controlling shift operations of the department during shifts and under the overall direction of the Ambulance Director and Captain. This position is included in the union.

Motion by Cram, second by Yarrington to approve the job description for Ambulance Department Crew Leader as presented. Motion passed without negative vote.

Wage Increase Facilities Maintenance Worker. Following an appeal process, it is recommended to re-classify the full time Custodial/Maintenance position from Range G to Range H. One employee holds this job title and implementation into the wage scale needs to occur. It is recommended that with the reclassification, the position be placed in Range H, Step 8 or \$47,312 retroactive to January 1, 2020.

Motion by Cram, second by Kiefer to approve the reclassification of the Custodial/Maintenance employee from Wage Range G to Wage Range H and establish the rate at Step 8 or \$47,312 retroactive to January 1, 2020. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Cram, second by Evans to approve **Resolution No. 2020-02-11-05** authorizing payment of the monthly bills in the amount of \$4,279,372.04 as presented. Motion passed without negative vote.

RESOLUTION NO. 2020-02-11-05 **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	\$3,666,677.93	Check #'s	126595-126683 & 126711-126856
2. Payroll	\$ 397,186.94	Direct Deposit #'s	59507-59900
3. Wire Transfers	\$ 46,687.89		
4. Vouchers Payable 2019\$	111,145.04		
5. Invoices	\$ 57,674.84	Check #'s	126902-12695
	\$4,279,372.04		

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Ordinance Repealing Sections 44-177 to 44-181, Recreating Sections 44-177 to 44-181, and Creating Sections 44-182 and 44-183 Regarding All Terrain and Utility Terrain Vehicles. The overall ordinance basically adopts State Statute except that Section 44-181 adds additional stipulations. The proposed ordinance requires a driver's license, adherence to speed

limits, routes would be open from 6 a.m. to 10 p.m., open container of alcoholic beverages are not allowed while operating, and proof of insurance would be required.

Motion by Cram, second by Scholze to waive the second verbatim reading of the Ordinance Repealing Sections 44-177 to 44-181, Recreating Sections 44-177 to 44-181, and creating sections 44-182 and 44-183 regarding All Terrain and Utility Terrain Vehicles as presented and name Road Runners ATV TV Club of Monroe County as the responsible party for provision of signage at no cost to the City, for placement by City Staff as needed and Mike Pierce, Club President (or his designee) as liaison between the Club and the City Council. Motion passed without negative vote.

Motion by Cram, second by Evans to adopt **Ordinance No. 2020-02-02-D** Repealing Sections 44-177 to 44-181, Recreating Sections 44-177 to 44-181, and creating sections 44-182 and 44-183 regarding All Terrain and Utility Terrain Vehicles as presented and Road Runners ATV TV Club of Monroe County be named as the responsible party for provision of signage at no cost to the City, for placement by City Staff as needed and Mike Pierce, Club President (or his designee) is assigned as liaison between the Club and the City Council. Motion passed without negative vote.

ORDINANCE 2020-02-02-D

AN ORDINANCE REPEALING SECTIONS 44 -177, 44-178, 44-179, 44-180 AND 44-181 AND RECREATING SECTIONS 44 -177, 44-178, 44-179, 44-180, 44-181, AND CREATING SECTIONS 44-182 AND 44-183 OF THE MUNICIPAL CODE OF THE CITY OF TOMAH, MONROE COUNTY, WISCONSIN REGARDING ALL-TERRAIN AND UTILITY TERRAIN VEHICLES.

The Common Council of the City of Tomah, Monroe County, Wisconsin, does hereby ordain as follows:
SECTION ONE: That sections 44-177, 44-178, 44-179, 44-180 and 44-181 of the Municipal Code of the City of Tomah, Wisconsin be repealed and Chapter 44, Article VIII be created to read as follows:

Chapter 44, Article VIII ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

Sec. 44-177. - Purpose

The City Council has considered the recreational and economic value of all-terrain vehicle and utility-terrain vehicle (ATV/UTV) routes and trail opportunities weighed against protecting the public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. After due consideration, this ordinance is created to establish all-terrain vehicle and utility terrain vehicle routes on public roadways and trails on the City property and to regulate the operation of such vehicles on such routes and trails to provide safe and healthful conditions for the enjoyment of ATV/UTV recreation consistent with public rights and interest pursuant to City authority under Wis. Stat. §§ 62.11(5), 23.33(8) and 23.33(11).

Sec 44-178. - Adoption of standards.

Except as otherwise provided in this chapter, the statutory provisions in Wis. Stat. Chs. 23, 340 to 348, and 350 establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. Ch. NR 64, All-Terrain Vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this chapter are more restrictive.

Sec. 44-179. - ATV/UTV routes.

Unless otherwise posted, designated ATV/UTV routes include all public streets and alleys except connecting highways within the City of Tomah city limits. In addition, under Wis Stat. 23.33(11)(am)4, ATVs/UTVs are authorized to operate on STH 12, 16, and 131 where the speed limit is 35 MPH or less.

The Tomah Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

Sec. 44-180. - Trail and route signs.

Designated ATV/UTV route and trail signs shall be installed and maintained in accordance with Wisconsin Administrative Code NR 64.12 (7).

- A. The City of Tomah is solely responsible for ATV/UTV route signage installation and no person may install any sign on a designated ATV/UTV route without written authorization of the City.
- B. All required signs shall be in accordance with state statutes and administrative codes applicable to ATV/UTV routes on public streets and bridge crossings.
- C. No person may erect, remove, obscure, or deface any authorized ATV/UTV route sign without written authorization of the City of Tomah.

Sec. 44-181. - Operation of ATVs and UTVs.

Operation of ATVs and UTVs on designated ATV/UTV routes shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference. In addition the following restrictions apply to operation of ATVs and UTVs on all city streets designated as ATV/UTV routes:

- A. ATVs and UTVs may only be operated on approved ATV/UTV routes from 6am – 10pm.
- B. ATVs and UTVs shall operate at a safe speed not to exceed the posted speed limits.
- C. No person under the age of 16 may operate an ATV or UTV on any segment of a street or highway in the City of Tomah.

- D. Every person who operates an ATV or UTV on any street or highway in the City of Tomah shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any Law Enforcement Officer, State Patrol Officer, Inspector under Wisconsin State Stats 110.07(1), or Conservation Warden.
- E. No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV on any street or highway in the City of Tomah, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- F. All ATV and UTV equipment is required to have applicable liability insurance and have proof of insurance.

SECTION TWO: Section 44-182 is hereby created to read as follows:

Sec. 44-182. -Notifications.

A copy of this ordinance shall be sent to the Wisconsin State Patrol, Monroe County Sheriff's Department and to the Wisconsin Department of Natural Resources.

SECTION THREE: Section 44-183 is hereby created to read as follows:

Sec 44-183. - Violations and penalties.

- A. Except as provided in Sec. 23.33(13)(am) to (e), Wis. Stat, any person who violates any section of this ordinance or statutes adopted by reference shall pay a forfeiture of not less than \$50.00 nor more than \$250.00 for each offense. Said forfeiture is exclusive of mandatory assessments and costs.
- B. The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route use, or operating in excess of permitted speed; shall result in a forfeiture of not less than \$100.00 nor more than \$250.00, as established in Wis. Stat. Chs. 23. Said forfeiture is exclusive of mandatory assessments and costs.
- C. In addition to any forfeiture, a court may order restitution to repair any damage caused by a violation of this chapter.

SECTION FOUR: Any Ordinance, or parts thereof, inconsistent herewith is hereby repealed.

SECTION FIVE: This Ordinance shall be published as required by law after passage by the Common Council. This ordinance shall be in full force and effect from and after its passage and publication as required by law and shall remain in effect unless amended or repealed by action of the Common Council of the City of Tomah. Passed and approved this 18th day of February, 2020.

Michael Murray, Mayor ATTEST: JoAnn Cram, City Clerk
READ: 01/14/2020 & 02/11/2020 PASSED: 02/11/2020 PUBLISHED: 02/21/2020

Conditional Use Permit for Mark Tralmer to Install an Awning with Signage Projecting Over the Public Sidewalk at 1101 Superior Ave. Mr. Tralmer wishes to install an awning with signage mounted to the front and side of the building and overhangs the public sidewalk. All signs which project over a public way require a conditional use permit pursuant to the City of Tomah Municipal Code Section 52-152(1). Based on review of the application, the Planning Commission recommends approval of the Conditional Use Permit without conditions.

Motion by Scholze, second by Cram to approve the Conditional Use Permit for Mark Tralmer to install an awning with signage projecting over the public sidewalk at 1101 Superior Avenue as requested without conditions. Motion passed without negative vote.

Adjourn. Motion by Kiefer, second by Scholze to adjourn. Motion passed without negative vote. The meeting adjourned at 7:38 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk
Minutes to be approved on March 10, 2020