

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION June 13, 2017 at 6:30 p.m. with Council President Mike Murray presiding due to the absence of Mayor Nellie Pater.

Following the Pledge of Allegiance, roll call was taken with Travis Scholze, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Mike Murray, Luke Bohlen and Chris King present. Absent: Nellie Pater. Also in attendance: City Administrator Roger Gorius, City Attorney Penny Precour-Berry, and Deputy City Clerk Diane Webster. Gregg Hagen videotaped the meeting.

**Anyone Desiring to Appear Before the City Council.** No one appeared.

**Minutes.** Motion by Scholze, second by Bohlen to approve the minutes of the May 9, 2017 regular Common Council meeting as presented. Motion passed without negative vote.

**Mayor.** No report.

**City Administrator.** City Administrator Gorius provided an administrative staff report with a summary of monthly activity performed. Mr. Gorius advised he attended a luncheon prayer service at Fort McCoy; provided a summary of the opening of the Chamber of Commerce/Convention & Visitor's Bureau building; provided an update on the Millhaven Food facility; and provided an update on the Aquatic Center parking lot as well as the Downtown Visitor's Center project.

**Approval of 2016 Audit Report – Presentation by Joe Haas of Hawkins, Ash CPAs.** Mr. Haas provided a summary of the 2016 Audit report prepared by his agency. The City had an increase to its net position of \$2,475,750 which brings the total net position to \$67,465,981. The City's expenses for all funds were \$15,011,065 which includes governmental funds of \$11,281,403 and business type funds of \$3,729,662. The City paid off \$2,539,207 of debt with the City share at \$1,174,817. TID 8 was amended in 2016 to add a large business into the City. Revenue came in at \$6,854,452 compared to the budgeted amount of \$6,693,542. Expenditures were \$6,501,395 compared to the budgeted amount of \$6,693,542. The City added \$1,741,984 of general capital assets during 2016 of which \$450,106 was for equipment, \$47,574 was for land improvements, \$341,066 was for land and improvements and \$903,238 was for construction in progress. General obligation long-term debt decreased \$1,173,194 to an outstanding general obligation debt balance of \$13,833,367 at December 31<sup>st</sup>, 2016; well below the debt limit of \$31,625,105.

**City Clerk.** The Assessor's office continues with the revaluation effort in the City. Final Notices of Assessment will be mailed on June 20th. Board of Review is scheduled for July 20 with Open Book conducted from July 10-14. Interior inspections will be finished on June 13<sup>th</sup> with the exception of interiors done during the open book process. Objection forms will be available during open book for anyone wishing to object to their assessed value. Also, the Wisconsin Election Commission has mailed out Notice of Suspension of Registration postcards to voters identified as having not voted within the previous four years. The deadline for voters to respond to these postcards is July 15<sup>th</sup>. Failure to respond will result in inactivation of voter status which requires re-registration to re-activate.

**Library Report.** – Library Director Irma Keller provided information regarding Library activities. May circulation was 9,181. The children's summer reading program started June 12<sup>th</sup>. The theme is "Celebrate 100 years of Reading". An adult summer reading program for adults has been implemented. Adult programming includes a water color class and anime movies every Sunday. The library is hosting a weekly dinner and movie for children. Several new book titles were added.

**Convention and Visitors Bureau/Chamber of Commerce.** No report.

**Tomah Public Housing and Community Development Block Grant Monthly Report.** A written report was provided by Dir. Muehlenkamp. Dir. Muehlenkamp advised that there will be 2 apartments opening up at Lakeside. One of them will be rehabbed. Rental assistance program scored 100%. Filling 30 rental vouchers for veterans. HUD is requiring that Lakeside Apartments be smoke free within 25 feet of buildings so a new policy will not allow any smoking on the property. A three strikes and you're out rule will be implemented. Finishing up four block grant loans. There are funds available for rehab for approximately 10 homes. We currently have 2 business loans with more funds available.

**Senior and Disabled Services Report-** No report.

**Public Works Director – Water, Sewer, Public Works and Lake Updates.** Public Works & Utilities Director Kirk Arity advised the following: Street Dep: Crack sealing 801 housing and Alden Rd. Striping of aquatic center parking lot has been completed. The Street Department will be striping city streets and painting curbs. Property owners are being notified that installation of new sidewalks, curb & gutter and retaining walls are planned for 2018 along Superior Avenue south of Jackson Street. Sewer: Plant is running smoothly. Average flow is 1.57 m.g.d. Water: A power surge at Well #11 caused \$11,000 in damages which were covered by

insurance. Lake: Committee members assisted with the annual sediment survey. The next Lake Committee meeting is scheduled for June 15 at 5:00 p.m. in the Public Works conference room at City Hall. The City web site will now include a Lake Committee section. There have been a large number of fish killed by bacteria. This is a relatively common occurrence brought on by stress of spawning and higher temperatures. Lake Committee members are asking residents to please not place lawn clippings into the street. The waste flows into the storm drains which contributes to contamination of the lake.

**Treasurer’s Cash Report for April and Investment and Cash Reports for May.** Motion by Kiefer, second by Kling to accept the cash report for April and investment report for May. Motion passed without negative vote.

**Conditional Use Permit to Allow for Metal Fabrication as an Accessory Use at 1201 N Superior Ave (All American Lumber) for Brian Buswell.** The Planning Commission is recommending that the City of Tomah approve the Conditional Use Permit with the condition as follows: Relocation of the existing storm water pipe and recording of an easement for the City of Tomah and plan approval from the Director of Public Works.

Motion by Scholze, second by Kiefer to approve the Conditional Use Permit to allow for metal fabrication as an accessory use at 1201 N Superior Avenue (All American Lumber) for Brian Buswell with the condition that the existing storm water pipe be relocated and an easement for the City of Tomah be recorded with plan approval from the Director of Public Works. Motion passed without negative vote.

**Conditional Use Permit for City of Tomah – Community Development Program to Construct an R-3 Multi-Family Rental Property at 436 Arthur Street (Parcel #286-00848-0000) in an R-1 Single Family Residential District.** Based on review, the Planning Commission is recommending approval of the Conditional Use Permit for construction of a three (3) unit Multi-family building at 436 Arthur Street with the following conditions: 1) Installation of a chain link fence along the west property line. 2) All exterior lighting is fully shielded. And 3) The existing garage exterior match the new building. Community Development Director Muehlenkamp advised that at the June 7, 2017 CDBG meeting, the Committee motioned to recommend the Council authorize or approve the purchase of the property for the purchase price not to exceed \$25,000 contingent on Council approval of the Conditional Use Permit, however, they would prefer that the fence be a wooden privacy fence rather than a chain link fence to help with noise reduction and would keep the west facing patio areas cooler. The adjoining property owner would prefer a chain link fence that can be seen through. Dir. Muehlenkamp would like to contact the property owner to discuss the fence and try to come to a mutual agreement.

Motion by Komiskey, second by Bohlen to approve the Conditional Use Permit for the City of Tomah Community Development Program to construct a three (3) unit multi-family building at 436 Arthur Street with the following three conditions: 1) Installation of a chain link fence along the west property line. 2) All exterior lighting is fully shielded. 3) The existing garage exterior match the new building.

Motion by Komiskey, seconded by Bohlen to amend the motion that the installation of a fence along the west property line be constructed of materials that the developer and adjoining property owner have mutually agreed upon. Motion carried without negative vote.

**Review and Approval of Proposed Property/Building Lot for the City of Tomah CDBG Program – Tomah Area School District Youth Training & Community Development Project.** Motion by Bohlen, second by Kling to authorize the purchase of property located at 436 Arthur Street for a purchase price not to exceed \$25,000 contingent on Council approval of the conditional use permit. Motion passed without negative vote.

**Resolution Approving Compliance Maintenance Annual Report (CMAR).** The Wastewater Treatment Facility is required to complete an annual report for the DNR which summarizes the activities for the treatment plant and sewer infrastructure. All A’s were received this year.

Motion by Scholze, second by Siekert to adopt **Resolution No. 2017-06-13-25**, regarding the Compliance Maintenance Annual Report (CMAR) as presented. Motion passed without negative vote.

**Resolution No. 2017-06-13-25**  
**COMPLIANCE MAINTENANCE RESOLUTION**

RESOLVED that the City of Tomah informs the Department of Natural Resources that the following actions were taken by the City Council:  
Review of the 2016 Compliance Maintenance Annual Report, which is attached to this Resolution.  
Monitor the operation of the wastewater treatment facility to maintain permit compliance.  
Implement and complete a Capacity, Management, Operation and Management (CMOM) program once the DNR drafts a final ruling.

Passed by a unanimous vote of the Tomah City Council on June 13, 2017.  
Nellie Pater, Mayor                      Attest: JoAnn Cram, City Clerk

**Bartender Licenses.** Motion by Kiefer, second by Siekert to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Harold Benoit Jr., Amanda Dopson, Mary Haas, Rodney Helgeson, Malcolm Jackson, Ryan Jones, Samantha Komay, Shanole LaSalle, Courtney McKay, Amber Moran, Michael Murray, and Wanda Watkins.

**Extension of "Class B" Liquor and Class "B" Fermented Malt Beverage License for the American Legion Post 201 at 800 Wisconsin Ave for Aug. 12, 2017 from 8 AM to 8 PM.** Motion by Scholze, second by Kiefer to approve the extension of the "Class B" Liquor and Class "B" Fermented Malt Beverage License for the American Legion Post 201 at 800 Wisconsin Avenue on Aug. 12, 2017 from 8 a.m. to 8 p.m. utilizing a fenced in area to the rear of the building (parking lot) with access through the building only and blocked off by double fencing with 6 feet of spacing. Motion passed without negative vote.

**Renewal of Class "B" Fermented Malt Beverage License for Hampton Inn.** Motion by Siekert, second by Kiefer to approve the Class "B" Fermented Malt Beverage License for Stump Hospitality, LLC d/b/a Hampton Inn, Ruth Stump, Agent at 219 Buan Street for the period of July 1, 2017 – June 30, 2018 unless sooner revoked and contingent on any or all unpaid tax obligations, assessments or other fees owed to the City are paid and must be compliant with building, plumbing, electrical, zoning, health or fire codes at the time the license is to be renewed. Motion passed without negative vote.

**Request for Change of Agent to Rosa Valencia for Don Cinco De Mayo at 918 E McCoy Blvd.** Andres Valencia has requested that Rosa Valencia be approved as Agent for Don Cinco De Mayo at 918 E McCoy Blvd. in Tomah.

Motion by King, second by Komiskey to approve the change of Agent to Rosa Valencia from Tammy Hernandez effective immediately for Don Cinco De Mayo at 918 E McCoy Blvd., Tomah. Motion passed without negative vote.

**Request for Use of Public Space.** Kim Abbs of Last Paw Animal Rescue League, is requesting to use the area in front of the old Holy Smokes building to stage a car wash on June 17<sup>th</sup> to generate revenue for the Rescue League. The League will reimburse the city for the water usage.

Motion by Kling, second by Siekert to approve the request for use of public space for the Last Paw Animal Rescue League on 6/17/2017 to generate revenue. Motion passed without negative vote.

**Request to Purchase Microsoft Exchange Online Plan.** We continue to have issues with the e-mail server and outlying offices and council members connecting to our email system. With the advances in technology and cloud based e-mail, it is requested that the City purchase Microsoft Exchange Online to host our email services. This also allows for an in-place archive system. All departments except the police department would go into this new e-mail system. The police department will have their own exchange. The initial cost is \$3,712 for the engineering and \$43.50 per license.

Motion by Bohlen, second by King to approve the purchase and implementation of Microsoft Exchange Online for the City of Tomah E-mail. Motion passed without negative vote.

**2017 Budget Amendment – Provide Funding for the Microsoft Exchange Online Project – Transfer of \$5,900 from Reserved for Contingencies to Computer Operations – Service Contracts.** The cost to upgrade to Microsoft Exchange Online is approximately \$5,900 for engineering and initial cost of the subscription to the service.

Motion by Scholze, second by Komiskey to transfer \$5,900 from Acct. #01-51980-2270 Reserve for Contingencies to Acct. 01-51450-2900 Computer Operations – Service Contracts to cover the costs of the Microsoft Exchange Online project as presented. Motion passed without negative vote.

**2017 Budget Amendment – Recognizing Receipt of \$4,000 Dept. of Transportation Reimbursement Grant and Approving the Expenditure.** The Tomah Police Department purchased a mobile radio for one of the marked squads and have been reimbursed by the Wisc. Dept. of Transportation in the form of a reimbursement grant.

Motion by Siekert, second by Kiefer to recognize the \$4,000 grant in Account 05-48500 Grants and Donations and approve the budget amendment for the expenditure of \$4,000 in Acct. 05-57210-8300 Grants Law Enforcement Outlay – Equipment used to purchase the mobile radio for the marked squad. Motion passed without negative vote.

**Ordinance Amending Chapter 1 Section 1-15 Citation Method Employed in the Municipal Code.** The Code Enforcement Officer needs to be added in this section to allow for the issuance of citations by this newly created position.

Motion by Kling, second by Siekert to waive the first verbatim reading of the ordinance amending Chapter 1 Section 1-15(1) regarding the issuance of citations by the code enforcement officer under the Citation Method Employed section of the City’s municipal code. Motion passed without negative vote.

**Ordinance Amending Chapter 18, Section 18-23 Inspections in the Municipal Code.**  
The code enforcement officer needs to be added to Section 18-23 to allow for the newly created position to be authorized to inspect premises when a public nuisance exists.

Motion by Bohlen, second by Kiefer to waive the first verbatim reading of the ordinance amending Chapter 18 Section 18-23 Inspections to allow for the newly created code enforcement officer to be authorized to inspect premises when a public nuisance exists. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills.**  
Motion by Komiskey, second by Kiefer to approve **Resolution No. 2017-06-13-26** authorizing payment of the monthly bills for a total amount of \$689,817.37. Motion passed without negative vote.

RESOLUTION NO. <u>2017-06-13- 26</u>			
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	\$ 239,318.68	Check #'s 119816-119848, 119946-120022
2.	Payroll	\$ 304,949.62	Direct Deposit #'s 50397-50664
3.	Wire Transfers	\$ 22,251.98	
4.	Invoices	<u>\$ 123,297.09</u>	Check #'s 120053-120132
		\$ 689,817.37	
Nellie Pater, Mayor		ATTEST: JoAnn M. Cram, City Clerk	

**Resolution Requesting Repair of Railroad Crossing on Sime Avenue.** Public Works & Utilities Director Arity has met with railroad staff responsible for our area. The anticipated repairs for the Sime Ave. crossing may be sometime in 2018. The resolution is written in an effort to compel the railroad to complete the required maintenance of the crossing.

Motion by Siekert, second by Bohlen to approve **Resolution No. 2017-06-13-27** requesting the Canadian Pacific Railroad repair the railroad crossing on Sime Avenue. Motion passed without negative vote.

RESOLUTION # <u>2017-06-13-27</u>	
Repair of Railroad Crossing on Sime Ave.	
WHEREAS, the two rail crossings of Sime Ave. are significantly deteriorated; WHEREAS, the Canadian Pacific Railroad owns the crossings;	
WHEREAS, the City has attempted to have Canadian Pacific maintain the crossings voluntarily; and	
WHEREAS, Wisconsin Statutes, Section 86.12 includes procedures to compel required maintenance of railroad crossings.	
NOW, THEREFORE, pursuant to Wisconsin Statutes, Section 86.12, the City of Tomah hereby orders Canadian Pacific Railroad to pave, plank, repair, change or otherwise improve the crossings of Sime Ave at DOT No. 390857L, as the needs require.	
FURTHER, if Canadian Pacific Railroad fails to comply with the order herein above within thirty days of service, then the City of Tomah hereby determines to file a complaint with the Wisconsin Office of the Commissioner of Railroads alleging the failure to comply.	
Dated this 13th day of June, 2017.	ATTEST: JoAnn Cram, City Clerk
Nellie Pater, Mayor	

**Approval of Annual City of Tomah July 4<sup>th</sup> Parade.** The annual City of Tomah 4<sup>th</sup> of July Parade is scheduled to begin at 10 a.m. on the 4<sup>th</sup>. Proposed parade route is as follows: Line up on McLean Avenue – to Nott Street, to Superior Avenue, to Holton Street (southbound in the northbound lane) and disperse onto West Holton Street.

Motion by King, second by Kling to approve the annual City of Tomah July 4<sup>th</sup> parade. Motion passed without negative vote.

Motion by King, second by Bohlen to adjourn to closed session pursuant to State Statute 19.85(1) (c) with respect to the City Administrator annual evaluation. Motion passed without negative vote. Meeting adjourned to closed session at 7:35 p.m.

Respectfully submitted,

Michael Murray, Council President

Diane Webster, Deputy City Clerk