

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION August 8, 2017 at 6:30 p.m. with Mayor Nellie Pater presiding.

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

**Appointment of Alderperson District 4 (Wards 5A, 5B, & 6) to Fulfill the Remaining Term of Chris King with the Term Expiring April 2018.** A letter of interest was received from former Council member Pam Buchda. Ms. Buchda was present and appeared before the Council.

Motion by Siekert, 2<sup>nd</sup> by Kling to appoint Pam Buchda to fulfill the remaining term of Alderperson District 4 for Wards 5A, 5B, and 6 with the term expiring April 17, 2018. Motion passed without negative vote.

Pam Buchda was sworn in by Deputy City Clerk Webster and Alderperson Buchda joined the meeting.

Alderperson Bohlen arrived at 6:35 p.m.

Motion by Siekert, second by Kling to appoint Alderperson Buchda to the Board of Review, Long Range Planning Committee and Joint City/School Committee.

**Anyone Desiring to Appear Before the City Council.**

Kim Mello, 1410 Parkview Drive advised that the farmer who leases the field on the west side of Parkview Drive was spraying weed killer or insecticide while very windy. Plants are wilting. Although the property that is being sprayed is in Town of LaGrange, it is adjacent to the City. Mr. Mello has contacted Department of Agriculture. He feels that is very hazardous and would like this situation addressed.

Robert Kersten, 1523 Hollister Avenue is requesting more police presence AT the intersection of Hollister Avenue and W. Clifton Street. With school starting shortly he feels that is dangerous due to traffic exceeding the speed limit. He would like a squad car to be there in the mornings to get traffic to slow down. He also would like the Police Department to use a decimeter to monitor the noise level. Mr. Kersten pointed out that the Sparta Police Department hosts "Coffee with a Cop" which allows citizens a chance to ask questions, voice concerns, and get to know the officers in the community. He would like Tomah to consider this. Per Mike Murray, Dunkin Donuts will have officers on the rooftop this Friday morning from 6am to 11am for a fundraiser and they will be available for discussion. Luke Bohlen has received complaints regarding diesel pickups with modified exhausts causing large amounts of exhaust and noise when accelerating.

Gwen Nelson, 2010 Grumann Drive addressed the Council regarding the Farmers Market. She feels they have lost good vendors due to regulations not being enforced (such as fresh bread being sold without a kitchen permit and items not properly labeled). She would like representatives from Monroe County or the state to monitor what is being sold at the farmers market. Also, traffic does not slow down at the Superior Avenue cross walk at Gillette Park which she believes discourages people from crossing the street to visit the Farmers Market. Grumann Drive has a problem with loose stones and tar and Mrs. Nelson would like the City to make better repairs.

**Mayor.** Mayor Pater thanked Wal-Mart for a gift card donation to the Senior Center. The Mayor also thanked Mrs. Zabinski for her donation to the museum. Mayor Pater was recently a guest speaker at UW Marshfield where she discussed her job as a female mayor in Wisconsin.

**City Administrator and Long Range Plan Committee Report.** Fort McCoy will be doing extensive training for the next two weeks. City Administrator Gorius provided an administrative staff report with a summary of monthly activity performed. The Long Range Planning Committee met on July 25, 2017 and discussed current project updates as well as upcoming projects. The LRPC is moving forward with the application process for assistance within the boundaries of TID 8. The next LRPC meeting is tentatively scheduled for August 29 at 5:30 p.m.

The city received an excessive amount of rain in July. The dam was monitored around the clock during the worst rain event when over six inches fell in less than 24 hours. There were no injuries and no properties were seriously damaged. An after flooding event meeting was held on July 31 with other Monroe County communities. Monroe County Fair was successful with good turnout. Working with Arity and Rolff to obtain easements in order to deal with flooding and drainage issues.

**Report on Ratification of Contract with the AFSCME Union.** The City has entered into preliminary talks with union members and Representative Jim Parrett of AFSCME Council 32 concerning wage increase and impact on benefit changes, if any. Per their request we are doing a wage comparison with other municipalities. A date will be set for future negotiation after that information is received.

**Ambulance Department Union Negotiations.** The representative for the Ambulance Department union has requested that negotiations be brought before a mediator. The meeting is scheduled for September 22<sup>nd</sup>. Administrator Gorius will keep the City Council informed as to the status of talks and should any agreement be reached it will be presented to the Council in closed session.

**City Clerk.** 1. Consent Agenda: Starting in August, the Common Council agenda will include a consent agenda to allow routine items such as bartender licenses, special beer permits, cash and investment reports, budget amendments, meeting minutes, resolution authoring payment of monthly bills, etc. to be voted on in one motion. Any Council member or the Mayor can have items removed from the consent agenda and handled individually. 2. Final Board of Review: The adjourned Board of Review meeting will be held August 22<sup>nd</sup> at 8:00 a.m. because the assessment roll was not complete at the July 20<sup>th</sup> meeting. One objection form has been received and will be acted upon on 8/22. 3. City Ordinance Regarding Number of Animals per Household: I have received several complaints that there are more than 2 dogs at various City residences. Just a reminder to citizens that City Ordinance allows no more than 6 animals per residence and of the 6 there can be no more than 2 dogs.

**Library Report.** Library Director Keller advised that 10,346 items were checked out in July. 651 people signed up for summer reading challenge celebrating 100 years of reading and over 170 have already completed the challenge. Director Keller thanked friends of the library for all their work and donation. Literacy bingo was implemented by Children's Librarian Dave Deprey. Four movies for the adult program were shown in July with 27 participants.

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

**Tomah Public Housing and Community Development Block Grant Monthly Report.** Director Muehlenkamp submitted a written report. The Housing Authority will be receiving a CFP grant for over \$39,000 for improvements to Lakeside apartments. There are currently two vacancies at Lakeside and all units are occupied at the Manor. The Arthur Street property will be purchased on Aug. 15<sup>th</sup>. Cornerstone Architects will complete the building design for that lot by Aug. 17 and on Aug 22 there will be a meeting with school officials. Tomah High School students will start building the home next spring. Director Muehlenkamp is requesting bids from contractors for the work that cannot be done by the students and would like the contractor to be willing to train the students.

**Senior and Disabled Services Report.** Director Delia Duncan thanked Pam Buchda, Luke Bohlen, Wayne Kling, Rick Murray, Mayor Pater, Junior and Evelyn Noyes and Wayne Duncan for their help at Crazy Days. \$504 was collected for the Senior Center. The November craft sale is being planned. The loan closet has been very busy. There will be set hours for using the loan closet to alleviate interfering with Senior Center activities. Flu shot dates will be announced. Benefit Specialist Alice Ackerman has provided Farmers Market vouchers. ADRC and Energy Assistance will be at the center on September 6<sup>th</sup> and a hearing specialist visits every 3<sup>rd</sup> Thursday. \$1000 was received from Frank G. Andres fund which will be used to purchase a white board and the Thomas B. Earle foundation donated \$1,500. Wellness exercise classes are held on Mondays, Wednesdays and Fridays. Jan from Brighter Tomorrows provided information regarding victim rights and available resources to those who are involved in abusive situations.

**Planning/Building Inspection Report.** Zoning Administrator/Building Inspector Shane Rolff provided a written report showing that permits with a construction value of \$440,423 were issued in July for a total of \$4,234.32 collected in fees.

**Consent Agenda Items:**

Motion by Murray, 2<sup>nd</sup> by Scholze to approve the following Consent Agenda Items:

- A. Minutes** of the July 13, 2017 regular Common Council meeting as presented.
- B. Treasurer – Cash & Investment Reports** for July as presented.
- C. Bartender Licenses** for Jacob S. Hansen and Clifton L. Trute, III.
- D. Special Beer and Wine Permit** to NASA (North American Squirrel Association) for a Banquet at Recreation Park, 1625 Butts Avenue on February 24, 2018.
- E. Special Beer Permit** to Tomah Rotary for a Beer and Sausage Fest at Recreation Park, 1625 Butts Avenue on September 9, 2017.
- F. Special Beer Permit** to VFW for a Chicken Q at 1618 Superior Avenue on September 9, 2017.
- G. “Class B” Liquor and Class “B” Fermented Malt Beverage License for Kelsey’s Bar at 201 Superior Avenue, Tomah** for license period expiring 06/30/2018.
- H. Taxi Cab License** for FDS Inc. d/b/a Tomah Transit for a 2017 Dodge Caravan VIN 2CWDGBG5HR648584.

**Resolution Authorizing Payment of Monthly Bills.** Motion by Siekert, second by Scholze to approve **Resolution No. 2017-08-08-34** authorizing payment of the monthly bills for a total amount of \$1,498,680.09. Motion passed without negative vote.

**RESOLUTION NO. 2017-08-08-34  
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	\$ 849,120.35	Check #'s 120215-120,263 120353-120437
2.	Payroll	\$ 337,789.29	Direct Deposit #'s 50949-51241
3.	Wire Transfers	\$ 24,774.75	
4.	Invoices	<u>\$ 286,995.70</u>	Check #'s 120471-120549
		\$ 1,498,680.09	

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

**Rehabilitation SR17-5.** The applicant for SR17-5 Home Rehabilitation Loan qualifies for a Deferred Payment Loan in the amount of \$11,650 for 417 N. Glendale Avenue for roof, soffit and fascia replacement and C/O detectors.

Motion by Murray, second by Scholze to approve Rehabilitation SR17-5 a Deferred Payment Loan for \$11,650 for home rehab work as designated at 417 N. Glendale Avenue. Motion passed without negative vote.

**Tomah Path Improvement Bid Award.** Bids were received for the Tomah path improvement and extension to the west of Butts Park. The lowest, competent bidder was Gerke Excavating, Inc. of Tomah. A base bid of \$213,471.81 was submitted along with an alternate bid of \$42,931.80 for an extension to bring trail around Butts Park and tie in with existing trail over dam, and a supplemental bid of \$1,758.75 for an improved aggregate of compaction of trail, for a total bid of \$258,162.36.

Motion by Siekert, second by Murray to award the Tomah Path Improvement bid to Gerke Excavating, Inc. in the amount of \$258,162.36. Motion passed without negative vote.

**Refund a Claim for Refund Pursuant to Wis. Stat. 70.511 Against the City of Tomah for Excessive Real Estate Taxes for Parcel 286-02720-5000 Cardinal IG Company.** Cardinal IG filed a claim with the State of Wisconsin regarding an over-assessment of their properties within the state. The dispute has been settled and the City must reimburse Cardinal IG for a 2014 over-assessment in the amount of \$18,479.65 which will be reduced once the amount is known and other taxing authorities are billed for their portion.

Motion by Scholze, second by Siekert to approve the tax write off in the amount of \$18,479.65 from account 01-51910-3400. Motion passed without negative vote.

**Ordinance Amending Chapter 52-42 Regarding Adoption of a Downtown Design Standards Overlay Zoning District.** The Design Standards Handbook is to assist the City and property owners in achieving a more consistent, aesthetically pleasing, and successful urban form in the downtown area.

Motion by Bohlen, second by Scholze to waive the first verbatim reading of the ordinance amending Chapter 52 Creating Section 52-42 Downtown Design Standards Overlay District. Motion passed without negative vote.

**Ordinance Amending Chapter 52-116(1) Regarding Allowing Certain Reductions in the Number of Required Parking Spaces for New Development Located Within the Study Area of the City of Tomah Downtown Master Plan.** The ordinance allows the Plan Commission to reduce the number of required minimum parking stalls for new construction, and expanding portions of, commercial uses on a case by case basis within the Downtown Study Area.

Motion by Komiskey, second by Murray to waive the first verbatim reading of the ordinance amending Chapter 52 Creating Section 52-116(1) Allowing Certain Reductions in the Number of Required Parking Spaces. Motion passed without negative vote.

**Ordinance Amending Chapter 36 Section 36-12 Regarding Enforcement by Building Inspector and/or Code Enforcement Officer in the City of Tomah Municipal Code (2<sup>nd</sup> Reading & Adoption)**

Motion by Kling, second by Bohlen to waive the second verbatim reading of the ordinance amending Chapter 36 Section 36-12 regarding enforcement by Building Inspector to include the following language: "and/or the Code Enforcement Officer" for the City of Tomah. Motion passed without negative vote.

Motion by Murray, second by Siekert to adopt **Ordinance No. 2017-08-12-D** Amending Chapter 36 Section 36-12, Regarding Enforcement by Building Inspector and/or Code Enforcement Officer in the City of Tomah Municipal Code. Motion passed without negative vote.

**ORDINANCE NO. 2017-08-12-D**

**Ordinance Amending Chapter 36 Section 36-12  
Enforcement by Building Inspector and/or Code Enforcement Officer  
In the Municipal Code of the City of Tomah**

The Common Council of the City of Tomah do ordain as follows:

**SECTION ONE:** Chapter 36, Section 36-12 Is Hereby Amended to read as follows:

**Sec. 36-12. - Enforcement by building inspector and/or code enforcement officer.**

The building inspector and/or code enforcement officer shall strictly enforce the provisions of this section and see that all violations thereof are promptly abated and the violators prosecuted, and the chief of police, director of public works and utilities and police officers of the city shall give attention throughout the city to any violation and promptly report such violations to the building inspector and/or the code enforcement officer.

**SECTION TWO:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE:** This ordinance should take effect upon passage and publication.

ATTEST:

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Nellie Pater, Mayor

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JoAnn Cram, City Clerk

**Read:**

**Passed:**

**Published:**

Motion by Komiskey, second by Siekert to adjourn to closed session. Motion passed without negative vote. Meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Nellie Pater, Mayor

Diane Webster, Deputy City Clerk