

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, January 9, 2018 at 6:30 p.m. with Council President Mike Murray presiding in the Municipal Building, 819 Superior Ave., Tomah, WI.

Following the Pledge of Allegiance, roll call was taken with Luke Bohlen, Mary Ann Komiskey, Mike Murray, Pam Buchda, Travis Scholze, Lamont Kiefer, Wayne Kling, and Larry Siekert present. Absent: Nellie Pater, Mayor. Quorum present. Also in attendance: City Admin. Roger Gorius, City Atty. Penny Precour, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Anyone Desiring to Appear Before the City Council. John Rusch of 1201 Sheri Court addressed the Council regarding room tax history. The State changed the tourism laws in 2015 and specified where the money can be spent. The land and building of the current Chamber/CVB facility was previously owned by the City and reverted back to the City when the DNR vacated the premise. A vote could not be found that would allow the Council to gift a private entity property. Mr. Rusch suggested the building be sold to the Convention & Visitor's Bureau which would make the building taxable. Mr. Rusch suggested keeping the room tax revenue coming in to pay the property tax and pay back the city for the land/building and let the CVB negotiate the lease with the Chamber. Tina Thompson, Ex. Dir. of the CVB/Chamber provided additional information regarding comments of Mr. Rusch and advised the CVB/Chamber has no desire to purchase the building.

Mayor. Mayor Pater was excused due to travel out of state for her mother's funeral. No report.

City Administrator & Long Range Plan Committee Report. City Administrator Gorius provided a report regarding current and ongoing activities being addressed by the Administrator's office.

City Clerk. The Spring Election will be held on Tuesday, April 3, 2018. Offices on the spring ballot include Mayor and 2nd, 4th, 6th and 8th Aldermanic Districts. There are contested races for all offices except for Aldermanic District 2. There will be a Spring Primary on February 20 as there are three candidates running for Mayor as well as the office of the Justice of the Supreme Court. Clerk Cram asked for input on the Consent Agenda format and positive feedback was received to continue the current process.

Library Report. No report.

Convention & Visitors Bureau/Chamber of Commerce. Ex. Director Tina Thompson advised that they have completed the Area Guide and 37,000 copies will be distributed throughout the tri-state area. Our Discover Wisconsin episode will premier in mid-February. The annual banquet will be held the last Monday in February. A mayoral forum will be held and hosted by CVB/Chamber.

Tomah Public Housing & Community Development Block Grant Report. Director Muehlenkamp submitted a written report.

Senior & Disabled Services Report. No report.

Planning/Building Inspection Report. Zoning Administrator/Building Inspector Shane Rolff provided a written report showing permit construction values of \$1,434,825 and total permit fees of \$2,312 collected in December.

Police Department Monthly Report. Police Chief Nicholson provided a monthly written report for review. He advised that the Police Department has hired a patrol officer who will be attending the academy as he is not currently a certified officer. Officer Steinborn has resigned and candidates from the current hiring process are being reviewed. The department continues to have some parking issues in and around the Middle School. The department will begin working on the 2017 annual report which will be ready in February.

Public Works & Utilities Director – Water, Sewer, Public Works, & Lake Updates. Christmas trees will be picked up until January 19th. The future nursery site will be near Well #11. The overtime has been fairly limited. Repairs were completed to the truck hoist at a cost of \$25,000. The sewer department will review alley project plans to finalize the bid plans and specs. The sewer utility had the annual meeting with the Toro Company regarding discharge to the Wastewater Treatment Plant. The water department is in the process of hiring an operator. There have been several water main breaks recently due to the cold weather. The next Lake Committee meeting is scheduled for January 18th at 5 p.m. A fishing report will be posted on the website shortly. Ice races will be held at Winnebago Park/Lake Tomah on January 28th. An ice fisheree will be held on February 10th at Lake Tomah.

Consent Agenda Items.

Motion by Bohlen, second by Buchda to approve the following Consent Agenda items. Motion passed without negative vote.

- A. Minutes** of the December 12, 2017 regular Council Meeting as presented.
- B. Cash and Investment Report** for November as presented.
- C. Bartender Licenses** for Laura R. Bergh, Gerald W. Redbird, Lacey J. Samson, and Matt A. Stees.
- D. Class “B” Fermented Malt Beverage License for Gilligan’s Pizzeria, LLC** at 201 Helen Walton Drive, Suite 5, Mitchell Koel, Agent as designated by the Committee of the Whole.
- E. Special Beer Permit** for Queen of the Apostles on February 10, 2018 for Mardi Gras Dance and Social at 303 W Monroe St.
- F. Special Wine Permit** for Queen of the Apostles on February 17, 2018 for a speaking event at 303 W Monroe Street.
- G. Special Beer Permit** for Tomah-Warrens Sportsman’s Alliance for February 18, 2018 for a TWSA Indoor 3D Brush Shoot and Scramble at Recreation Park Recreation Building.
- H. Taxi Cab License for Ace Cab Company** for a 2001 Lincoln Continental VIN #1LNHM97V61Y702030 .

Resolution to Approve Creation of Tax Increment District #9. Andrew Bremer of MSA presented information regarding the Project Plan and Creation of Tax Increment District #9 at the Committee of the Whole meeting. TID #9 will be an Industrial TIF District and has a 20 year life span. The project plan is in the area of Townline Road and Industrial Avenue and includes 58 parcels and all of this area is already zoned for industrial use. This district has an existing value of \$37,046,100 and is roughly 415 acres in size. It is important to note that this Project Plan is not meant to be an appropriation of funds for specific projects, but a framework with which to manage projects. This projected tax increment will be used to pay for public works projects within the District as described in the Plan. The estimated growth in new development value is \$76,160,349. Capital expenditure costs are estimated at \$18,442,542. The next step moving forward is a meeting of the Joint Review Board who has the final authority to create the district.

Motion by Kiefer, second by Buchda to approve **Resolution No. 2018-01-09-01** Creating Tax Incremental Finance District No. 9 as presented. Motion passed with two negative votes from Komiskey and Bohlen.

RESOLUTION NO. 2018-01-09-01
CITY OF TOMAH CITY COUNCIL APPROVING CREATION OF
TAX INCREMENTAL FINANCE DISTRICT NO. 9
CITY OF TOMAH, WISCONSIN

WHEREAS, pursuant to sec. 66.1105, Wisconsin Statutes, the Planning Commission, City of Tomah, Monroe County, Wisconsin has held a public hearing on November 30th, 2017 on the proposed creation of Tax Incremental Finance District No. 9 (herein "District"), and the proposed boundaries thereof, and on the proposed Project Plan for the Tax Incremental Finance District No. 9 (herein "Project Plan"); and

WHEREAS, pursuant to said statutory section, the City of Tomah (herein "City") has taken the following steps in order to implement the Project Plan. To wit:

- A. After notice as required by law, the Planning Commission held a hearing at which interested parties were afforded a reasonable opportunity to express their views on the Project Plan; and
- B. Following said hearing, the Planning Commission adopted the Project Plan, subject to the approval of the City Council; and
- C. Prior to the publication of notice of said hearing, a copy of the notice was sent by first class mail to the chief executive officer or administrator of the Tomah School District, Western Technical College, Monroe County, and the Tomah Lake District; and

WHEREAS, the City desires to promote development, job growth, blight removal, infrastructure improvements, broaden and increase the property tax base in the District; and

WHEREAS, the Project Plan, which is attached to this resolution and incorporated herein by reference, meets all of the following requirements of sec. 66.1105, Wisconsin Statutes, to wit:

- A. Includes a statement listing the kind, number and location of all proposed public works and improvements within such District; and
- B. Contains an economic feasibility study; and
- C. Contains a detailed list of estimated project costs; and
- D. Contains a description of the methods of financing, all estimated project costs, and the time when such costs or monetary obligations related thereto are to be incurred; and
- E. Includes maps showing existing land use, zoning, future land use, and proposed improvements of real property in such District; and
- F. Includes proposed changes, if any, in zoning ordinances, master plan map, building codes, and City ordinances; and
- G. Contains a list of estimated non-project costs; and
- H. Contains a statement of the proposed method for the relocation, if any, of persons to be displaced by the projects; and
- I. Contains a statement indicating how creation of the District promotes the development of the City; and
- J. Includes an opinion of the City attorney advising that the Project Plan is complete and complies with sec. 66.1105, Wisconsin Statutes.

WHEREAS, the City Council makes the following findings:

- 1. The name of the District shall be Tax Incremental Finance District #9, an Industrial type district; and

2. The boundaries of the District are described in the attached Project Plan that is incorporated by reference, and such boundaries are contiguous and of sufficient definiteness to identify with ordinary and reasonable certainty the territory included therein. Boundaries include only those whole units of property that are assessed for general tax purposes. The boundaries of the District do not include any annexed territory that was not within the boundaries of the City within the last three years; and
3. The creation date of the District for purposes of determining the expenditure and termination periods shall be the date upon which the City Council approves a resolution adopting the Project Plan. For purposes of allocating tax increment the creation date shall be January 1, 2018; and
4. Not less than 50% of the real property in the District is suitable for industrial development within the meaning of State Statute §66.1101 and has been zoned for industrial use; and
5. Any real property within the District that is found suitable for industrial sites and is zoned for industrial use will remain zoned for industrial use for the life of the District; and
6. The estimated percentage of territory within the District that will be devoted to retail business at the end of the maximum expenditure period is not anticipated to exceed 35 percent of the area of the District;
7. The improvement of such area is likely to enhance significantly the value of substantially all other real property in the District; and
8. The project costs directly serve to promote orderly development consistent with the purposes for which the District is created; and
9. The equalized value of the taxable property of the District plus the aggregate value increment of all existing districts within the City does not exceed 12% of the total value of equalized taxable property within the City; and
10. The Project Plan for the District is feasible; and
11. Improvements to the District are likely to encourage and promote conformity with the City's planning policies and procedures; and
12. The development described in the Project Plan would not occur, or would occur to a lesser extent, without the creation of TID #9.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tomah, Monroe County, Wisconsin hereby approves and adopts the Project Plan for Tax Incremental Finance District No. 9, said Project Plan being attached and incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council does recommend the Project Plan for adoption by the Joint Review Board for the City of Tomah, Monroe County, Wisconsin.

Dated this 9th day of January 2018.

OFFERED BY:

Council Member Lamont Kiefer _____

APPROVED BY:

Mike Murray, Council President _____

SECONDED BY:

Council Member Pam Buchda _____

ATTESTED:

JoAnn Cram, City Clerk _____

Voted Yes: 5 Voted No: 2

Resolution to Approve Allocation of Excess Tax Increment from Tax Increment District #9 (Donor TID) to Tax Increment District #8 (Recipient TID). Andrew Bremer of MSA advised that this allows, at the Council's discretion, when there is excess increment in this district, it can be transferred to TID #8 for the purpose of doing projects in TID 8. The City has the flexibility to do this when and if they decide it is feasible.

Motion by Kiefer, second by Buchda to approve **Resolution No. 2018-01-09-02** Allocating Excess Tax Increment from Tax Incremental Finance District #9 to #8. Motion passed with three negative votes from Kling, Komiskey, and Bohlen.

RESOLUTION NO. 2018-01-09-02

CITY OF TOMAH CITY COUNCIL

**APPROVING ALLOCATION OF EXCESS TAX INCREMENT FROM
TAX INCREMENTAL FINANCE DISTRICT NO. 9 TO NO. 8**

CITY OF TOMAH, WISCONSIN

WHEREAS, pursuant to sec. 66.1105, Wisconsin Statutes, the Planning Commission, City of Tomah, Monroe County, Wisconsin has held a public hearing on November 30th, 2017 on the proposed creation of Tax Incremental Finance District No. 9 (herein "District"), and the proposed boundaries thereof, and on the proposed Project Plan for the Tax Incremental Finance District No. 9 (herein "Project Plan"); and

WHEREAS, pursuant to said statutory section, the City of Tomah (herein "City") has taken the following steps in order to implement the Project Plan. To wit:

- A. After notice as required by law, the Planning Commission held a hearing at which interested parties were afforded a reasonable opportunity to express their views on the Project Plan; and
- B. Following said hearing, the Planning Commission adopted the Project Plan, subject to the approval of the City Council; and
- C. Prior to the publication of notice of said hearing, a copy of the notice was sent by first class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the District including the Tomah School District, Western Technical College, Monroe County, and the Tomah Lake District.

WHEREAS, the City of Tomah desires to promote development, job creation, blight removal, infrastructure improvements, broaden and increase the property tax base in Tax Increment District No. 9 and Tax Increment District No. 8; and

WHEREAS, the Project Plan to create TID No. 9, which is attached to this Resolution and incorporated herein by reference, includes as an eligible expenditure the allocation of future excess tax increment from TID No. 9 (the "Donor TID") to TID No. 8 (the "Recipient TID"); and

WHEREAS, the Project Plan meets all of the following requirements of sec. 66.1105, Wisconsin Statutes, to wit:

- A. Includes a statement listing the kind, number and location of all proposed public works and improvements within such District; and

- B. Contains an economic feasibility study; and
 - C. Contains a detailed list of estimated project costs; and
 - D. Contains a description of the methods of financing, all estimated project costs, and the time when such costs or monetary obligations related thereto are to be incurred; and
 - E. Includes maps showing existing uses, conditions of real property, and proposed improvements of real property in such District; and
 - F. Includes proposed changes, if any, in zoning ordinances, master plan, map, building codes, and City ordinances; and
 - G. Contains a list of estimated non-project costs; and
 - H. Contains a statement of the proposed method for the relocation, if any, of persons to be displaced by the project; and
 - I. Contains a statement indicating how creation of the District promotes the development of the City.
 - J. Includes an opinion of the City attorney advising that the Project Plan is complete and complies with sec. 66.1105, Wisconsin Statutes.
- WHEREAS, the City Council makes the following findings:
- 1. TID No. 9 and TID No. 8 have the same overlaying taxing jurisdictions; and
 - 2. The Project Plan for TID No. 9 demonstrates that the District's current and projected increment is sufficient to pay off all costs incurred by the District and provides enough surplus revenue to pay some of the costs for the recipient TID No. 8; and
 - 3. TID No. 8 was created upon a finding that not less than 50% of the real property in TID No. 8 is blighted or in need of rehabilitation, thus allowing a Type 3 Paragraph (f) Allocation Amendment under Wisconsin State Statutes 66.1105(6)(f)2; and
 - 4. That the allocation of excess tax increment from the District directly serves to promote redevelopment and blight elimination activities in TID No. 8 and is likely to enhance significantly the value of real property in TID No. 8; and
 - 5. Once the donor amendment is established the District cannot request or receive an extension to its maximum life under current State Statutes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tomah, Monroe County, Wisconsin hereby approves and adopts the Project Plan for Tax Incremental Finance District No. 9, said Project Plan being attached and incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council does recommend the Project Plan for adoption by the Joint Review Board for the City of Tomah, Monroe County, Wisconsin.

Dated this 9th day of January 2018.

OFFERED BY: Council Member Lamont Kiefer

SECONDED BY: Council Member Pam Buchda APPROVED

BY: Mike Murray, Council President

ATTESTED BY: JoAnn Cram, City Clerk

Voted Yes: 4 Voted No: 3

Professional Services Agreement with MSA for the creation of Tax Increment District #10.

Andrew Bremer of MSA presented an agreement between the City of Tomah and MSA regarding the creation and administration of Tax Incremental Finance District No. 10. The agreement outlines MSA responsibilities for a fee of \$12,000. This TID would be in the area of the Tomah Hospital and Gopher Avenue which is going to be of interest to potential growth in this area.

Motion by Siekert, second by Kiefer to approve the Professional Services Agreement with MSA for the creation of Tax Incremental District #10 as presented. Motion passed without negative vote.

Resolution Accepting Donation of Land (Bow Street Right of Way). William Nystrom Trust and Ruthann Nystrom Trust have petitioned to donate the land to the public which is deeded for the right of way/road purposes (Part of Bow Street right of way).

Motion by Siekert, second by Buchda to approve **Resolution No. 2018-01-09-03** Accepting the Donation of Land being part of the Bow Street right of way. Motion passed without negative vote.

RESOLUTION NO. 2018-01-09-03
RESOLUTION ACCEPTING DONATION OF LAND

WHEREAS, the City Council, City of Tomah, Monroe County, Wisconsin does hereby accept land as described on the attached Exhibit 1 for right of way/road use; and

WHEREAS, owners, William Nystrom Trust and Ruthann J. Nystrom Trust, have petitioned to donate the land to the public, and

WHEREAS, the land is completely undeveloped and generates limited property tax revenue, and

WHEREAS, it is currently part of the Bow Street right of way, and

WHEREAS, there is a need for a resolution to be filed with the Monroe County Register of Deeds to formally accept said land deeded to the City of Tomah for right of way/road purposes;

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Tomah hereby accepts the parcel of land legally described on the attached Exhibit 1 as and for right of way/road purposes.

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Approval of Employee Assistance Program Agreement Between City of Tomah and Gundersen Lutheran Administrative Services, Inc. for 2018. This program was approved through the 2018 Budget process for full time and permanent part time City employees at an annual cost of \$15 per employee for the calendar year.

Motion by Buchda, second by Scholze to approve the Employee Assistance Program Agreement between the City of Tomah and Gundersen Lutheran Administrative Services, Inc. for 2018 and authorize City Administrator Gorius to sign the document. Motion passed without negative vote.

Approval of Site Agreement Between Aging & Disability Resource Center of Monroe County and City of Tomah. The Nutritional Site Agreement between the City of Tomah and the Aging and Disability Resource Center of Monroe County have an annual agreement regarding the use of the facility for the Elderly Nutrition Program.

Motion by Buchda, second by Bohlen to approve the Nutritional Site Agreement between Aging and Disability Resource Center of Monroe County and the City of Tomah as presented. Motion passed without negative vote.

Correction of Assessor’s Palpable Error on Parcel 286-2673-9015. Assessor Wolfe has advised that they assessed parcel 286-2673-9015 as being 20% completed for the 2017 assessment year and have subsequently realized there was only a cement slab on the property effective 1/1/2017 which has caused the property value to be overstated in the 2017 assessment roll. It is requested that \$595.59 of overstated taxes be rescinded for parcel 286-2673-9015 in account 01-51910-3400 Illegal Taxes, Tax Refunds and Uncollectible Taxes.

Motion by Komiskey, second by Kiefer to rescind the overstated taxes in the amount of \$595.95 for parcel # 286-2673-9015 from Account #01-51910-3400 Illegal Taxes, Tax Refunds and Uncollectible Taxes. Motion passed without negative vote.

Request to Purchase a Historical Marker/Plaque at the Site of the Tomah Boy Scout Cabin. The Boy Scout Cabin was placed on the National Register of Historic Places in November of 2017. The Historic Preservation Commission is requesting the City Council consider purchasing a historical marker or plaque at the site. The estimated cost is approximately \$350 for a standard National Register of Historic Places plaque. Alderperson Kling requested clarification on whether the City funding would pay or the cost would come out of the fundraising efforts for this project. City Administrator Gorius advised he supports the City would pay the cost.

Motion by Komiskey, second by Bohlen to authorize the Historic Preservation Commission to move forward with this project as requested with the plaque being paid for with City funding. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Kling, second by Kiefer to approve **Resolution No. 2018-01-09-04** Authorizing Payment of the Monthly Bills in the amount of \$618,968.11 as presented. Motion passed without negative vote.

RESOLUTION NO. <u>2018-01-09-04</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	\$ 167,851.04	Check #'s	121240-1212168, 121314-121405 121408-121439
2.	Payroll	\$ 324,245.88	Direct Deposit #'s	52282-52532
3.	Wire Transfers	\$ 23,875.02		
4.	Invoices	\$ 96,060.97	Check #'s	121484-121542
5.	Vouchers Payable 2018	\$ <u>6,935.20</u>		
		\$ 618,968.11		
Mike Murray, Council President		ATTEST: JoAnn M. Cram, City Clerk		

Ordinance Amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement. The recycling and garbage ordinance was revised in Sept. 2016. A discrepancy has been found which could cause confusion in enforcement. It is requested that “garbage receptacles” be added to Section (b)(2) for clarification.

Motion by Kling, second by Kiefer to waive the second verbatim reading of the ordinance amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement. Motion passed without negative vote.

Motion by Kling, second by Kiefer to adopt **Ordinance No. 2018-01-01-D** amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement. Motion passed without negative vote.

ORDINANCE NO. 2018-01-01-D
Ordinance Amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units-Restrictions on Time of Placement 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 36-6(b)(2) Restriction on Time of Placement is hereby amended to read as follows:

- (b) *Restriction on Time of Placement.*
 - (1) All automated recycling containers and garbage receptacles as stated in section 36-5 shall be placed in collection locations as designated in subsection (a) above only after 7:00 p.m. on the evenings prior to the regular collection time.

(2) All automated recycling containers and garbage receptacles shall be removed from the curbside collection point within 12 hours after the regular collection time.

(3) City employees or employees of contractor will not enter any structures to access automated recycling containers or refuse.

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

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

Mike Murray, Council President

ATTEST: JoAnn Cram, City Clerk

Read: December 12, 2017 & January 9, 2018

Passed: January 9, 2018

Published: January 18, 2018

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to Confer with Legal Counsel Regarding Personnel Issues. Motion by Kiefer, second by Scholze to adjourn to closed session pursuant to State Statute 19.85(1)(c) to confer with legal counsel regarding personnel issues. Motion passed without negative vote. Meeting adjourned to closed session at 7:20 p.m.

Meeting did not reconvene to open session following closed session to discuss wage increase for Tomah Police Dept.

Approved: Mike Murray, Council President

Attest: JoAnn M. Cram, City Clerk
Minutes to be approved February 13, 2018