

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, April 10, 2018 at 6:30 p.m. with Mayor Nellie Pater presiding in the Municipal Building, 819 Superior Ave., Tomah, WI.

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

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

Mayor. Proclamation – Tomah Historical Museum Day. City Administrator Gorius read the Proclamation declaring May 1, 2018 as Tomah Historical Museum Day.

Distinguished Service Resolution. Motion by Kiefer, second by Kling to accept **Resolution No. 2018-04-10-07 Distinguished Service Resolution** in recognition of Alderperson Luke Bohlen for his years of dedicated service to the City of Tomah. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-07
RESOLUTION IN RECOGNITION OF LUKE BOHLEN IN
SERVICE TO THE CITY OF TOMAH AS ALDERPERSON
2010-2018

WHEREAS, However effective government may be in serving the needs of its citizens, the soul of our city and its' vitality as a place to live and work depend on the relationship of families, friends, neighbors and co-workers.

WHEREAS, Luke Bohlen has committed himself to faithfully serving the citizens of Tomah from 2010 to 2018 as Alderperson of District Two, and

WHEREAS, Luke has proven himself to be a dedicated and trustworthy member of the City of Tomah. Luke's commitment to his community has been evidenced repeatedly in his term as Alderperson by engaging himself in all aspects of local government and providing a sound and steady voice on the City Council. His insight and common sense approach to matters pertaining to the City have provided for effective and efficient approaches to projects and assisted in lending fiscally responsible solutions. Alderperson Bohlen's commitment and hard work were most notably evidenced in his participation as a member of the Community Block Grant and Housing Commissions. Here more than anywhere else Alderperson Bohlen provided insightful and significant proposals that moved programs forward with practical and positive conclusions, and

WHEREAS, In appreciation for such dedication and service to our Community upon his retirement as Alderperson of District Two the following is submitted to record;

NOW, THEREFORE, BE IT RESOLVED, that as Mayor on behalf of The City of Tomah, we commend Luke for his outstanding contribution to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Luke, for his dedication and service to the citizens of the City of Tomah and extends its best wishes for his health and happiness in the future. Dated this 10th day of April 2018.

Nellie Pater, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Distinguished Service Resolution. Motion by Kiefer, second by Kling to accept **Resolution No. 2018-04-10-08 Distinguished Service Resolution** in recognition of Alderperson Pam Buchda for her dedicated service to the citizens of the City of Tomah. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-08
RESOLUTION IN RECOGNITION OF PAM BUCHDA IN
SERVICE TO THE CITY OF TOMAH AS ALDERPERSON
2017- 2018

WHEREAS, However effective government may be in serving the needs of its citizens, the soul of our city and its' vitality as a place to live and work depend on the relationship of families, friends, neighbors and co-workers, and

WHEREAS, Pam Buchda has committed herself to faithfully serving the citizens of Tomah from August of 2017 to April of 2018 as Alderperson of District Four, and

WHEREAS, Pam has proven herself to be a dedicated and trustworthy member of the City of Tomah. Pam's commitment to her community has been evidenced repeatedly in her term as Alderperson by participating on numerous commissions and committees to benefit and enhance the lives of our Citizens. Alderperson Buchda's service on the Committee of the Whole, Ambulance Commission, Senior and Disabled Services Board as well as the Long Range Planning Committee portray a level of concern and loyalty to bringing forth the very best our community has to offer. Recognizing a need for the Community Pam gave her time to fill a vacancy on the City Council. As Alderperson of District Four, Pam has repeatedly exhibited an unending drive to promote the quality of life for not only the wards she represents but the City of Tomah overall. Alderperson Buchda further distinguished herself by committing her time and energy in volunteering and assisting in the Senior and Disabled Service Center annual cookout and ice cream fund raiser as well as the Community Halloween Party at Recreation Park. Her involvement in numerous other civic events throughout the community have set her apart as an example of a member that loves their City and is always willing to assist in any way she is able. Alderperson Buchda has at all times exhibited an understanding and compassion when deciding matters of the City in her role as a Council member. Her thoughtfulness and commitment to all of Tomah will be greatly missed, and

WHEREAS, In appreciation for such dedication and service to our Community upon her taking leave as Alderperson of District Four the following is submitted to record;

NOW THEREFORE, BE IT RESOLVED, that as Mayor on behalf of The City of Tomah, I commend Pam for her outstanding contribution to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Pam for her dedication and service to the citizens of the City of Tomah and extends its best wishes for her health and happiness in the future. Dated this 10th day of April 2018.

Nellie Pater, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

City Administrator & Long Range Plan Committee Report. City Administrator Gorius provided a report regarding current and ongoing activities. Administrator Gorius provided an update regarding

the Tomah High School Reality Check event, Joint Review Board for TID #10, Drone presentation, a design meeting regarding the county nursing home facility, and the VA whole health initiative meeting.

Distinguished Service Resolution. Motion by Kiefer, second by Komiskey to accept **Resolution No. 2018-04-10-09 Distinguished Service Resolution** in honor of Mayor Nellie Pater for her dedicated years of service to the City of Tomah. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-09
**RESOLUTION IN RECOGNITION OF NELLIE PATER IN
SERVICE TO THE CITY OF TOMAH
MAYOR
2016-2018
ALDERPERSON DISTRICT 7
2007-2016**

WHEREAS, However effective government may be in serving the needs of its citizens, the soul of our city and its' vitality as a place to live and work depend on the relationship of families, friends, neighbors and co-workers.

WHEREAS, Nellie Pater has committed herself to faithfully serving the citizens of Tomah from 2016 to 2018 as Mayor, and as Alderperson from 2007 to 2016, and

WHEREAS, Nellie has proven herself to be a committed and trustworthy Mayor and Alderperson. Her service on Long Range Planning, Public Works and Utilities, Planning as well as other related committees and commissions gives evidence of her dedication and commitment to our community. Over the last two years, Nellie has distinguished herself as Mayor in all matters pertaining to her City. Mayor Pater has repeatedly exhibited the highest moral, ethical and professional standards and has always availed herself to city employees and the citizens while providing representation in numerous public roles. Prior to her term as Mayor, Nellie served for nine years as the Alderperson of District Seven. In her role as Alderperson Nellie continuously strived to serve the needs of her constituents. Nellie availed herself to any member of the community. No matter the issue, Alderperson Pater committed herself to providing an agreeable solution. Always she has portrayed herself as a positive and dedicated public image for the benefit of her community; and

WHEREAS, In appreciation for such dedication and service to our Community upon her retirement as Mayor the following is submitted to record;

NOW THEREFORE, BE IT RESOLVED, that as Administrator of The City of Tomah, and on behalf of our City, we commend Nellie for her outstanding contribution to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Nellie, for two years of dedication and service to the citizens as Mayor and nine years as Alderperson of the City of Tomah and extends its best wishes for her health and happiness in the future. Dated this 10th day of April 2018.

Roger A. Gorius, City Administrator ATTEST:

JoAnn M. Cram, City Clerk

City Clerk. Election. The Spring Election was held on April 3 and 1,169 votes were cast in the City of Tomah. **Reorganizational Council Meeting.** The Reorganizational Council meeting is scheduled For April 17th at 6 P.M. **Board of Review** is scheduled for May 23, 2018 from 8:30 a.m. to 10:30 a.m. **Open Book** is scheduled for May 8-10th with the assessor available on May 10th from 8:30 to 4:00 p.m. **League Training:** New official training information was provided.

Vacancy. With the Election of Alderperson Mike Murray to the Mayor position, the Aldermanic seat becomes vacant. It is requested that the vacancy be announced with interested persons submitting letters of interest no later than May 1st and appearing at the May meeting for a presentation and appointment to fulfill the remaining one year term.

Library Monthly Report. Library Director Irma Keller presented a monthly report. This is National Library Week. Children's programs are occurring in April. Baby Palooza is starting this month which will be a dance party for babies age birth to 24 months of age. April 19th and 26th the library will be hosting a sign language class.

Convention & Visitors Bureau/Chamber of Commerce. Ex. Director Tina Thompson advised Kite Fest will be June 2nd & 50-100' kites will be flown at the soccer fields on Cty Hwy ET. This event is free and open to the public. Ft. McCoy has cancelled their concert this year. The CVB/Chamber will be hosting a street fest on August 11th on Milwaukee Street and 3 bands have been secured for the event. Tickets will be \$10 in advance. The Hometown Heroes Event will be held at Winnebago Park honoring health care personnel on May 23rd. A Career Fair will be hosted at the High School on May 1st. The Chamber/CVB has been nominated for an award at the Main Street conference for their efforts in restoring the prior DNR building.

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

Senior & Disabled Services Report. No report.

Planning/Building Inspection Report. A written report was provided by Shane Rolff.

Consent Agenda Items.

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

- A. **Minutes** of the March 13, 2018 regular Council Meeting as presented.
- B. **Treasurers Cash and Investment Reports for March.**
- C. **Bartender Licenses** for Neil W. Driskill, Sandra J. Groski, Brenda K. Hartshorn, McKenzie J. Linenberg, and Anthony G. Petri.
- D. **Taxi Cab License – DL & KL Enterprises, LLC – d/b/a Ace Cab Company** for a 1999 Buick Park Avenue (VIN #1G4CW52K0X4652865).
- E. **Special Beer & Wine Permit – MC Support Services LLC – Budweiser Nationals Tractor Pull** at Recreation Park 6/20-23/18 in the Multi-Purpose Hockey Building-hospitality, beer garden (fenced), Grandstands/Arena area, VIP viewing stand, tent in puller hospitality area-trackside (fenced) and Progress Pull (Livestock) Barn(fenced).
- F. **Special Beer & Wine Permit – MC Support Services LLC – Monroe County Fair** at Recreation Park from 7/25-29/18 in the fenced in beer garden, white hospitality tent on Midway, and the Grandstands/Arena area with extended hours until bar time on Fri.-Sat.

Bartender License Consideration – Rebecca Thompson.

Motion by Scholze, second by Bohlen to deny the bartender license for Rebecca Thompson due to a prior violation in August 2017. Motion passed without negative vote.

Bartender License Consideration – Nichol Huffman. Motion by Scholze, second by Kiefer to approve the bartender license for Nichol Huffman with review during the renewal process in June. Motion passed with two negative votes (Bohlen and Kling).

Preliminary Resolution Declaring Intent to Levy Special Assessments. A list of properties are included in the preliminary resolution for 2017 and 2018 sidewalk improvements. A public hearing will be held in May.

Motion by Siekert, second by Komiskey to approve **Resolution No. 2018-04-10-10** Preliminary Resolution Declaring Intent to Levy Special Assessments as presented for 2017 and 2018 sidewalk improvements. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-10

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS.

RESOLVED, by the governing body of the City of Tomah Wisconsin:

1. The governing body hereby declares its intention to exercise its (police power)(taxing power) under §66.0703, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of new sidewalk construction.

2. The properties to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT

All properties fronting on the sides of the following streets or portions of streets indicated below:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Side</u>
Lincoln Avenue	Madison Avenue	Fair Street	Both
Madison Avenue	Lincoln Avenue	517 Madison Avenue	North
Madison Avenue	Lincoln Avenue	422 West Council	South/East
Howard Street	McLean Avenue	114 Clifton Street	North
Pleasant Street	View Street	Schaller Street	East
May Street	Pearl Street	Williams Street	West
May Street	Pearl Street	320 May Street	East
May Street	621 W Jackson Street	Williams Street	East
Oak Avenue	LaCrosse Street	Monroe Street	East
Oak Avenue	Juneau Street	1102 Oak Street	East
Oak Avenue	Monowau Street	Milwaukee Street	East
Larkin Street	Berry Avenue	Frontage Road	Both

3. Before the improvements are made, the municipal Public Works and Utilities Commission shall cause new sidewalk to be constructed along each lot fronting on such street and keep an accurate account of the expenses incurred in front of each lot and shall report these costs to the municipal clerk who shall cause the amount charged to each lot to be entered on the tax roll as a special tax against the lot.

4. The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.

5. The governing body determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.

6. The municipal public works director shall prepare a report which shall consist of:

- a. Preliminary plans and specifications for the improvements.
- b. An estimate of the entire cost of the proposed street and curb and gutter improvements.
- c. Schedule of proposed assessments.

7. When the report is completed, the public works director shall file a copy of the report with the municipal clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin state building commission.¹⁰⁶

8. Upon receiving the report of the responsible officer or body, the clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof,) the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats, and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

9. The hearing shall be held in the City of Tomah City Hall at 819 Superior Avenue, Tomah, WI 54660 at a time set by the clerk in accordance with Wisconsin Stats.

10. The assessment against any parcel may be paid in cash or in annual installments the number of which shall be determined at the public hearing on the proposed assessments.

Adopted: April 10, 2018

Mayor Nellie Pater

Attest JoAnn Cram, Municipal Clerk

¹⁰⁶ If state property is to be assessed, §66.64, Stats., requires a copy of the report to be filed with the responsible state agency and, if the assessment is \$50,000 or more, with the state building commission.

Approval of Easement Agreement from Lakeview Condominiums to City of Tomah. The City is desirous of constructing a recreation trail for public use across the Lakeview Condominium property in the City. An easement is needed over/across the parcel located in Outlots "1" and "2".

Motion by Siekert, second by Kiefer to approve the Easement Agreement between the City of Tomah and Lakeview Condominiums as presented. Motion passed without negative vote.

Petition and Resolution Accepting Dedication of Land for Open Park Space -Sunny Hills Development LLC to City of Tomah for Recreation Trail. Brent Brudos, authorized LLC Member of Sunny Hills Development LLC has petitioned to dedicate land to the public for future Parks and Recreation use. The land is completely undeveloped and generates limited property tax revenue and it may be possible to be used as a link to new walking trails through the property with existing Parks and Recreation trails in adjacent properties.

Motion by Komiskey, second by Kiefer to approve **Resolution No. 2018-04-10-11** accepting the dedication of land for open park space from Sunny Hills Development LLC to the City of Tomah for a Recreation Trail. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-11

RESOLUTION ACCEPTING DEDICATION OF LAND FOR OPEN PARK SPACE

WHEREAS, the City Council, City of Tomah, Monroe County, Wisconsin does hereby accept land as described on the attached Exhibit 1 for future Parks and Recreation use; and

WHEREAS, owner, Sunny Hills Development, LLC has petitioned to dedicate land to the public, and

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

WHEREAS, it may be possible in the future to link new walking trails through the property with existing Parks & Recreation trails in adjacent properties, 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 open park space purposes;

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Tomah hereby accepts the following described parcel of land for park space purposes:

Nellie Pater, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Petition and Resolution Accepting Dedication of Land for Open Park Space - Hiawatha Parks/Handy to City of Tomah for Recreation Trail. Hiawatha Parks has submitted a petition to dedicate land to the City for use as a recreational trail from Bob Handy, JoAnne Flock, Hal Handy and Gary Sime.

Motion by Komiskey, second by Kling to approve **Resolution No. 2018-04-10-12** accepting the dedication of land for open park space from Hiawatha Parks, Inc. to the City of Tomah to be used for a recreational trail. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-12

RESOLUTION ACCEPTING DEDICATION OF LAND FOR OPEN PARK SPACE

WHEREAS, the City Council, City of Tomah, Monroe County, Wisconsin does hereby accept land as described on the attached Exhibit 1 for future Parks and Recreation use; and

WHEREAS, owners of the land described on Exhibit 1 petitioned to dedicate land to the public, and

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

WHEREAS, it may be possible in the future to link new walking trails through the property with existing Parks & Recreation trails in adjacent properties, 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 open park space purposes;

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Tomah hereby accepts the following described parcel of land for park space purposes:

Nellie Pater, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Proposed Ambulance Building Construction. Due to the change in status of the Ambulance Dept., the current living conditions are insufficient to meet the needs of the Department. Keller and Associate have provided a design and project budget. It was the consensus of the Committee of the Whole to build the building, however more information is requested. This item was tabled by the Committee of the Whole until May to allow time for a more detailed analysis and a more specific funding summary for the construction project.

Amended Lease Agreement for Phillips Pharmacy 2018-2020. Phillips Pharmacy currently leases their building from the City of Tomah. This lease was to be renewed in January of 2018. It is proposed that the rental rate for 2018 be established at \$1,595.24 per month and for 2019, the rent would increase by 1% to the rate of \$1,611.19 per month. The increase would be effective going forward.

Motion by Kling, second by Scholze to approve the lease agreement between the City of Tomah and Phillips Pharmacy for the 2018-2019 time period as presented pending approval from Phillips Pharmacy. Motion passed without negative vote.

Request for Consideration of Allotment for Room Tax. The City has been approached by the Tomah Area Historic Society and Museum and the Tomah Area Community Theater. They are requesting a possible allotment from the City room tax to assist their respective organizations to fund building projects. It was the consensus of the Committee of the Whole to proceed with researching the possibility of providing room tax dollars for both entities. Administrator Gorius will report back after more information is gathered.

Resolution Authorizing Payment of Monthly Bills. Motion by Kiefer, second by Scholze to approve **Resolution No. 2018-04-10-13** Authorizing Payment of the Monthly Bills in the amount of \$852,418.86 as presented. Motion passed without negative vote.

RESOLUTION NO. 2018-04-10-13

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	\$ 158,423.75	Check #'s 121874-121919 and 121982-122075
2.	Payroll	\$ 507,840.20	Direct Deposit #'s 53068-53449
3.	Wire Transfers	\$ 25,212.02	
4.	Invoices	<u>\$ 160,942.89</u>	Check #'s 122123-122190
		\$ 852,418.86	

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Ordinance Amending Section 12-69 Regarding Farmers Market Hours of Operation. It is requested that the following changes be made to the ordinance to include the following: Change Wednesday hours from noon to 6 p.m. to 11 a.m. to 6 p.m. to include the set-up time during which goods may be sold; Change the Saturday market time from 7 a.m. to 1 p.m. to 6 a.m. to 1 p.m. to include setup time during which goods may be sold. The Market would also be allowed to operate on Wednesdays when Music in the Park events are held until 8:30 p.m. It was requested that the following language also be added after the hours: "with provision that setup be included in these hours."

Motion by Kiefer, second by Scholze to waive the second verbatim reading of the Ordinance Amending Section 12-69 regarding Farmers Market Hours of Operation as presented. Motion passed without negative vote.

Motion by Kiefer, second by Komiskey to adopt **Ordinance No. 2018-04-03-D** Regarding Farmers Market Hours of Operation as amended. Motion passed without negative vote.

ORDINANCE NO. 2018-04-03-D

Ordinance Amending Section 12-69 – Hours of Operation of the City of Tomah Municipal Code Regarding Farmers' Market

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

SECTION ONE: Article III – Farmers' Market – Section 12-69 of the Municipal Code is hereby amended to read as follows:

Sec. 12-69. - Hours of operation.

The farmers' market shall be open for operation every Wednesday from 11:00 a.m. to 6:00 p.m. and every Saturday from 6:00 a.m. to 1:00 p.m. with provision, that setup be included in these hours from May 1 through October 31 of each year. The Farmers Market may remain open on Wednesday evenings during Music in the Park until 8:30 p.m.

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

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

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Read: March 13, 2018 & April 10, 2018

Passed: April 10, 2018

Published: April 20, 2018

Motion by Kiefer, second by Bohlen to adjourn. Motion passed without negative vote. Meeting adjourned at 7:35 p.m.

Approved:

Nellie Pater, Mayor

Attest:

JoAnn M. Cram, City Clerk
Minutes to be approved May 8, 2018