

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, October 9, 2018 at 6:00 p.m. with Mayor Mike Murray presiding in the Municipal Building, 819 Superior Ave., Tomah WI.

Following the Pledge of Allegiance, roll call was taken with Mike Murray, Travis Scholze, Lamont Kiefer, Wayne Kling, Mary Ann Komiskey, Richard Yarrington, Shawn Zabinski and Jeff Cram present. Absent: None. Aldermanic District 8 is vacant. Quorum present. Also in attendance: City Atty. Penny Precour, City Administrator Roger Gorius, Treasurer Julia Mann, City Clerk JoAnn Cram and Deputy City Clerk Diane Webster. Gregg Hagen videotaped the meeting.

Motion by Yarrington, second by Scholze to adjourn to closed session pursuant to State Statute 19.85(1)(c) and (e) to Confer with Legal Counsel with Respect to Information Regarding Union Negotiations, Personnel Issues, and Negotiating the Purchase of Public Property. Motion passed without negative vote. Meeting reconvened to open session at 7:50 p.m.

Anyone Desiring to Appear Before the City Council. Judy Johnson Faulkner addressed the council regarding Vino Anjo. Their wine/beer license limits their sales and she feel it would be fair for the City to reconsider allowing them to have the opportunity to purchase regular liquor license since they are ready to open. Rick Eagan, Interstate Flyers Club addressed the Council regarding the City's request that they no longer use Bloyer Field Airport. The club has been in existence for 25 years to promote aviation. In that time there have been no incidents with major aircraft. The club would be willing to find a new location because of the expansion of the airport, but would like the City to assist them.

Appointment: Motion by Kiefer, second by Scholze to appoint Lauri Shumway, Rick Murray, Scott Mann, Krysta Deede, Trey Hughes, Chrissy Fries, Ashley Gerke, Joe Protz, Mike Murray and Pam Buchda to the Special Needs Ad Hoc Sub Committee. Motion passed without negative vote.

Mayor: Mayor Murray expressed appreciation out to the Chamber of Commerce and local companies for their recognition of Tomah Manufacturing Day. A Proclamation declaring October 5, 2018 as Tomah Manufacturing Day was presented.

City Administrator Report. Admin. Gorius provided a written report regarding current and ongoing activities. 1. **VA meeting Regarding Simkowskie Foundation.** Admin. Gorius and Director Arity met with members of the VA hospital staff and Mr. Marvin Simkowskie to discuss partnering to rehabilitate the VA golf course. 2. **Seven Rivers Speaking Engagement.** On August 19, City Admin. Gorius spoke to the board of the Seven Rivers Alliance regarding major projects occurring in Tomah. 3. **Goose Avenue Reconstruction.** A meeting was held regarding the WDOT's determination that Goose Avenue be extended so the Tomah Memorial Hospital entrance is not on the curve of highway 16.

Reminder of the October Budget Workshop: The meeting is scheduled for October 20th at 8 a.m.

Distinguished Service Resolution. Motion by Yarrington, second by Scholze to adopt **Resolution # 2018-10-09-31** Motion carried without negative vote.

RESOLUTION NO. 2018-10-09-31
RESOLUTION IN RECOGNITION OF LARRY SIEKERT FOR
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, Larry Siekert has committed himself to faithfully serving the citizens of Tomah from 2010 to 2018 as Alderperson of District Eight, and

WHEREAS, Larry has proven himself to be a dedicated and trustworthy member of the City of Tomah. Larry's commitment to his community has been evidenced repeatedly in his term as Alderperson by participating on numerous commissions and committees to benefit and enhance the lives of our citizens. Alderperson Siekert's service on the Committee of the Whole, Public Works and Utility Commission, Parks and Recreation Commission and citizen member of the Tomah Area Ambulance Service Commission portray a level of enthusiasm and loyalty to bringing forth the very best our community has to offer. Of particular note is the quiet contemplation Alderperson Siekert gave to matters under Council consideration. Often Larry's insight and experience with City matters was instrumental in providing resolution of complicated situations facing the council. Often it has been said Councilman Siekert seldom speaks yet when he does, others listen due to his experience and tenure on the Council. This commitment and willingness to serve gives testament to Alderperson Siekert as a dedicated and respected leader and community member. As Alderperson of District Eight, Larry has repeatedly exhibited an unending drive to promote the quality of life for not only the wards he represents but the City of Tomah overall. In Larry's daily involvement with his constituents he exemplifies his selflessness and commitment in providing responsive and representative leadership in his role as an Alderperson. His absence from this Council will be truly felt, and

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

NOW THEREFORE, BE IT RESOLVED, that, on behalf of The City of Tomah, Alderperson Larry Siekert is commended for his outstanding contribution to our community. The Mayor and Common Council of the City of Tomah does hereby express its sincere appreciation and gratitude to Larry, for eight years of 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 9th day of October, 2018.

Attest:

Michael Murray, Mayor

JoAnn Cram, City Clerk

Resolution Adopting a Classification and Compensation Plan. Carlson Dettmann Consulting completed a study of the City of Tomah's current compensation program and has presented a fairer and equitable compensation plan based on market comparisons

Motion by Scholze, second by Cram to adopt **Resolution # 2018-10-09-32** Adopting a Classification and Compensation Plan. Motion carried without negative vote.

RESOLUTION NO. 2018-10-09-32

RESOLUTION ADOPTING A CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, the City Council desires to employ City staff utilizing a compensation plan that is internally equitable and competitive and that emphasizes acknowledging employee contributions; and,

WHEREAS, changes in Wisconsin's labor relations law have made it prudent for the City to review its pay plan and supporting policies in order to have a uniform method for compensating its general municipal employees; and,

WHEREAS, the City acknowledges its obligation to bargain collectively with those general municipal employees who are members of certified bargaining units over the increase in base wages, as defined by statute and/or municipal code, and retains the right to establish the pay structure and all other methods of compensation as provided by law; and,

WHEREAS, the City has utilized the services of its compensation consultant, Carlson Dettmann Consulting, LLC, hereinafter "Consultant", to study and analyze labor markets, job responsibilities of City staff, current compensation plans, and related policies; and,

WHEREAS, the City Administrator and the City Council have accepted the recommendations of the Consultant regarding a new uniform pay plan for the City's general municipal employees.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the pay plan Grade Order List and pay ranges attached to this resolution as Attachment A and authorizes and directs the City Administrator to Implement this schedule at the beginning of the first pay period in January, 2019; and,

BE IT FURTHER RESOLVED, that any employee paid below the Control Point of their new pay range shall be placed on the nearest step of their new pay range that provides an increase; however, with the understanding that the Administrator is authorized to make limited exceptions to this policy as approved specifically by the Common Council; and,

BE IT FURTHER RESOLVED, that no employee's base pay rate shall be reduced as result of implementation of this plan, and any employee whose pay rate is greater than the maximum rate of their new pay range shall have their pay frozen, or "red-circled" until such time as the pay range maximum exceeds their base rate; and,

BE IT FURTHER RESOLVED, that all prior pay plans covering City general municipal employees, excluding temporary part-time staff, are rescinded upon implementation of the new plan; and,

BE IT FURTHER RESOLVED, that the City Council adopts the Classification Appeal Process recommended by the Consultant in Attachment B; and,

BE IT FINALLY RESOLVED that because 2019 is a year of transition into the new pay management policy and the City Council hereby approves a 2% pay increase for employees covered by the new plan with such increase to be implemented prior to placement into the plan. Employees who are currently paid less than their new pay range maximum shall receive the increase as base pay increase to the extent they will still be below the maximum of their range.

Dated this 9th day of October, 2018.

Attest:

Michael Murray, Mayor

JoAnn M. Cram, City Clerk

Motion by Yarrington, second by Sholze to implement the Classification and Compensation Plan at Step 2. Motion carried without negative vote.

City Clerk. City Clerk Cram provided an update regarding the General Election. Clerk Cram and Deputy Clerk Webster will assist students with voter registration at Tomah High School on Monday Oct. 15. Memos were sent to all eligible employees regarding health insurance open enrollment which is now through October 26th. There are minimal plan changes for 2019. Clerk Cram received notification on October 2nd from the Board of Commissioners of Public Lands that the City was approved for the \$200,000 needed to pay for the purchase of two Public Works dump trucks. Clerk Cram advised that the November Committee of the Whole meeting date falls on the Veterans Day Holiday.

Motion by Kiefer, second by Kling that the November Committee of the Whole and City Council meetings be combined and held on Tuesday, November 13, 2018. Motion carried without negative vote.

Aldersperson Vacancy – District 8 (Wards 15, 16 & 19-23). Due to Larry Siekert's resignation, there is a vacancy on the City Council for the 8th Aldermanic District. Applications are being accepted and an Aldersperson will be appointed at the November 13th City Council meeting.

Library Monthly Report. Library Director Irma Keller advised that 9137 items circulated in September. The Annual holiday event will be held on December 4th.

Convention & Visitors Bureau/Chamber of Commerce. No report.

Tomah Public Housing & Community Development Block Grant Monthly Report. Ex. Director Muehlenkamp provided a written update of department activities.

Senior & Disabled Services Report. Sr. & Disabled Services Coordinator Pam Buchda, provided a monthly calendar and summary of events. The Senior Center is preparing to be part of the Senior Health and Safety Expo on October 25th 8-12 at Cranberry Country Lodge. The Tomah Area Annual Community Festivities will be held on October 31st at Tomah Care Center with trick or treating from 4:00 pm-5:00 pm then a Halloween party at Rec Park from 4:30 to 6:30 p.m.. Flu Clinic being held on October 16. Chair yoga is the 2nd and 4th Thursday of the month. Craft and music time will be held in October. Coordinator Buchda is looking for a volunteer to make frames for completed jigsaw puzzles. Diane Behrens has been hired as a part time assistant.

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

Police Department Monthly Report. Chief Nicholson provided a summary of the written report regarding monthly statistics. The number of traffic citations has increased due to more officers patrolling. Chief Nicholson will not be able to attend the October 20th budget meeting. The annual Holiday Parade will be held on November 23rd. The annual Christmas giving tree with over 90 names will start the week before Thanksgiving. Trick or Treating is on October 31st and Chief Nicholson is urging drivers to please slow and down and watch for children. Drivers should start preparing their vehicles for winter driving and remember to slow down in snow and icy conditions

Consent Agenda Items.

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

- A. **Minutes** of the September 11, 2018 Regular Council Meeting as presented.
- B. **Treasurers Cash Reports** for September.
- C. **Bartender Licenses** for Stephanie A. Backus, Ryan J. Hill, JeanAnn M. Loendorf, Barbara K. Munding, Rodney R. Nees, Alissa L. Payne, and Meghan N. Raap.
- D. **Cabaret License** for Vino Anjo, Joline Powell Agent at 800 Superior Avenue.
- E. **Special Beer Permit** for Queen of the Apostles for an All Souls Day Memorial Dinner at 303 W. Monroe Street on November 2, 2018.
- F. **Change of Agent** to James A. Gerlach for Northfield Restaurant Corp-Pizza Hut at 1821 N. Superior Ave.
- G. **2018 Budget Amendment to Apply Senior Center Fund Balance of \$25,361 from Acct. 12-55500-3400 Senior Center Operating Supplies** to Cover the Reimbursement of Utility Payments Made to the Senior Center in Error.
- H. **Budget Amendment 2018 – Transferring \$3,200.00 from 01-51980-2270 Contingency, to 01-52100-3550 Building Repair and Maintenance** to Cover the Expenses of Replacing the Safety/Partition Window in the Police Department Lobby.
- I. **Budget Amendment to Increase Account #03-52300-3350 by \$5,731.09** for Paramedic Training Reimbursement to Lisa Hart.

Intergovernmental Cooperation in Reclamation of the Veterans Hospital Golf Course. The Public Works and Utilities Commission is recommending that the City of Tomah partner with the Jason Simkowskie Memorial Foundation in assisting them with various projects during the rehabilitation of the Tomah V.A. golf course. The cost to the City should be minimal but would include labor, machinery and fuel expenditures.

Mr. Marvin Simkowskie was present to thank the Council for partnering with the foundation. The foundation is requesting the City's assistance with restoring wells for watering, assisting with restoring the greens, assisting with occasional grounds maintenance prior to opening. Once the golf course has opened, the DAV will take over grounds maintenance. The course is intended for the public's use and the foundation is hoping to have different activities to make use of it year round.

Motion by Scholze, second by Cram to approve a partnership between the City of Tomah and the Jason Simkowskie Memorial Foundation to work on various projects during the rehabilitation of the Tomah VA golf course. Motion carried without negative vote.

Preliminary Resolution declaring intent to levy special assessments. The west side of Berry Avenue from Larkin Street to W. Veterans Street will have sidewalk, curb and gutter installed. The improvements will be assessed to the adjacent properties.

Motion by Scholze, second by Kiefer to approve a preliminary resolution declaring the City's intent to levy special assessments for curb, gutter and sidewalk installation on Berry Avenue. Motion carried without negative vote.

RESOLUTION NO: 2018-10-09-39

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 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> |
|---------------|---------------|----------------------|-------------|
| Berry Avenue | Larkin Street | West Veterans Street | West |

3. Before the improvements are made, the municipal Public Works and Utilities Commission shall cause new sidewalk and curb & gutter 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.

Date adopted: _____ Signed _____
Michael Murray, Mayor

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.

Resolution Designating Spruce Lane. Motion by Kling, second by Scholze to adopt **Resolution No. 2018-10-09-33** designating a total length of .14 miles along Spruce Lane as a City street as proposed. Motion carried without negative vote.

RESOLUTION NO: 2018-10-09-33

BE IT RESOLVED the Common Council of the City of Tomah hereby designates a total length of .14 miles along Spruce Lane. (as described on the map), as a City street with full jurisdiction of the same and is open for traffic in the City of Tomah. Said street has an entire right-of-way width of 60 lineal feet.

Attest:

Mike Murray, Mayor _____ JoAnn M. Cram, City Clerk _____

Dated this _____ day of _____, 2018

Resolution Designating Norway Avenue. Motion by Kling, second by Kiefer to adopt **Resolution No. 2018-10-09-34** designating a total length of .07 miles along Norway Ave. as a City street as proposed. Motion carried without negative vote.

RESOLUTION NO: 2018-10-09-34

BE IT RESOLVED the Common Council of the City of Tomah hereby designates a total length of .07 miles along Norway Ave. (as described on the map), as a City street with full jurisdiction of the same and is open for traffic in the City of Tomah. Said street has an entire right-of-way width of 60 lineal feet

Attest:

Mike Murray, Mayor

JoAnn Cram, City Clerk

Dated this _____ day of _____, 2018

Interstate Flyers Club. The City Administrator has been directed to draft a letter to the Tomah Interstate Flyers Club regarding their use of Bloyer Field Airport and instructing them that they must discontinue use of Bloyer Field Airport in one year and that the City will assist them in finding an alternate location. The letter will be reviewed by the City Council at their November meeting.

Morgan Stanley Lease Renewal. Morgan Stanley current rents space at 1000 ½ Superior Avenue from the City of Tomah. The lease extension agreement includes a standard 2% increase in rent as well as modification of the dates of the agreement.

Motion by Yarrington, second by Kiefer to approve a lease extension with Morgan Stanley, 1000 ½ Superior Avenue for a two year term beginning August 1, 2019 at a monthly rental amount of \$1,024.38. Motion carried without negative vote.

Ordinance Amending Chapter 52-206, Regarding Front Yard Parking. The Public Works and Utilities Commission voted to amend Ordinance 52-206, Parking in Front Yards, by including recreational vehicles by definition and updating the definition of a motor vehicle in order to clarify the language, make less ambiguous and to accommodate enforcement.

Amend Ordinance 52-206, Parking in Front Yards. The Planning Commission recommends changes to the existing code 52-206 by including recreational vehicles by definition and updating the definition of a motor vehicle. The changes would provide consistency and clarity to the Ordinance and improve enforcement.

The Committee of the Whole voted to send this matter back to the Planning Commission for clarification of the definition of a recreational vehicle.

Update the Title VI Plan for the City of Tomah. The City of Tomah adopted the Title VI Plan in May 2014. Recently, the Federal Transit Administration updated the language to the plan. What was added was a yearly review to determine if modifications are necessary to the plan. Plan information is posted on the City website and in the Shared Ride vehicles.

Motion by Yarrington, second by Kiefer to approve the updated Title VI Plan for the City of Tomah as presented. Motion carried without negative vote.

Consolidate Policies and Create a Purchasing, Budget and Accounting Handbook for the City of Tomah. The City of Tomah has several policies regarding our various accounting practices but not for every aspect of governmental accounting. The proposed handbook consolidates all of the City policies in one easy to follow book. The book includes guidelines for a few items that we have been following but have not had in writing such as a records retention policy and an asset management policy. There is also a section regarding federal awards to help ensure that the City is in compliance with the rules regarding federal and state funding for the shared ride program.

Motion by Zabinski, second by Kiefer to approve the Purchasing, Budget and Accounting Plan for the City of Tomah as presented. Motion carried without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Zabinski, second by Komiskey to approve **Resolution No. 2018-10-09-35.** Authorizing Payment of the Monthly Bills in the amount of \$777,536.72 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2018-10-09-35
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 | \$ 239,641.88 | Check #'s | 123171-123216 & 123273-123334 |
| 2. | Payroll | \$ 348,309.83 | | & 123336-123368 |
| 3. | Wire Transfers | \$ 26,020.26 | Dir Dep #s | 55067-55307 |
| 4. | Invoices | \$ 163,564.75 | Check #'s | 123388-123450 |
| | | \$ 777,536.72 | | |

Mike Murray, Mayor

ATTEST: Diane Webster, Deputy City Clerk

Resolution Authorizing the Purchase of Property. The City of Tomah and Gerke Excavating have entered into an agreement for the City to purchase 46.025 acres at \$10,000 per acre for future development by Parks and Recreation.

Motion by Cram, second by Scholze to adopt **Resolution No. 2018-10-09-36** Authorizing the Purchase of 46.025 acres of vacant land located in the City of Tomah (as described in exhibit A) for the purchase price of \$10,000.00 per acre Motion carried with 2 negative votes (Zabinski, Komiskey, and Yarrington).

RESOLUTION NO. 2018-10-09-36

RESOLUTION OF CITY COUNCIL OF CITY OF TOMAH
PURCHASE OF VACANT LAND

The City Council of the **CITY OF TOMAH**, a Municipal Corporation (the “City”) approve the following actions:

RESOLVED: That the City is a valid and existing Municipal Corporation since the time of its incorporation; and

RESOLVED: The City approves the purchase of 46.025 plus/minus acres of vacant land located in the City of Tomah, Monroe County, Wisconsin and described as set forth on attached Exhibit “A” for the purchase price of \$10,000.00 per acre. Said approval is conditioned upon representatives of the Gerke family and the City of Tomah entering into a separate written agreement in advance of closing which memorializes that future site work on the property would be done with the time, labor and materials (up to the purchase price of the land) being donated to the City.

RESOLVED: That the City Administrator of the City is authorized and directed for and on behalf of the City to execute and deliver the Offer to Purchase and other such instruments as may be required and to take such other action in the consummation of the transaction contemplated as the City Attorney shall deem to be necessary or desirable, and any and all acts previously taken by such City officers to such end are hereby expressly ratified and confirmed as the acts and deeds of this City.

Dated this 9th day of October, 2018.

CITY OF TOMAH

Attest:

Michael Murray, Mayor

JoAnn M. Cram, City Clerk

Approval of Annual City of Tomah Holiday Parade Route. Motion by Scholze, second by Kiefer to approve the permit for the 2018 Annual City of Tomah Holiday parade route as presented. Motion carried without negative vote.

Adjourn. Motion by Kiefer, second by Cram to adjourn. Motion carried without negative vote. Meeting adjourned at 8:50 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

Diane Webster, Deputy City Clerk
Minutes to be approved November 13, 2018