

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, November 13, 2018 at 6:30 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, Richard Yarrington, Shawn Zabinski and Jeff Cram present. Absent: Mary Ann Komiskey. Remy Gomez joined the meeting upon appointment and being sworn in. Quorum present. Also in attendance: City Atty. Penny Precour, City Administrator Roger Gorius, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

**Anyone Desiring to Appear Before the City Council.** Bob Kersten of 1523 Hollister Avenue, Tomah appeared and made a statement opposing the ATV/UTV proposed route in the City.

**Approval of Minutes of October 9, 2018 Regular Council Meeting.** Motion by Scholze, second by Kiefer to approve the minutes of Oct. 9, 2018 as presented. Motion passed without negative vote.

**Approval of Minutes of October 20, 2018 Special Council Meeting.** Motion by Scholze, second by Cram to approve the minutes of the October 20, 2018 Special Council meeting as presented. Motion passed without negative vote.

**Public Hearing: 2019 Budget – Changes, Questions or Comments.** Mayor Murray declared the Public Hearing open at 6:37 p.m. No one wished to address the Council. Mayor Murray declared the public hearing closed at 6:38 p.m.

**Resolution Adopting the 2019 Budget and Establishing the Tax Rate.** The total expenditures are \$20,539,587 with a City Levy Impact Net Expenditure of \$11,293,874. The City Property Tax Levy will be \$5,334,692 or \$8.26 per thousand dollars of assessed value. This is up from \$5,153,442 in 2018 or \$7.90 per thousand dollars of assessed value. Assessed value is \$646,165,200.

Motion by Scholze, second by Kiefer to adopt **Resolution No. 2018-11-13-40** Adopting the 2019 Budget and Establishing the Tax Rate at \$8.26 per \$1,000 of assessed valuation as presented. Motion passed without negative vote.

**Appointment – Aldermanic District 8: Appointment of Remy Gomez with the term expiring April, 2019 to fulfill the remaining term of Larry Siekert for Alderperson, 8<sup>th</sup> Aldermanic District.** The vacancy was announced last month and letters of intent needed to be submitted by October 31, 2018. Remy Gomez submitted a letter of interest and appeared before the Council.

Motion by Kiefer, second by Scholze to appoint Remy Gomez, 1808 Goodland Avenue, as the Alderperson for the 8<sup>th</sup> Aldermanic District to fulfill the remaining term of Larry Siekert with the term expiring in April of 2019. Motion passed without negative vote. Alderperson Gomez was sworn in and took his seat for the remainder of the meeting.

**Appointment to the Parks and Recreation Commission with the Term Expiring in April 2019 to fulfill the remaining term of Larry Siekert.** Motion by Scholze, second by Cram to appoint Remy Gomez to the Parks and Recreation Commission with the term expiring in April 2019. Motion passed without negative vote.

**Appointment to the Public Works & Utilities Commission with the Term Expiring in April 2019 to fulfill the remaining term of Larry Siekert.** Motion by Cram, second by Scholze to appoint Remy Gomez to the Public Works & Utilities Commission with the term expiring in April 2019 to fulfill the remaining term of Larry Siekert. Motion passed without negative vote.

**Mayor:** Mayor Murray advised the Sr. Center will be sponsoring a Craft Fair at Recreation Park this weekend and cautioned hunters to be safe during the hunting season.

**City Administrator & Long Range Plan Committee Report. 1. Administrative Staff Report.** City Administrator Gorius provided a written report regarding current and ongoing activities. **1. Tomah Memorial Hospital Promotional Shoot.** Admin. Gorius participated in a promotional video shoot for TMH to convey the importance of the hospital and its services to the City. **2. American Transmission Company (ATC) Meeting.** The City entered into an agreement for road use during the recent high voltage transmission project. ATC had agreed that any damage to the roads would be financially taken care of ATC. The City had minimal impact and some minor cleanup. All repairs have been accounted for. **3. Radio Flyer Club Update.** A draft of the letter for the Radio Flyers Club has been distributed informing them of the City's intent to have them vacate Bloyer Field effective one year from the date the letter is sent. The City will attempt to find another location for this activity. It was the consensus of the Council to send the letter as drafted. **4. Tomah High School Reality Check.** Admin. Gorius participated in the Tomah High School Reality Check.

**City Clerk.** City Clerk Cram provided an update regarding the General Election as well as the upcoming Spring Election. Nomination papers will be available Dec. 1<sup>st</sup> for Aldermanic Districts 1,3,5 and 7 for 2 year terms as well as a 1 year term for Aldermanic District 8. City Clerk Cram also provided information regarding the final statement of assessment and equalized value.

**Election Tally Report.** Total votes cast at the Nov. 6, 2018 General Election were 3,169 which is 77% of the eligible registered voters of 4,132. 557 Absentee ballots were processed and 371 voters were registered. Motion by Kiefer, second by Kling to accept the Election Tally report for the Nov. 6, 2018 General Election. Motion passed without negative vote.

**Library Monthly Report.** No report.

**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.** Pam Buchda, Sr. & Disabled Services Coordinator provided a monthly calendar and summary of events. Coordinator Buchda advised the Special Needs Ad Hoc Committee meets monthly at the Sr. Center and citizens are welcome to attend. Halloween festivities went off very well. The annual Holiday Craft Fair will be held Nov. 17<sup>th</sup> at Recreation Park.

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

**Fire Department Monthly Report.** Fire Chief Tim Adler provided a department statistic and informational report: Mr. Adler reported that hose testing was conducted and they continue to work on inspections. The Hunters Night Out fundraiser was held the first Saturday in November.

**Parks and Recreation Monthly Report - Recreation Programs, Aquatic Center, Recreation Park.** Parks Department Director Joe Protz provided a report summarizing department activities. Fall recreation programs have finished and winter programs are starting. The annual Halloween Special Needs Party was held in October at Recreation Park. The Department is working with Carrico Aquatics to coordinate filter repair at the Aquatic Center.

**Public Works & Utilities Monthly Report - Water, Sewer, Public Works, & Lake Updates.** Public Works and Utilities Director Kirk Arity provided a written report: Street Department: The Leaf Vac is currently down for repair. Street projects continue. The public restroom project will need to be finished in the spring in regards to the outside concrete work and fencing. Sewer Department: Operations are normal. Water Department: Well #12 is off line for 1-2 weeks for repairs. Well house #9 should be demolished by the end of the month. Lake Committee. Nothing to report.

**Police Department Monthly Report.** Chief Nicholson provided a summary of the written report regarding monthly statistics. The part time custodian position has been filled. The annual Christmas giving tree should be up the Monday before Thanksgiving. The Holiday Train will be going through Tomah about 5:30 p.m. on Dec. 8<sup>th</sup>. The Holiday Parade will be Nov. 23<sup>rd</sup> at 7 p.m. and will go southbound in the northbound lane on Superior Avenue. Warnings are issued at this time for alternate side parking.

**Ambulance Department Monthly Report.** Director Dunford provided a monthly written statistics report. There were 230 calls for service. The number of declined transfers has greatly reduced. Interviews were held last week for the open full time paramedic position. An offer has been extended and is pending a background investigation. It is hoped that the position will be filled the first week of December. The billing procedure needs to be revamped due to resident/non-resident fees. Standard rates should be established to be compliant and a cost analysis will be done for billing rates. A consultant may need to be hired to assist with this process.

**Treasurers Cash and Investment Reports** for October and Investment Report for September. Motion by Scholze, second by Kiefer to accept the Treasurer's Cash and Investment reports as submitted. Motion passed without negative vote.

**Bartender Licenses.** Motion by Yarrington, second by Kiefer to approve the bartender licenses as listed. Bartender licenses approved are: Chelsea L. Bauman, Toni O. Henry, Chelsie D. Forrest, Judith A. Jonson-Faulkner, Cathy L. Lambert, and Candy J. Swisher. Motion passed without negative vote.

**Request for Extension of Class "B" Beer and "Class B" Liquor License for The Break Room Sports Bar and Grill, Chad Madson, Agent, at 1123 Superior Ave for 2/23/2019 and 3/2/2019.** Chad Madson is requesting an extension of his beer and liquor licenses for events on 2/23/2019 and 3/2/2019. The first event is representation from 6-8 breweries in a tented area. They plan to sell

tickets inside and have people access the tent from their beer garden. They will also have onsite food vendor(s) outside next to the tent. The second event is a wedding on 3/2/2019.

Motion by Kiefer, second by Gomez to approve the request for an extension of the Class "B" Beer and "Class B" Liquor License for the Break Room Sports Bar and Grill, Chad Madson Agent, at 1123 Superior Avenue on 2/23/2019 and 3/2/2019 until closing. Motion passed without negative vote.

**Special Wine Permit – Area Community Theatre – Nov. 15-18, 2018 at 907 Kilbourn Ave.** for a wine reception and play at 907 Kilbourn Avenue, Tomah, from Nov. 15-18, 2018.

Motion by Cram, second by Zabinski to approve the Special Wine Permit for the Area Community Theatre on Nov. 15-18, 2018 at 907 Kilbourn Avenue. Motion passed without negative vote.

**Special Beer & Wine Permit for Queen of the Apostles, 303 W Monroe St for 12/7/2018 for Volunteer Appreciation Dinner.** Motion by Zabinski, second by Cram to approve the Special Beer and Wine Permit for Queen of the Apostles for Dec. 7, 2018 in the Church Hall at 303 W Monroe Street for a volunteer appreciation dinner. Motion passed without negative vote.

**2018 Budget Amendment – Recognize Revenue Received from Fire Dept. Funds in Acct. #05-48500 Grants and Donations – Donations and Authorization of Expenditure of \$3,291.58 from Acct. 05-57220-8300 Fire Protection Outlay for the Purchase of 5 Alarm Fire and Safety Equipment**

Motion by Yarrington, second by Cram to approve the 2018 Budget Amendment recognizing revenue received from Fire Dept. Funds in Acct. #05-48500 Grants and Donations and authorize an expenditure of \$3,291.58 from Acct. #05-57220-8300 Fire Protection Outlay for the purchase of 5 Alarm fire and safety equipment. Motion passed without negative vote.

**2018 Budget Amendment to Transfer \$9,999 from Ambulance Building Outlay Account 03-57230-8200 to Ambulance Equipment Outlay – Account # 03-57230-8300 for Tablets for Ambulances.**

Motion by Gomez, second by Kiefer to approve the 2018 Budget Amendment to transfer \$9,999 from Ambulance Building Outlay Acct. #03-57230-8200 to Ambulance Equipment Outlay – Acct. #03-57230-8300 to purchase tablets for the ambulances. Motion passed without negative vote.

**Morgan Stanley Release Agreement.** Morgan Stanley Smith and Barney currently rent space at 1000 Superior Avenue from the City. Recently it was realized that utility payments had been paid by both the City and Morgan Stanley. The agreement presented is to ensure language in releasing the City from any further obligation or liability.

Motion by Yarrington, second by Kling to approve the Morgan Stanley Release Agreement as presented. Motion passed without negative vote.

**Ambulance Barn Reconfiguration.** Two plans exist at this time. At last report in September the costs were at \$2.3 million and \$2.9 million depending on which design, if any, was selected. Information was provided to the Council. No questions at this time.

**Ordinance Amending Sections 18-52, 18-53 and 18-54 Regarding Public Nuisance, Definitions and Storage of Vehicles Restricted (1<sup>st</sup> Reading).** The Public Works & Utilities Commission recommends changes to the ordinance by including recreational vehicles and clarifying the definition of motor vehicle. The intent is to address a nuisance that adversely affects the neighborhood or City property values, health, safety or general welfare. The changes would provide consistency and clarity and improve enforcement. Motion by Scholze, second by Cram to waive the first verbatim reading of the ordinance amending Sections 18-52, 18,53 and 18-54 Regarding Public Nuisance, Definitions, and Storage of Vehicles Restricted. Motion passed without negative vote.

**Ordinance Amending Section 52-206 Regarding Parking in Front Yards (1<sup>st</sup> Reading).** The Planning Commission recommends changes to the ordinance by including recreational vehicles by definition and updating the definition of motor vehicle. The intent is to address a nuisance that adversely affects the neighborhood or the City property values, health, safety or general welfare. The changes would provide consistency and clarity and improve enforcement. Motion by Kiefer, second by Scholze to waive the first verbatim reading of the ordinance amending Section 52-206 Regarding Parking in Front Yards. Motion passed without negative vote.

**Ordinance Amending Section 36-19 Regarding Garbage Receptacles (1<sup>st</sup> Reading).** The Public Works & Utilities Commission is recommending changes to Code 36-19, Garbage Receptacles, by clarifying language so it is consistent with the intent of the Ordinance to store garbage, food scraps,

rubbish in a manner that won't cause a nuisance and will not adversely affect the City's or the neighborhood's values, health, safety or general welfare. The changes would provide clarification, consistency, and improve enforcement. Motion by Kiefer, second by Kling to waive the first verbatim reading of the Ordinance Amending Section 36-19 Regarding Garbage Receptacles as presented. Motion passed without negative vote.

**Request for Ambulance Coverage in the Town of Clifton.** The Chairman for the Town of Clifton has requested to join Tomah Area Ambulance service area for the northern ½ of their township. The area is currently served by Camp Douglas Rescue. The reason for the request is the Camp Douglas Service is raising the basic life support rates to \$28 per capita. Tomah provides Advanced Life Support Service for \$5 per capita. The area requested has 294 residents and encompasses 15 square miles from County Rd A to the Juneau County line, Juneau County Dispatch. They are requesting coverage to begin on January 1, 2019. Tomah Area Ambulance Service currently assists Camp Douglas Rescue with Paramedic mutual aid requests to this area. The number of calls to this area would not create a staffing issue. Director Dunford addressed the issue.

Motion by Gomez, second by Cram to approve the request from the Town of Clifton and provide Ambulance Service to the northern ½ of the Town of Clifton effective January 1, 2019 for a total per capita fee of \$1,470 in 2019. Motion passed without negative vote.

**Write Off Delinquent Personal Property Accounts Receivable for the Years 2008 to 2013.** Attempts have been made through the Treasurer's office to collect on these taxes. These were also sent to a collection agency to help with the collection process. The uncollectable amounts have been charged back to the other taxing entities. The amount to be written off is \$8,135.33.

Motion by Scholze, second by Cram to approve writing off bad debt in the amount of \$8,135.33 from Acct. # 01-12300 Delinquent Personal Property to Acct. #01-51910-3400 Illegal Taxes, Tax Refund & Uncollectible Taxes. Motion passed without negative vote.

**Create a Public Transit Agency Safety Plan Policy for the City of Tomah Shared Ride Taxi Service.** The City recently went through a Compliance Audit with the Dept. of Transportation. We found that we did not have a Public Transit Agency Safety Plan in place. The proposed plan is recommended by the WI Dept. of Transportation. Once the plan is in place, the treasurer will be working with our contracted service provider to implement the plan. The plan will have ongoing evaluation for compliance at the service level as well as overseeing at an administrative level. This plan will be forwarded to the Dept. of Transportation after approval as part of our compliance review.

Motion by Scholze, second by Kling to approve the Public Transit Agency Safety Plan Policy for the City of Tomah Shared Ride Taxi Service as presented. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills**

Motion by Cram, second by Kiefer to approve **Resolution No. 2018-11-13-41** Authorizing Payment of the Monthly Bills in the amount of \$751,708.07 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2018-11-13-41  
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	\$ 126,475.93	Check #'s 123369-123387 & 123451-123554
2.	Payroll	\$ 352,792.39	Direct Deposit #'s 55308-55560
3.	Wire Transfers	\$ 36,885.72	
4.	Invoices	<u>\$ 235,554.03</u>	Check #'s 123611-123685
		\$ 751,708.07	

Mike Murray, Mayor

ATTEST: JoAnn M. Cram, City Clerk

**Monthly Financial Report – October**

Motion by Kiefer second by Scholze to accept the October Monthly Financial Report as presented. Motion passed without negative vote.

Motion by Scholze, second by Cram 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 and Personnel Issues. Motion passed without negative vote. Meeting adjourned to Closed Session at 7:38 p.m.

Approved:

ATTEST:

Michael Murray, Mayor

JoAnn M. Cram, City Clerk  
Minutes to be approved December 11, 2018