

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, December 11, 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 Remy Gomez and Jeff Cram present. Absent: Mary Ann Komiskey. 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.

**Anyone Desiring to Appear Before the City Council.** None

**Mayor.** Mayor Murray thanked Director Arity and Public Works staff for getting streets plowed after heavy storm. Appreciation was expressed to Chamber Director Thompson and staff for their work on the holiday parade. The Mayor thanked CP Rail for bringing the holiday train to Tomah and to the citizens for attending the event and giving donations of over \$4,000.

**City Administrator & Long Range Plan Committee Report. 1. Administrative Staff Report.** City Administrator Gorius provided a written report regarding current and ongoing activities. 1. **Senior Center Craft Show.** Admin. Gorius participated in the November 17 craft show at Recreation Park. 2. **CDBG Meeting on Revolving Loan Funds.** The state revolving loan fund will be discontinued at the end of 2018. The City has funds that are can be utilized for low income and ADA compatible projects. The CDBG board is in discussions regarding how to best make use of the available funds. 3. **VA Strategic Partnership Meeting.** Alderperson Lamont Kiefer attended a meeting on November 28 with VA staff, community members and other interested parties to discuss various ways the members can interact to improve our community. All are invited and encouraged to attend these meetings.

**Senior Center Roof Extension:** In inclement weather, the rear entrance of the Senior Center accumulates ice and become a safety concern for those using the center. Carpenters Touch submitted a bid and will be installing a steel awning over the entrance door at a cost of \$1,735.00. The funds are accounted for in the Senior Center budget.

**City Clerk. 1. Spring Election.** The spring election will be held April 2, 2019. Alderman districts 1, 3, 5, 7 & 8 will be on the ballot. Nomination papers may be circulated between now and January 2<sup>nd</sup>. All incumbents have declared candidacy. 2. **Election Audit of Wards 1-5A & 6.** The City of Tomah was randomly selected for an audit of our electronic voting equipment for Wards 1-6 from the Nov. 6 election. The audit was performed by two of our Chief Inspectors on November 20<sup>th</sup>. The audit tally matched 100%. 3. **Special Presidential Primary Election in March of 2020.** City Clerk Cram has submitted a letter to our legislators urging them not to pass legislation that would create an additional major election between February and April of 2020. 4. **Levy Limit Worksheet.** The overall mill rate is \$22.17 per \$1,000.00 of assessed value for 2018 compared to \$22.14 in 2017.

**Library Monthly Report.** A very successful Christmas tea and library fundraiser were held on December 4<sup>th</sup>.

**Convention & Visitors Bureau/Chamber of Commerce.** CVB Board meeting was held. A local snowmobile club is requesting that Tomah be designated as snowmobile friendly. The Chamber is working on final drawings for the new logo which will be revealed at the February 25<sup>th</sup>, 2019 banquet. 50 floats took part in the holiday parade and it was well attended. Chamber staff has been working on workforce development by promoting the benefits of the Tomah area. Currently filming "Beyond the Bog" campaign. Looking to create more activities for the upcoming year. State tourism is changing which may affect local tourism.

**Tomah Public Housing & Community Development Block Grant Monthly Report.** Exec. Director Muehlenkamp provided a written update of department activities. Working on interior rehabs of two apartments at Lakeside. The Manor is currently fully occupied however there will be a few openings coming up. There have been some vacancies in the veteran housing program during November. The three unit apartment building on Waterman Avenue should be completed by May 2019. There are two homes being remodeled at this time through the CDBG program.

**Senior & Disabled Services Report.** Pam Buchda, Sr. & Disabled Services Coordinator provided a monthly calendar and summary of events. Some projects completed during November include installation of a coat rack and white board. Christmas decorations are up and piano has been professionally tuned. Special needs Ad Hoc committee will meet on the 3<sup>rd</sup> Tuesday of the month at 6:30 p.m. at the Senior Center. The first special needs Sunday gathering will be on January 27. A Living Well workshop is planned for six weeks in January/February. There is a six person minimum to hold the class and three have already signed up. The Rotary sponsored the annual Christmas party with 60-70 seniors attending.

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

**Parks and Recreation Monthly Report - Recreation Programs, Aquatic Center, Recreation Park.** Parks Department Director Joe Protz provided a report summarizing department activities. The Department is busy with snow removal from City parks, sidewalks and recreational trail. The outdoor skating rink is open. Lights are on until 10:30 p.m. as long as the ice is useable. Open gym, youth basketball, adult basketball and women's league volleyball are all active now. Special needs Christmas party will be held Saturday, December 15<sup>th</sup>. Working on 2019 activity guide to be available January 2019. Repairs are being made at the aquatic center. Several events were held at Rec Park in November. The Recreation building has been booked for all but nine weekends in 2019.

**Police Department Monthly Report.** Chief Nicholson provided a summary of the written report regarding monthly statistics. Working on filling part time police clerk position. One officer is currently on family medical leave. 174 police reports were completed in November. Gifts for the giving tree are due by 12/12/18. "Shop with the Heroes" event will be held 12/12/18. CP Rail holiday train was very successful. Chief Nicholson pointed out that several departments worked together to make this happen. A new police vehicle being purchased. Lt. Waddell, Officer Marshall and Chief Nicholson are working with the Tomah school district on updating the school safety plan.

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

- A. Minutes** of November 13, 2018 Regular Council Meeting as presented.
- B. Treasurers Cash and Investment Reports** for November 2018.
- C. Bartender Licenses** for Nicholas C. Bennett, Lea Ann Britzman, Kaleb N. Christenson, Rachel L. Cordero, Ian M. Forsythe, Ashley A. Gerke, Carl R. Johnson, Patrick C. Madden, Katlynn M. Rizner, Brock J. Thomas, Bryan S Towne, Lathesha M. Weiss, and Hannah N. Winchell.
- D. Change of Agent** to Susan Marie Dean for Casey's General Store at 313 N Superior Ave.
- E. Special Beer Permit** to Tomah-Warrens Sportsman's Alliance for a TWSA Lake Tomah Ice Fisheree on February 9, 2019.
- F. Special Beer and Wine Permit** for North American Squirrel Association for a Banquet at Recreation Park on February 23, 2019.
- G. Special Wine Permit** for Tomah Boys and Girls Club for a Fundraiser at Ho Chunk Cinema on December 17, 2018.
- H. 2018 Budget Amendment** to Increase Account 05-48502 - Grants and Donations by \$1,500.00 for the Frank G. Andres Donation for Trees.
- I. 2018 Budget Amendment** to Increase Account 01-48420 – Insurance Recoveries-Law Enforcement. The City was reimbursed \$1,260.33 by Tri-Cor Insurance Company for damages to the Police Department's 2015 Ford Explorer.
- J. 2018 Budget Amendment** transferring \$3,340.63 from 01-52100-3550 Law Enforcement Building Repair and Maintenance to 01-51980-2270 Reserved for Contingencies.
- K. 2018 Budget Amendment** increasing Account 05-48500 Grants and Donation by \$3,538.76 for various Donations for Recreation Programs and to authorize the expenditures for Special Programs.

**Adaptive Management Payment Agreement.** The City of Tomah has entered into an adaptive management payment agreement with David and Karleen Linehan (landowner). The agreement states that the landowner will agree to comply with the Wisconsin Nonpoint Source Water Pollution Abatement Agreement and that the City will pay the landowner a lump sum of \$114,171.20 by January 15, 2019 and an additional total amount of \$165,493.12 to be paid in five equal annual installments of \$33,098.62 starting in 2020.

Motion by Kling, second by Kiefer to approve the Adaptive Management Payment Agreement as presented. Motion passed without negative vote.

**Reservoir Final Payment Application Approval.** The contractor has submitted a request for final payment in the amount of \$701,590.00 for work that has been completed at the City's reservoir. The amount will be paid by the Water Department.

Motion by Kling, second by Kiefer to approve the final application for payment in the amount of \$701,590.00 to L.C. United Painting Co. as presented. Motion carried without negative vote.

**Ambulance Service Agreement Between City of Tomah and Township of Clifton.** The Township of Clifton has requested to join Tomah Area Ambulance service area for the eastern half of their township. The township would pay \$1,470.00 based on their 294 residents. This will not cause a staffing impact for Tomah Area Ambulance Service.

Motion by Kling, second by Gomez to approve the contract with the Township of Clifton as presented. Motion carried without negative vote.

**Request to Add Voluntary Vision Insurance Option for Full Time Employees and Permanent Part-Time Employees Working a Minimum of 20 Hours Per Week.** The City's insurance does not provide coverage for eye glasses or contacts. The proposed voluntary vision insurance would be solely paid for by the employee if they elect to enroll.

Motion by Gomez, second by Scholze to authorize the request to add voluntary vision insurance for 2019 to full time and permanent part time employees working a minimum of 20 hours per week and authorize City staff to select the best option based on those available. Motion carried without negative vote.

**2018 OptumHealth Financial Services Inc. and City of Tomah Administrative Services Agreement for COBRA Administration.** The City's insurance (Tri-Core) includes COBRA administration at no additional cost to the City. 3PAdministrators has been providing this service for the past several years however they will no longer provide COBRA administration. Tri-Core has recommended OptumHealth Financial Services Inc.

Motion by Gomez, second by Cram to approve the Administrative Services Agreement between the City of Tomah and OptumHealth Financial Services effective January 1, 2019 as presented. Motion carried without negative vote.

**Approval for the 2019-2020 Shared Ride Taxi Operating Contract between the City of Tomah and Running, Inc.** Running Inc. will be providing 24 hour / seven days a week service for the Tomah area at a rate of \$29.66 per service hour. The City's share of the cost for 2019 is \$38,442.00.

Motion by Yarrington, second by Kiefer to approve the 2019-2020 Shared Ride Taxi operating contract between the City of Tomah and Running, Inc. as presented. Motion carried without negative vote.

**Approval for the 2019 Vehicle Lease Agreement between the City of Tomah and Running Inc. for Van Leases.** The annual lease agreement for the five City owned vans used in the shared ride taxi program needs to be approved.

Motion by Yarrington, second by Cram to approve the 2019 Public Transit Lease Agreement between the City of Tomah and Running Inc. as presented. Motion carried without negative vote.

**Resolution Authorizing Payment of Monthly Bills.**

**RESOLUTION NO. 2018-12-11-42  
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	\$ 177,491.56	Check #'s	123555-123610, 123686-123770
2.	Payroll	\$ 368,165.84	Direct Deposit #'s	55561-55844
3.	Wire Transfers	\$ 26,828.55		
4.	Invoices	<u>\$ 254,590.63</u>	Check #'s	123809-123863
		\$ 827,076.58		

Mike Murray, Mayor

ATTEST: Diane Webster, Deputy City Clerk

Motion by Yarrington, second by Kiefer to approve **Resolution No. 2018-12-11-42** Authorizing Payment of the Monthly Bills in the amount of \$827,076.58 as presented. Motion passed without negative vote.

**Ordinance Amending Section 52-206 Regarding Parking in Front Yards (2nd Reading & Adoption).** 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.

**ORDINANCE NO. 2018-12-11-D**

**Ordinance Amending Chapter 52-206 Regarding Front Yard Parking in the Municipal Code of the City of Tomah**

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

**SECTION ONE:** Chapter 52, Section 52-206 Parking in Front Yards is hereby amended to read as follows:

**Sec. 52-206. - Parking in front yards.**

No front yard of a lot in any residential or business district upon which a dwelling unit is located shall be used for parking of motor vehicles or recreational vehicles nor shall motor vehicles or any recreational vehicle parked on any other front yard be permitted within five feet of the right-of-way line of a street. Motor vehicle and recreation vehicles as enumerated and defined in section 18-53. The enforcement of this section shall be the responsibility of the building inspector, or any other code enforcement officer.

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

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

Michael Murray, Mayor  
Read: 12/11/2018

**ATTEST:** JoAnn Cram, City Clerk  
Passed: 12/11/2018  
Published: 12/21/2018

Motion by Kiefer, second by Gomez to waive the second verbatim reading of the ordinance amending Section 52-206 Regarding Parking in Front Yards. Motion passed without negative vote.

Motion by Kiefer, second by Cram to adopt **Ordinance No. 2018-12-11-D** Amending Chapter 52-206 Regarding Front Yard Parking in the Municipal Code of the City of Tomah. Motion passed with two negative votes (Yarrington and Kling).

**Ordinance Amending Section 36-19 Regarding Garbage Receptacles (2<sup>nd</sup> Reading & Adoption).** 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.

**ORDINANCE NO. 2018-12-12-D**

**Ordinance Amending Chapter 36-19 Regarding Garbage Receptacles 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 36-19 Garbage Receptacles is hereby amended to read as follows:

**Sec. 36-19. - Garbage receptacles**

All garbage cans shall be furnished by the property owner and shall be of galvanized metal or plastic material, watertight, and provided with fly-tight and watertight covers. All garbage cans must have two handles and may not exceed 32-gallon capacity. If containers are to be outside at all times, they should be placed four inches to ten inches off the ground on a suitable platform. Garbage cans shall be kept covered at all times, except when they are being filled or emptied, and shall be kept clean and disinfected.

a. Plastic bags are suitable for disposal of garbage when taken to the assigned garbage pickup site as enumerated and defined in section 36-6(b) - Restriction on time of placement.

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

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

Michael Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Read: 12/11/2018

Passed: 12/11/2-18

Published: 12/21/2018

Motion by Kiefer, second by Gomez to waive the second verbatim reading of the Ordinance Amending Section 36-19 Regarding Garbage Receptacles as presented. Motion passed without negative vote.

Motion by Kiefer, second by Yarrington to adopt **Ordinance No. 2018-12-12-D** Amending Chapter 36-19 Garbage Receptacles in the Municipal Code of the City of Tomah. Motion passed without negative vote.

**Ordinance Amending Sections 18-52, 18-53 and 18-54 Regarding Public Nuisance, Definitions and Storage of Vehicles Restricted (2nd Reading & Adoption).** 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.

**ORDINANCE NO. 2018-12-13-D**

**Ordinance Amending Chapter 18-52 (1) Regarding Public Nuisance – Junk and Junk Vehicles, Section 18.53 Regarding Definitions, and Section 18-54 Storage of Vehicles Restricted in the Municipal Code of the City of Tomah**

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

**SECTION ONE:** Chapter 18, Section 18-52 (1) Public Nuisance is hereby amended to read as follows:

**Sec. 18-52. - Public nuisance.**

The following are hereby declared to be a public nuisance wherever they may be found within the city:

(1) Any motor vehicle, truck body, tractor, and recreational vehicle as enumerated and defined in section 18-53.

(2) Any junk stored contrary to provisions set forth in this article.

**SECTION TWO:** Chapter 18, Section 18-53 – Definitions is hereby amended to read as follows:

**Sec. 18-53. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accumulation* means an assemblage, gathering, compilation, stocking or aggregation of junk material or materials. For the purpose of determining whether a person has an accumulation, the amount, type, quantity and nature of all materials possessed by the person on all property owned or under the person's control is relevant.

*Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, and recreational vehicles* means:

(1) Motor vehicles, truck bodies, tractors and trailers in such a state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(2) Recreational vehicles in such a state of physical or mechanical ruin as to be incapable of propulsion, intended performance and function.

*Inoperable vehicle* means a motor vehicle or recreational vehicle, regardless of whether it is licensed, that is not in operating condition. A motor vehicle is "in operating condition" if the motor vehicle can be started and actually operated on the highways of this state without requiring repairs, or borrowing of parts, batteries or materials from other vehicles. A vehicle stored in the open which has not actually moved for more than two months is rebuttably presumed to be inoperable if it cannot be started and operated on the highway at the same time as any other vehicle in the accumulation or owned by the same person, entity or family. *Junk* means worn out or discarded material of little or no value, that have an adverse effect upon the neighbors or city property values, health, safety or general welfare including, but not limited to, the following material

(1) Household appliances or parts thereof;

(2) Machinery and equipment or parts thereof;

(3) Vehicles or parts thereof;

(4) Tools or discarded building materials, including the following:

- a. More than one cord of scrap wood which is not stacked in an orderly manner.
- b. Pallets which have not been used or moved for more than six months.
- c. Metal, glass, plastic or mineral materials which are not part of an item which is in current household or commercial use and in working condition.
- d. Appliances, including (without limitation by enumeration) washing machines, clothes dryers, dishwashers, refrigerators, stoves, ovens, microwaves, trash compactors and freezers which are not in operating condition.
- e. Food scraps, except when stored in compost piles maintained in accordance with Wis. Admin. Code ch. NR 402.
- f. Sawdust, industrial waste, slag, waste concrete, debris, castings, grease or other commodities or materials which are generated in the course of a manufacturing or construction process, except when stored as inventory, or for disposal within 30 days, on the property on which these materials are found.
- g. Unlicensed automobiles, motor vehicles which are not in operating condition or are being used for storage of materials.
- h. Medical waste or debris.
- i. Unusable or highly deteriorated mattresses, box springs and furniture.
- j. Garbage.
- k. Any material which is likely to harbor mosquitoes or other pests or larvae.
- l. A mobile home or camper or manufactured home which has not been used for residential purposes for more than 12 months and which is in a deteriorated condition and is no longer habitable.
- m. Farm machinery which is no longer in use and is no longer usable.
- n. Building and construction materials and supplies that have not been used or moved for more than six months.

*Motor vehicles.* Any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.

*Recreational Vehicles.* A vehicle primarily used for leisure activities, including but not limited to all-terrain vehicles, boats, with or without trailers, camping trailers, jet skis, motor home, utility trailers, snowmobiles, and like motorized and non-motorized vehicles.

*Operating condition.* A motor vehicle is in operating condition if the motor vehicle can be started and actually operated on the highways of this state without requiring repairs, or borrowing of parts, batteries or materials from other vehicles. A vehicle stored in the open which has not actually moved for more than two months is rebuttably presumed to be inoperable if it cannot be started and operated on the highway at the same time as any other vehicle in the accumulation or owned by the same person, entity or family.

*Unlicensed motor vehicles, truck bodies, tractors, or recreational vehicles.* Motor vehicles, truck bodies, tractors, or recreational vehicles which do not bear lawful current license plates or Wisconsin DNR registration numbers.

**SECTION THREE:** Chapter 18, Section 18-54 – Storage of Vehicles Restricted is hereby amended to read as follows:

**Sec. 18-54. - Storage of vehicles restricted.**

- (a) No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, or any unlicensed motor vehicle, truck body or tractor in the open upon any public or private property in the city.
- (b) No person shall accumulate, store or allow any disassemble, inoperable, junked or wrecked recreational vehicle or any unlicensed recreational vehicle that requires licensing in the open upon any public or private property in the city.

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

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

Michael Murray, Mayor

**ATTEST:** JoAnn Cram, City Clerk

Read: 12/11/2018

Passed: 12/11/2018

Published: 12/21/2018

Motion by Kiefer, second by Cram to waive the second 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.

Motion by Kiefer, second by Gomez to adopt **Ordinance No. 2018-12-13-D** Amending Chapter 18-52-Regarding Public Nuisance-Junk and Junk Vehicles, Section 18.53 Regarding Definitions and Section 18-42 Storage of Vehicles Restricted in the City of Tomah Municipal Code. Motion passed without negative vote.

**Proposed Sale of the City CDBG and Tomah High School Building Trades Class Project at 504 Waterman Avenue to Tomah Public Housing Authority.** The CDBG is recommending the sale of the apartment building at 504 Waterman Street upon completion to Tomah Public Housing Authority for the \$250,000.00 actual construction cost financed by City of Tomah CDBG Program with a 30 yr. / 2% interest loan with closing date on or before 07/31/2019.

Motion by Yarrington, second by Gomez to authorize the Housing Authority to purchase the property at 504 Waterman Street as presented. Motion passed without negative vote.

Administrator Gorius expressed appreciation to the Council for their efforts and involvement during the past year and wished everyone a Merry Christmas.

Motion by Kiefer, second by Cram to adjourn. Motion passed without negative vote.

Meeting adjourned at 7:30 p.m.

Approved:

**ATTEST:**

Michael Murray, Mayor

Diane Webster, Deputy City Clerk  
Minutes to be approved January 8, 2019