

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION April 9, 2019 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, Mary Ann Komiskey, Richard Yarrington, Jeff Cram, Shawn Zabinski, Travis Scholze, Lamont Kiefer, Wayne Kling, and Remy Gomez present. Quorum present. Absent: None. Also in attendance: City Atty. Penny Precour, City Administrator Roger Gorius, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting. Also present – Council members elect Donna Evans and Susan Holme.

Motion by Scholze, second by Cram to adjourn to closed session pursuant to State Statute 19.85(1)(e) to Confer with Legal Counsel with Respect to Negotiating the Purchase/Sale of Public Property. Motion passed without negative vote. The meeting adjourned to Closed Session 6:00 p.m. Meeting reconvened to Open Session at 6:40 p.m.

Anyone Desiring to Appear Before the City Council. Edward Bollig, 901 McLean Ave, Tomah appeared regarding the \$6 agency fee for the Shared Ride Program. His cab cards have increased substantially due to the agency fee the Council recently established.

Mayor. Mayor Murray expressed sympathy to family and friends due to the passing of Larry Baribeau who has served the City in many capacities.

Proclamation in Support of National Middle Level Education Month – March 2019. Council President Kiefer read the proclamation declaring the month of March as National Middle Level Education Month recognizing the importance of middle level education and honoring the contributions of those who educate this age group.

Distinguished Service Resolution. Motion by Yarrington, second by Cram to approve **Resolution No. 2019-04-09-09** – Distinguished Service Resolution in honor of Wayne Kling for his dedicated service to the City of Tomah. Motion passed without negative vote.

RESOLUTION NO. 2019-04-09-09
RESOLUTION IN RECOGNITION OF WAYNE KLING IN
SERVICE TO THE CITY OF TOMAH AS ALDERPERSON
2016-2019

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, Wayne Kling has committed himself to faithfully serving the citizens of Tomah from 2016 to 2019 as Alderperson of District Seven, and

WHEREAS, Wayne has proven himself to be a dedicated and trustworthy member of the City of Tomah. Wayne'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 Kling's service on the Committee of the Whole, Board of Appeals, Historic Preservation Commission, Joint City/School Planning Committee, Ethics Board, and citizen member of the Tomah Area Ambulance Service Commission and the Tomah Senior and Disabled Services Board portray a level of enthusiasm and loyalty to bringing forth the very best our community has to offer. His commitment and willingness to serve gives testament to Alderperson Kling as a dedicated and respected leader and community member. As Alderperson of District Seven Wayne 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 Wayne's daily involvement with his constituents he exemplifies his selflessness and commitment in providing responsive and representative leadership in his role as an Alderperson, and

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

NOW THEREFORE, BE IT RESOLVED, that, on behalf of The City of Tomah, Alderperson Wayne Kling 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 Wayne, for three 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 April 2019.

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Distinguished Service Resolution. Motion by Cram, second by Scholze to approve **Resolution No. 2019-04-09-10** – Distinguished Service Resolution in honor of Remy Gomez for his dedicated service to the City of Tomah. Motion passed without negative vote.

RESOLUTION NO. 2019-04-09-10
RESOLUTION IN RECOGNITION OF REMY GOMEZ IN
SERVICE TO THE CITY OF TOMAH AS ALDERPERSON
2018-2019

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, Remy Gomez has committed himself to faithfully serving the citizens of Tomah from 2018 to 2019 as Alderperson of District Eight, and

WHEREAS, Remy has proven himself to be a dedicated and trustworthy member of the City of Tomah. Remy'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 Gomez's service on the Committee of the Whole, Public Works and Utility Commission, and the Parks and Recreation Commission portray a level of enthusiasm and loyalty to bringing forth the very best our community has to offer. His commitment and willingness to serve gives testament to Alderperson Gomez as a dedicated and respected leader and community member. As Alderperson of District Eight, Remy 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 Remy's daily involvement with his constituents he exemplifies his selflessness and commitment in providing responsive and representative leadership in his role as an Alderperson, 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 Remy Gomez 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 Remy, 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 9th day of April 2019.

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

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

City Clerk. City Clerk Cram provided an update on the April Spring Election, 2019 Local Government 101 Registration, Monroe County Recycling program and the Monroe County Land Use Planner with the Monroe County Land Conservation Department. Clerk Cram provided information regarding State Trust Fund loans and reminded the Council of the April 16th Re-Organizational Council meeting.

Police Department Monthly Report. Police Chief Mark Nicholson advised that the department has received a resignation from Sergeant Weaver who has been with the City for 22 years. The internal promotional process will be forthcoming which will create a patrol position. Chief Nicholson provided a summary of monthly statistics. Chief Nicholson reminded citizens that trailers or boats can't be parked overnight in the City. The department will hold the annual alcohol licensing meeting on April 17th. Chief Nicholson advised of the upcoming roadway construction on the Interstate and Highway 16 and the potential for Superior Avenue to be an alternate route if needed.

Library Monthly Report. Library Director Irma Keller provided statistics on library activity. This week is National Library Week and the Library has various activities planned.

Convention & Visitors Bureau/Chamber of Commerce. Exec. Dir. Tina Thompson advised they held their Junior Job Fair with just short of 500 participants. Director Thompson advised they continue to film "Beyond the Bog" which features activities the Chamber is doing. The VA Golf Course is set to re-open on April 26th at 1 p.m. There have been six bands booked for "Downtown Thursday Nights" events on Superior Avenue and there are still sponsorship opportunities available.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a written report. The annual inspections of all apartments are complete. Maintenance employee Lee Folstad is retiring and a replacement has been hired, Tom Herbert, who is learning the job during Lee's final weeks. The rehab is nearly finished at Lakeside. The City of Tomah's housing costs are fairly high considering the size of our community. This is something that should be addressed. In the future, it may be possible to convert the public housing to the housing voucher program which would streamline the process and would expand affordable housing units. The school building project at 504 Waterman is on target to complete by the time the seniors graduate in May. It is anticipated that the sale will occur to the Housing Authority shortly after that.

Senior & Disabled Services Report. Pam Buchda, Senior & Disabled Services Coordinator provided a monthly calendar and written summary of events. There will be a potluck on Good Friday as the County meal site will be closed. There will also be music that morning. Special Needs Prom is this Saturday night at 5 p.m. at Murray's On Main.

Planning/Building Inspection Monthly Report. Shane Rolff provided a written report.

Consent Agenda Items. Motion by Gomez, second by Kiefer to approve the following Consent Agenda items. Motion passed without negative vote.

- A. **Minutes** of March 12, 2019 as presented.
- B. **Treasurers Cash and Investment Reports** for March 2019.
- C. **Bartender Licenses** for Farrah Fosbinder, Trinity M. Franklin, Gary W. Middleton, Phillip A. Willhite, and Amy Thelen.
- D. **Special Beer Permits** for the Tomah Lions Club for "Downtown Thursday Nights" for July 4, July 11, July 18, August 1, August 8, and August 15, 2019 for the 800 Block of Superior Avenue.
- E. **Special Beer Permits for MC Support Services LLC** for the Budweiser Nationals Tractor Pull at Recreation Park from June 19-June 22, 2019 and for the Monroe County Fair from July 24-July 28, 2019 as designated on the applications.
- F. **Special Beer Permits for the VFW Post 1382** for Chicken Q's on May 4, 2019 and September 7, 2019 at 1618 Superior Avenue.
- G. **Special Beer & Wine Permit for Queen of the Apostles, 303 W Monroe Street** for 25th Anniversary as Priest Celebration for Monsignor Gilles on June 2, 2019.
- H. **2019 Budget Amendment** increasing Acct. #05-57220-8300 Fire Protection Outlay – Equipment by \$1,152.19 from Acct. #05-49300 Grants and Donations Fund Balance for the purchase of fire protection equipment.

- I. **2019 Budget Amendment** increasing Acct. #05-57220-8300 Fire Protection Outlay – Equipment by \$2,444.92 from Acct. #05-48500 Grants & Donations – Donations for the purchase of fire protection equipment.

Review & Action on State of WI-DOA Mandatory Close-Out Program for Community Development Block Grant (CDBG) Revolving Loan Fund for Economic Development (RLF-ED). The CDBG Committee is recommending the City establish a City of Tomah CDBG RLF-ED Close-Out Fund which requires the City to return all CDBG RLF-ED Cash on Hand at the time of the close-out to DOA and reimburse to DOA funds from City resources sufficient to cover City of Tomah CDBG RLF-ED principal owed on all active loans balances at the time of closeout. The funds would need to be used for things that affect low and moderate income activities. Option 1 would allow for 4 years to complete the project – 2 years to prepare a project and 2 more years to complete the project. Everything would have to be complete by January 31, 2023. Option 3 doesn't have any timelines. Discussion was held regarding the pros and cons of Option 1 versus Option 3 and the additional \$270,000 loan that would be required with Option 1.

Motion by Yarrington, second by Gomez to utilize Option 1 as recommended by CDBG and establish a City of Tomah CDBG RLF-ED Close-Out Fund which requires the City to return all CDBG RLF-ED Cash on Hand at the time of the close-out to DOA and reimburse to DOA funds from City resources sufficient to cover City of Tomah CDBG RLF-ED principal owed on all active loans balances at the time of closeout. Motion fails (ayes from Cram, Yarrington, and Gomez – Nay votes from Zabinski, Komiskey, Scholze, Kling and Kiefer). No further action – send back to CDBG for further discussion.

Conditional Use Permit for JVM Investments (Murray's on Main) to Install a 36" Projecting Blade Sign Over a Public Sidewalk at 810 Superior Ave (Sign Location is on E. La Crosse Street. All signs installed over a public right of way require a conditional use permit.

Motion by Scholze, second by Yarrington to approve the Conditional Use Permit for JVM Investments (dba Murray's on Main) to install a 36" projecting blade sign over the public sidewalk at 810 Superior Ave. Motion passed without negative vote.

Application for Class "B" Fermented Malt Beverage License and Class "C" Wine License for Mandy Bacholl for Mandy's Café and Deli LLC at 201 Helen Walton Drive, Suite 5, Tomah.

Motion by Yarrington, second by Cram to approve the Class "B" Fermented Malt Beverage License and Class "C" Wine License for Mandy Bacholl for Mandy's Café and Deli LLC at 201 Helen Walton Drive effective April 9, 2019 to June 30, 2019 and contingent on any or all unpaid tax obligations, assessments or other fees owed to the City are paid and must be compliant with building, plumbing, electrical, zoning, health or fire codes at the time the license is to be issued. Motion passed without negative vote.

Request for Public Assistance with Rehabilitation Project TID #8. Kathleen Cipriani has submitted an application to the Long Range Planning Committee for financial assistance from TID 8. Her request is for monetary assistance to renovate the former Veterans Assistance Foundation building into Doogies Doggie Daycare & Spa Inc. This type of repurposing is one of the primary goals established when TID 8 was opened. In this case, a vacant building is repurposed and utilized for a completely new business in Tomah and it takes a building that was formerly tax exempt and places it back on a taxable status. The renovation will require following the downtown master plan guidelines. The loan percentage for payback would be 4.25% for a period of 5 years.

Motion by Yarrington, second by Gomez to approve the request for public assistance at 312 Superior Ave. in the amount of \$15,000 with a 5 year payback at 4.25%. Motion passed with two negative votes (Zabinski and Yarrington).

Request to Rent Upper Floors of the Tomah Senior & Disabled Services Center. The Tomah Youth Wrestling Club is requesting to rent the upstairs portion of the Tomah Senior Center for the summer youth wrestling program. The kids will be under the direct supervision of coaches. The wrestling club would need a couple of keys due to the fact that the program hours will not coincide with the Senior Center hours. They are asking for a month to month lease at a rate of \$400 per month.

Motion by Scholze, second by Komiskey to approve the request to rent the upper floor of the Tomah Senior & Disabled Services Center at \$400 on a month to month lease and request the City Attorney draft the necessary lease agreement as stipulated. Motion passed without negative vote.

Resolution Authorizing the Borrowing of a \$1,914,000 General Obligation Promissory Note for the TID 8 Street Light Project and the TID 10 Goose and Gopher Projects. This note is to complete the street lighting project in the downtown area and to re-construct Goose and Gopher Streets in front of the new Gundersen Clinic and Tomah Memorial Hospital. The interest rate offered by the Farmers & Merchants Bank is 4.69% for 10 years.

Motion by Scholze, second by Gomez to approve **Resolution No. 2019-04-09-11** Authorizing the Borrowing of \$1,914,000 General Obligation Promissory Note for the TID 8 Street Light Project and the TID 10 Goose and Gopher Ave. projects. Motion passed without negative vote.

**RESOLUTION AUTHORIZING THE BORROWING OF \$1,914,000.00;
PROVIDING FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION PROMISSORY NOTE THEREFOR;
AND LEVYING A TAX IN CONNECTION THEREWITH**

WHEREAS, the Common Council (the "Governing Body") hereby finds and determines that it is necessary, desirable and in the best interest of the City of CITY OF TOMAH, MONROE County (ies), Wisconsin (the "Issuer") to raise funds for the purpose of:

A tax exempt loan to The City of Tomah, Wisconsin to finance the costs associated with the purchase and installation of new street lights and the streets and utilities project (streets and storm water) for Goose Avenue and Gopher Avenue in the City of Tomah, Wisconsin. (the "Borrowing Purpose"); and

WHEREAS, the Governing Body hereby finds and determines that the Borrowing Purpose is within the Issuer's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, the Issuer is authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and issue general obligation promissory notes for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:

Section 1. Authorization on of the Note. For the purpose of paying the cost of the Borrowing Purpose, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of \$1,914,000.00 from FARMERS & MERCHANTS BANK, Tomah, Wisconsin its successors and/or assigns (the "Lender") in accordance with the terms set forth herein.

Section 2. Issuance of the Note. To evidence such Indebtedness, the Mayor and the Clerk are hereby authorized, empowered and directed to make, execute, issue and deliver to the Lender for, on behalf of and In the name of the Issuer, a general obligation promissory note aggregating the principal amount of \$1,914,000.00 (the "Note").

Section 3. Terms of the Note. The Note shall be designated "General Obligation Promissory Note"; shall be dated the date of its issuance; shall bear interest at the rate of 4.69% per annum; and shall be payable as follows:
The City of Tomah shall pay this loan as follows: Semi-annual interest payments shall be due and payable on May 1 and November 1 of each year. Annual principal payment of \$192,000 shall be due and payable on April 1 of each year.

The Interest on this Note Is computed on a 365/365 simple Interest basis; that is, by applying the ratio of the interest rate over the number of days in a year, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

Section 4. Prepayment Provisions. The Note shall not have prepayment charges, subject to and conditioned upon the Lender receiving 30-days prior written notice of any prepayment..

Section 5. Form of the Note. The Note shall be issued in registered form and shall be attached hereto and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Note as the same becomes due, the full faith, credit and resources of the Issuer are hereby irrevocably pledged, and a direct annual irrepealable tax is hereby levied upon all taxable property of the Issuer. Said direct annual irrepealable tax shall be levied in the years and amounts as follows:

<u>Levy Year</u>	<u>Amount</u>
2019 to 2029	\$192,000.00

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Issuer levied in said years are collected. So long as any part of the principal of or interest on the Note remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on the Note when due, the requisite amount shall be paid from other funds of the Issuer then available, which sums shall be replaced upon the collection of the taxes herein levied. In the event the Issuer exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

Section 7. Debt Service Fund Account. There is hereby established in the Issuer's treasury a fund account separate and distinct from every other Issuer fund or account designated "Debt Service Fund Account for \$1,914,000.00 General Obligation Promissory Note." Such fund shall be maintained in accordance with generally accepted accounting practices. There shall be deposited in said fund account any premium plus accrued interest paid on the Note at the time of delivery to the Lender, all money or funds raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Note when the same shall become due and to retire the principal installments on the Note. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished. Sinking funds established for obligations previously issued by the Issuer may be considered as separate and distinct accounts within the Debt Service Fund Account.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Note (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Note.

Section 9. Arbitrage Covenant The Issuer shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Note (the "Closing") would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily Invested in legal investments until needed, provided however that the Issuer hereby covenants and agrees that so long as the Note remains outstanding, moneys on deposit in any fund or account created or maintained in connection with the Note, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Note to be an "arbitrage bond" within the meaning of the Code or Regulations.

The Clerk, or other officer of the Issuer charged with responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Issuer regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants: Exemption from Rebate: Qualified Tax-Exempt Obligation Status. The Issuer hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the Issuance of the Note) to assure that the Note is an obligation described

in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout its term. The Clerk or other officer of the Issuer charged with the responsibility of issuing the Note, shall provide appropriate certifications of the Issuer as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that It will comply with the provisions of the Code and Regulations.
Further, it is the intent of the Issuer to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Note will continue to be an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

For Note Proceeds allocable to a Borrowing Purpose for new projects or acquisitions, the Issuer reasonably expects to:

- ___ qualify for the small issuer rebate exception because it (including any entities subordinate to the Issuer) will issue no more than \$5,000,000 of tax- exempt obligations (including the Note(s)) during the current calendar year.
- ___ qualify for the eighteen month rebate exception under Section 1.148-7(d) of the Regulations.
- ___ qualify for the two-year rebate exception under Section 148(f)(4) of the Code.
- ___ not qualify for an exception to rebate.

The Issuer hereby designates the Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Clerk or other officer of the Issuer charged with the responsibility for issuing the Note, shall provide **appropriate certifications of the Issuer, all as of the Closing.**

Section 11. Execution of the Note. The Note shall be prepared in typewritten form, executed on behalf of the Issuer by the manual or facsimile signatures of the Mayor and Clerk, sealed with its official or corporate seal thereof, if any, and delivered to the Lender upon payment to the Issuer of the purchase price thereof, plus accrued interest to the date of delivery; provided that, if this is a refinancing, the refunding Note shall be immediately exchanged for the note being refinanced. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the delivery of the Note, such signatures shall nevertheless be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 12. Payment of the Note. The principal of and interest on the Note shall be paid by the Clerk or Treasurer in lawful money of the United States.

Section 13. Registration and Transfer of Note. The Clerk shall keep records for the registration and for the transfer of the Note. The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. The Note *may* be transferred by the registered owner thereof by presentation of the Note at the office of the Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the Note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the Clerk, shall be made on such Note.

Section 14. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Issuer or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Section 15. Financial Reports. Officials of the Issuer are hereby authorized and directed, so long as the Note is outstanding, to deliver to Lender any audit statement or other financial information Lender may reasonably request and to discuss its affairs and finances with Lender. Dated this 9th day of April, 2019.

Michael Murray, Mayor ATTEST: JoAnn M. Cram, City Clerk

Existing Employer Update Resolution for Wisconsin Public Employers' Group Health Insurance Program. The Dept. of Employee Trust Funds has created one reference source for the Wisconsin Public Employee Group Health Insurance Plan. With the movement of the contract provisions to the new employer manual, the prior resolution is no longer accurate requiring the need for this resolution.

Motion by Cram, second by Yarrington to approve the **Resolution No. 2019-04-09-12** for Wisconsin Public Employer's Group Health Insurance Program as presented. Motion passed without negative vote. Wisconsin Department of Employee Trust Funds

**RESOLUTION NO. 2019-04-09-12
EXISTING EMPLOYER UPDATE RESOLUTION
WISCONSIN PUBLIC EMPLOYERS' GROUP HEALTH INSURANCE PROGRAM**

RESOLVED, by the Common Council of the City of Tomah that pursuant to the provisions of Wis. Stat. § 40.51 (7) hereby determines to continue in the Wisconsin Public Employers (WPE) Group Health Insurance program that is offered to eligible personnel through the program of the State of Wisconsin Group Insurance Board (Board), and agrees to abide by the terms of the program as set forth in the *Local Employer Health Insurance Standards, Guidelines and Administration Manual* (ET-1144).

We will continue to participate in the program option in which we are currently enrolled. If we wish to elect a new program option for 2020 we will file a separate resolution to do so.

All participants in the WPE Group Health Insurance program need to be enrolled in a program option. Individual employees cannot choose between program options.

The resolution must be received by the Department of Employee Trust Funds as soon as possible, but no later than October 1, in order to continue participation without lapse. If more time is needed, contact ETF.

The proper officers are herewith authorized and directed to take all actions and make salary deductions for premiums and submit payments required by the Board to provide such Group Health Insurance.

Certification

I hereby certify that the foregoing resolution is a true, correct and complete copy of the resolution duly and regularly passed by the above governing body on the 9th day of April, 2019 and that said resolution has not been repealed or amended, and is now in full force and effect. Dated this 10th day of April, 2019.

I understand that Wis. Stat. § 943.395 provides criminal penalties for knowingly making false or fraudulent statements, and hereby certify that, to the best of my knowledge and belief, the above information is true and correct.

Ordinance Creating Sections 6-1 to 6-13 in Chapter 6 Amusements and Entertainment of the Municipal Code. In the current ordinance there is only an indoor cabaret license which does not allow for any live entertainment outside of any facility. The proposed language would be in Chapter 6 and deals with all live entertainment/dancing whether in an alcohol licensed establishment or not. The Outdoor Cabaret definition refers to an outdoor area to which the general public is admitted and where dancing or live entertainment is permitted or furnished to patrons by the management with or without special charge and where liquid refreshment or foods are sold. The Special Event Outdoor Cabaret is also new and allows for an outdoor cabaret, however, the license period cannot exceed one day and may exceed noise levels established in the City Code provided the sounds are reasonable under the circumstances, subject to Common Council approval. A license shall only be granted following approval by a 2/3 vote of the Common Council.

Motion by Cram, second by Scholze to waive the first verbatim reading of the Ordinance Creating Sections 6-1 to 6-12 Regarding Amusements and Entertainment – Cabarets as presented. Motion passed without negative vote.

Ordinance Amending Sections 4-1, 4-133, 4-134, 4-135, 4-136 and 4-137 Regarding Cabaret Licenses in the City of Tomah Municipal Code. These ordinance amendments are a result of the changes in the cabaret license language previously addressed in Chapter 6.

Motion by Kling, second by Kiefer to waive the first verbatim reading of the Ordinance Amending Sections 4-1, 4-133, 4-134, 4-135, 4-136 and 4-137 Regarding Cabaret Licenses in the City of Tomah. Motion passed without negative vote.

License Application – Secondhand Article Dealer for ecoATM LLC. ecoATM LLC has applied for the license for a cell phone recycling kiosk to be located at Wal-Mart at 220 W McCoy Blvd. for the licensing period ending Dec. 31, 2019.

Motion by Kling, second by Gomez to approve the Secondhand Article Dealer License for ecoATM LLC as requested with the licensing period ending Dec. 31, 2019. Motion passed without negative vote.

Annual Fire Department Fund Audit. The City Treasurer is required to audit the Fire Dept. Funds annually. This has been done for 2018 records and the books have been found in good order. The cash balance is \$122,282.15.

Motion by Zabinski, second by Komiskey to approve the Fire Department Annual Audit Report as presented for 2018. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Zabinski, second by Kling to approve **Resolution No. 2019-04-09-13** authorizing payment of the monthly bills in the amount of \$807,757.98 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2019-04-09-13
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	\$ 150,187.01	Check #'s 124406-124468 & 124520-124609
2. Payroll	\$ 554,351.02	Direct Deposit #'s 56611 - 56964
3. Wire Transfers	\$ 35,558.77	
4. Invoices	<u>\$ 67,661.18</u>	Check #'s 124653-124705
	\$ 807,757.98	

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Motion by Kiefer, second by Yarrington to adjourn. Motion carried. Meeting adjourned at 8:17 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

JoAnn Cram, City Clerk

Minutes to be approved on May 14, 2019