

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION June 11, 2019 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, Donna Evans, Sue Holme, Mary Ann Komiskey, Richard Yarrington, and Jeff Cram, and present. Quorum present. Absent: Shawn Zabinski. 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. No one desired to appear.

Informational Presentation from Steven Hintz Regarding City Manager Style of Government. In Wisconsin, the structure of local government is determined by state statutes and by local ordinances. Many cities have created an administrator, even though Chapter 62 does not mention the position of administrator. The City of Tomah currently falls under Chapter 62. Government has gotten a lot more complex at the local level. WI Statute Chapter 64 identifies several other local government options. The most prominent is the city manager who performs many of the responsibilities previously performed by a mayor such as making committee appointments and chairing the planning commission. The city manager is selected by the Common Council and can be terminated by the Council. The role of the Mayor varies considerably between municipalities. The day to day operations are represented by the City Manager. Some municipalities adopt Charter Ordinances that allow for the manager/council method with modifications to Mayoral duties. Chapter 64 doesn't mention the position of Mayor, however, the Mayoral position is very important in a community. The Mayor would continue to be elected and responsibilities in dealing with the Council would remain as they currently are under Chapter 62. Making appointments could remain under the Mayor's responsibility. Making recommendations to the Council by the Mayor would also continue. The Mayor represents the community. The job description of the City Administrator looks a lot like that of a City Manager. It's the balancing act of representing the people and the expertise in the operations part of government. The direction in the current ordinance is to have a pretty empowered operations management in the position of Administrator. Charter ordinances can be made and adjusted as needed. Charter Ordinances take a 2/3 vote to pass and there is a 60 day delay before it becomes effective plus the possibility of a referendum question on the ballot. There are two options: 1. Adopt Chapter 64 and establish the Council-Manager form of government and 2. Retain Chapter 62 with the mayor-council form augmented by the existing local ordinance establishing the city administrator. In terms of day to day performance on the job, the manager and administrator are interchangeable people. The difference is the statutory structure in which they operate. The change would be determined by the charter amendments that the Council would adopt. The Police and Fire Commission wouldn't change, however, the manager would be responsible for police and fire department management versus the Mayor.

Mayor. Mayor Murray advised that Tractor Pull and the 4th of July events are forthcoming and encouraged citizens to support these events. A number of Council members and the Mayor attended a tour of the Dells/Delton Fire/Ambulance facility.

City Administrator & Long Range Plan Committee Report. City Admin. Gorius provided a written report regarding current and ongoing activities. City Admin. Gorius attended the public information meeting on May 16th to provide information on the downtown corridor funding available for businesses. Mr. Gorius also attended a ribbon cutting at the apartment complex constructed by the Tomah High School Trades program which was a joint venture between the school and the Housing Authority. Mr. Gorius also attended a meeting of the Rolling Hills Building Committee regarding the City of Tomah's commitment for financial assistance with land purchase provided the facility locates in the boundaries of TID 10.

City Clerk. City Clerk Cram gave an update on the Board of Review meeting for 2019. No formal objections came before the Board. The assessed value of property in the City is \$611,441,500 without manufacturing. This compares to \$602,306,700 in 2018. The Joint Review Board will be meeting in early July to review the 2018 Annual TID report. Andrew Bremer of MSA is currently compiling the data.

Library Monthly Report. Library Director Irma Keller provided Library statistics. Dir. Keller provided a summary of the various programs the Library offers. The summer reading program continues and everyone is welcome to participate.

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

Senior & Disabled Services Report. Pam Buchda, Senior & Disabled Services Coordinator provided a monthly calendar and written summary of events. Friday, June 21st, the Sr. Center will host a music program with Bob Honel. A program will be held on June 27th by Tina Thompson regarding the Chamber and Tourism. On June 28th, a piano player will be at the Sr. Center. Everyone is invited to attend a program on June 27th talking about unwanted calls including robo calls and spoofing, protecting smart devices, etc.

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

Appointment of John Rose, citizen member, to the Joint Review Board.

Motion by Cram, second by Yarrington to accept Mayor Murray's recommendation that the Joint Review Board appoint John Rose as the citizen member to replace Larry Baribeau. Motion passed without negative vote.

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

- A. **Minutes** of May 14, 2019 as presented.
- B. **Treasurers Cash and Investment Reports** for May 2019.
- C. **Acceptance of 2018 Audit Report** as presented.
- D. **Bartender Licenses** for Kaitlyn A. Austin, Paige M. Borreson, Abigail N. Brockman, Elizabeth A. Erickson, Chelsea M. Finnigan, Stacy L. Garcia, Juan E. Gonzalez-laza, Patrick J. Hart, Jayden J. LeQue, Linda L. Osland, Ariel F. Rezin, Mckenzi L. Rogalla, Madeline R. Schaller, Rita M. Steffel, and Todd J. Steffel..
- E. **Renewal of "Class B" Liquor & Class "B" Fermented Malt Beverage License** for the Strike Zone/Pizones at 210 Superior Avenue.
- F. **Renewal of "Class C" Wine License** for Mandy's Café & Deli, LLC, at 201 Helen Walton Drive.
- G. **Renewal of "Class A" Liquor and Class "A" Fermented Malt Beverage Licenses** for Highway 12 & 16 BP, 1030 E Clifton Street.
- H. **Cabaret Licenses** – Indoor Cabaret Licenses for Cran-Beary Pub/Wetlands Catering; Elbow Room, Franny's, Perkins/Mr. P's, The Chillzone, and Vino Anjo. Indoor/Outdoor Cabarets for Murray's on Main, The Bank Bar, Breakroom Sports Bar & Grill, and the Crow Bar.
- I. **2019 Budget Amendment** – Recognizing Donation of \$11,357.02 in Acct. #05-48500 Grants & Donations & Authorize an Expenditure of \$11,357.02 from Acct. #05-57220-8300 Grants Fire Protection Outlay for the Purchase of an Extraction Device.

Application for Special Event Outdoor Cabaret Licenses from Greater Tomah Area Chamber of Commerce for 800 Block of Superior Avenue for: a. July 4, 2019; b. July 11, 2019; c. July 18, 2019; d. August 1, 2019; e. August 8, 2019; f. August 15, 2019. The Chamber is hosting a series of Downtown Street Concerts. Bounce houses, vendor booths, food & drink sales will be part of the family friendly neighborhood street concert. A certificate of insurance has been presented as well as a map of the area.

Motion by Yarrington, second by Scholze to approve the Special Event Outdoor Cabaret Licenses for Greater Tomah Area Chamber of Commerce for the 800 Block of Superior Avenue for the following dates: a. July 4, 2019; b. July 11, 2019; c. July 18, 2019; d. August 1, 2019; e. August 8, 2019; f. August 15, 2019. Motion passed without negative vote (Cram abstained).

Request for Extension of Class "B" Fermented Malt Beverage and "Class "B Liquor License and Application for Special Event Outdoor Cabaret License from Ground Round Grill & Bar (T&J Hospitality LLC) at 201 Helen Walton Drive on July 21, 2019. The Special Event Outdoor Cabaret License and extension of the premise is for the parking lot in front of the Ground Round, Edward Jones & Spectrum Insurance. This is a "Family Fun Day" with bounce houses and live entertainment consisting of two musicians playing guitar. The event is scheduled from 11 a.m. to 5 p.m. and access will be from inside the Ground Round, A map of the area and a certificate of insurance have been submitted.

Motion by Yarrington, second by Cram to approve the request for the Extension of Class "B" Fermented Malt Beverage and "Class "B Liquor License and Application for Special Event Outdoor Cabaret License from Ground Round Grill & Bar (T&J Hospitality LLC) at 201 Helen Walton Drive on July 21, 2019 as presented. Motion passed without negative vote.

Application for Special Event Outdoor Cabaret License from Greater Tomah Area Chamber of Commerce for E. Milwaukee from Superior to Kilbourn for Downtown Street Concert on August 24, 2019. The event will be on E. Milwaukee Street from Superior to Kilbourn. There will be bounce houses, vendor booths, food sales, drink sales, and a street concert with live entertainment. A map of the area and a certificate of insurance is on file.

Motion by Evans, second by Kiefer to approve the Special Event Outdoor Cabaret License from Greater Tomah Area Chamber of Commerce for E. Milwaukee St. from Superior Ave. to Kilbourn Ave. for a Downtown Street Concert on August 24, 2019. Motion passed without negative vote (Cram abstained).

Request for Use of City Streets by ATV/UTV Club. The Bear Bluff ATV Club and the Road Runners ATV UTV Club are requesting a 3 hour window to travel, arrive and leave as a group to participate in the July 4th parade. Monroe County has approved the route on Highway ET. Permanent routes are required to have signage, however, this is not a permanent route. It was requested that an amendment be made to have approval from the Town of Lagrange that Forbes is an approved route in the Town of La Grange.

Motion by Evans, second by Cram to approve the request for use of the City Streets as designated by the ATV/UTV Club on July 4th for a 3 hour period to enable access to the City for the parade event provided that the Town of LaGrange approves Forbes Road as part of the route. Motion passed with one negative vote (Komiskey).

Request 1% of the Existing Room Tax Allocation for the CVB/Chamber Building Be Directed to the Convention & Visitor's Bureau for use in Tourism Promotion. At the May meeting, the current room tax allotment of 2% previously utilized to fund the renovation of the Chamber meeting was split and 1% was designated to Recreation Park going forward. The CVB is requesting the remaining 1% still be designated to them for funding directional signage downtown, street banners for the new lampposts, film production of Downtown Thursday Nights, etc. for future promotion of tourism and related activities. It is requested that \$100,000 of the current monies would remain for future repair needs of the building with the remaining \$130,000 and future ongoing collection would be designated to the CVB Budget.

Motion by Kiefer, second by Scholze to authorize the remaining 1% be distributed to the Convention & Visitor's Bureau and \$100,000 of the current monies would remain for future repair needs of the building with the remaining \$130,000 and future ongoing collection will be designated to the CVB budget. Motion passed without negative vote.

Ordinance Amending Chapter 42-27 Regarding Distribution of Room Tax. A change in the distribution of the room tax requires an ordinance amendment.

Motion by Kiefer, second by Cram to waive the first verbatim reading of the Ordinance Amending Chapter 42-27 regarding Distribution of Room Tax. Motion passed without negative vote.

Motion by Kiefer, second by Komiskey to waive the second verbatim reading of the Ordinance Amending Chapter 42-27 regarding Distribution of Room Tax. Motion passed without negative vote.

Motion by Kiefer, second by Yarrington to adopt **Ordinance No. 2019-06-04-D** Amending Chapter 42-27 regarding Distribution of Room Tax. Motion passed without negative vote.

ORDINANCE NO. 2019-06-04-D

ORDINANCE AMENDING SECTION 42-27 REGARDING DISTRIBUTION OF ROOM TAX IN THE CITY OF TOMAH MUNICIPAL CODE

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

SECTION ONE: Chapter 42, Sec. 42-27 – Distribution of Tax – is hereby amended as follows:

(a) Four percent of the tax imposed in this section shall be distributed as follows:

(1) Four percent of the tax shall be paid to the convention and visitor's bureau to be used in a manner deemed appropriate by the common council.

(b) Four percent of the tax imposed in this section shall be allocated by the common council through the parks and recreation commission and used in the following manner:

(1) Two percent of the revenue shall be retained by the city to be used in a manner deemed appropriate by the common council.

(2) One percent shall be used to fund the remaining debt on the initial construction of the multipurpose building at Recreation Park including the ice arena.

(3) One percent shall be used to fund an expansion of the multipurpose building to provide for, but not limited to, a warming area, concession stands and extended bathroom facilities.

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

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

Michael Murray, Mayor

JoAnn M. Cram, City Clerk

READ: 06/11/2019

PASSED:

06/11/2019

PUBLISHED: 06/21/2019

Ordinance Amending Chapter 10 of the Municipal Code Regarding Adoption of Electrical Regulations and Permits. This ordinance amendment updates all references to the WI Dept. of Commerce to the Dept. of Safety and Professional Services. It also eliminates the exception for an electrical permit for the extension or addition of a single branch circuit. A permit and electrical inspection are required to ensure all electrical work is compliant with code. The change adds the requirement that only a State of WI licensed electrical contractor may replace, upgrade or relocate service equipment.

Motion by Cram, second by Komiskey to waive the first verbatim reading of the Ordinance amending Chapter 10 of the Municipal Code regarding adoption of electrical regulations and permits. Motion passed without negative vote.

Resolution Authorizing the Sale of City Property to Tony Vrana. Tony Vrana is interested in purchasing a parcel of land near the Mill Haven property on the east side of the City. The Lot is being split from current Lot 3 to the new designation of Lots 4 & 5. Mr. Vrana is going to build storage buildings on the site.

Motion by Cram, second by Scholze to approve **Resolution No. 2019-06-11-20** authorizing the sale of City property to Tony Vrana. Motion passed with one negative vote (Yarrington).

RESOLUTION NO. 2019-06-11-20
RESOLUTION OF CITY COUNCIL OF CITY OF TOMAH

The City Council of the **CITY OF TOMAH**, a Municipal Corporation (the "City") approves the following actions:

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

RESOLVED: The City approves the sale of land as more fully described on the attached Exhibit 1 to Tony Vrana (or to the entity in which Tony Vrana owns an interest as he subsequently identifies in advance of the closing); and

RESOLVED: That the City Administrator and the City Clerk of the City are authorized and directed for and on behalf of the City to execute and deliver the Deed 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 11th day of June, 2019.

CITY OF TOMAH:

By: Michael Murray, Mayor

By: JoAnn Cram, City Clerk

Resolution Authorizing the Sale of City Property to the Tomah Public Housing Authority. The Tomah School District Trades class built a 3-unit apartment building and the project is now complete. The City of Tomah is selling the parcel to the Tomah Public Housing Authority who will rent out the unit for lower income clients.

Motion by Cram, second by Yarrington to approve **Resolution No. 2019-06-11-21** authorizing the sale of City property to the Tomah Public Housing Authority. Motion passed without negative vote.

RESOLUTION NO. 2019-06-11-21
RESOLUTION OF CITY COUNCIL OF CITY OF TOMAH

The City Council of the **CITY OF TOMAH**, a Municipal Corporation (the "City") approves the following actions:

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

RESOLVED: The City approves the sale of land by land contract to Tomah Public Housing Authority legally described as follows:

Lot 1 of Certified Survey Map recorded in Vol. 27 CSM, on page 204, as Document No. 666718, located in Lots Nineteen (19) and Twenty (20), Block Three (3), Goodyear's Subdivision, City of Tomah, Monroe County, Wisconsin.

RESOLVED: That the Mayor and the City Clerk of the City are authorized and directed for and on behalf of the City to execute and deliver the Land Contract 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 land contracts of this City.

Dated this 11th day of June, 2019.

CITY OF TOMAH:

By: Michael Murray, Mayor By: JoAnn Cram, City Clerk

Approval of Revised Job Descriptions. The Police Department job descriptions are being withdrawn for further revisions.

Motion by Komiskey, second by Kiefer to approve the revised job descriptions (with the exception of the Police Department) as amended subject to the City Clerk researching the weight limits and making appropriate changes. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Komiskey, second by Yarrington to approve **Resolution No. 2019-06-11-22** authorizing payment of the monthly bills in the amount of \$745,083.81 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2019-06-11-22
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	\$ 411, 239.82	Check #'s 124817-124865 & 124957-125079
2. Payroll	\$ 193,641.06	Direct Deposit #'s 57240-57489
3. Wire Transfers	\$ 31,253.77	
4. Invoices	\$ <u>108,949.16</u>	Check #'s 125120-125152
	\$ 745,083.81	

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Resolution Approving Compliance Maintenance Annual Report (CMAR)

Motion by Yarrington, second by Kiefer to approve **Resolution No. 2019-06-11-23 – Compliance Maintenance Annual Report (CMAR)** as presented. Motion passed without negative vote.

**Resolution No. 2019-06-11-23
COMPLIANCE MAINTENANCE RESOLUTION**

RESOLVED that the City of Tomah informs the Department of Natural Resources that the following actions were taken by the City Council:

Review of the 2018 Compliance Maintenance Annual Report, which is attached to this Resolution.

Monitor the operation of the wastewater treatment facility to maintain permit compliance.

Implement and complete a Capacity, Management, Operation and Management (CMOM) program once the DNR drafts a final ruling.

Passed by a unanimous vote of the Tomah City Council on June 11, 2019.

Mike Murray, Mayor

JoAnn Cram, City Clerk

Motion by Scholze, second by Kiefer to adjourn to closed session pursuant to State Statute 19.85(1)(c) to Confer with Legal Counsel with Respect to Personnel Issues. Motion passed without negative vote. The meeting adjourned to Closed Session 7:46 p.m.

The meeting did not reconvene to act on the Resolution Addressing Wages of Chief Mark Nicholson as the item is still pending.

Approved:

Michael Murray, Mayor

ATTEST:

JoAnn Cram, City Clerk

Minutes to be approved on July 9, 2019