

## MEETING MINUTES - CITY OF TOMAH COMMITTEE OF THE WHOLE

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 13<sup>th</sup> day of February, 2017 at 6:30 p.m. in the Council Chambers at City Hall.

The following members were present: Nellie Pater, Eric Prise, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Luke Bohlen, and Mike Murray. Absent: Chris King.

Also present: City Administrator Roger Gorius, Fire Chief Tim Adler, Police Chief Mark Nicholson, Parks and Recreation Director Joe Protz, City Treasurer Julia Mann, Public Works & Utilities Director Kirk Arity, Interim Ambulance Service Director Heather Daly, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

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Chairperson Mike Murray called the meeting to order at 6:30 p.m.

**Minutes.** Motion by Prise, second by Kiefer to approve the minutes of the January 9, 2017 regular Committee of the Whole meeting as presented. Motion passed without negative vote.

**Ambulance Department.** Ambulance Service Acting Director Heather Daly provided a written monthly department report and advised the Council of department activities.

**Police Department Monthly and Annual Reports.** Police Chief Nicholson provided a written summary of monthly activities and summarized the department's annual report. The Department is at full staff. Several applications have been received for the part time Code Enforcement/Evidence position. There is a vacancy in the part time clerk position effective mid-March. Chief Nicholson advised that the Police Department has been nominated for the Chamber's Annual Member of the Year. All uniformed officers have new body cameras and new Tasers. All of the marked squads will have new cameras in the near future. Last year, a \$20,000 donation was received for the canine program. A K-9 dog was selected and the department is in the process of completing the contract documentation. The K-9 class will last for approximately 5 weeks. Chief Nicholson provided an overview of 2016 activities.

**Zoning/Planning/Building Inspection Monthly Report.** Director Shane Rolff provided a written summary of January 2017 activities.

**Fire Department Monthly and Annual Reports.** Fire Chief Tim Adler provided a monthly department report and summarized the department's annual report. Chief Adler advised that the department is in the process of designing a new fire truck. The Fire Department recently went through an audit which reflects the City's rating. The last audit was done in 2005. The results of the audit will be available in 4-6 months. The Fire Dept. is also getting competitive bids on the air compressor that recharges the SCBA bottles. Donations have been received to apply toward this project. The Department has taken on the Rescue technicians. They have implemented using the "I Am Responding" program which helps track accountability of who is responding to fire calls. There are 18 members that will be a part of the rescue team. There are 5 rescue techs and the remaining 13 from the fire department are being trained in rescue calls.

The Fire Dept. responded to 175 calls in 2016 compared to 106 in 2015. There were five structure fires with one fire of significant damage. False alarms increased to 48 from 31 in 2015. Most false alarms were associated with alarm system issues. Hazmat calls involved cut or severed gas lines, fuel or chemical spills, mutual aid calls, carbon monoxide calls, unattended cooking, water rescue, severe weather, bomb threats, dumpster fires, sprinkler system troubles, police assists and wash downs for various reasons. This number increased from 34 to 68. Three computer tables were

purchased that will be used by the fire inspectors and all fire inspection records will now be on a paperless system in the Firehouse software program. The Fire Dept. received \$8,960 in grants and donations in 2016. The Department has five fire inspectors and nearly 1200 inspections were completed last year. There are 32 firefighters in the department along with 5 Rescue Technicians. Two new firefighters were hired in 2016. There was a total of 105.5 hours of fire safety education training completed in 2016. The department had another successful year in fundraising efforts, especially through the annual calendar and the Hunter's Night Out event. All engines passed the annual pump testing, all ladders passed annual inspection and all self-contained breathing apparatus and air compressors passed the annual tests and maintenance.

**Public Works Director – Water, Sewer, Public Works and Lake Updates.** Public Works & Utilities Director Kirk Arity advised the following: Street Dept. – Demolition work on the old “Holy Smokes” building is progressing slowly. Trees have been cleared for the proposed cell tower along Cleveland St. The Dept. has used approximately 25 tons of patching material to fill potholes and the salt supply will only handle 2 more storm events due to the extensive amount of ice the department has dealt with this winter. Sewer – Flows are slightly higher than normal with an average of 1.271 million galls a day treated. Water – Construction along Grain Ave. has started as of 2/7/17. The water main will be the first phase with the sewer and street reconstruction to follow in the spring. Well #14 is in service and the final payment including retainage should be taken care of at the Feb. Public Works meeting.

**Parks and Recreation Monthly Report - Parks Dept., Recreation Programs, Aquatic Center, Recreation Park.** Parks & Recreation Director Joe Protz provided a written report and summarized department activities. Director Protz advised that the Department has been busy with snow removal and maintenance. The Summer Activity Guide will be ready within the next few weeks.

#### **Accept Treasurers – January Cash and Investment Reports.**

Motion by Kiefer second by Kling to accept the January cash and investment reports as submitted. Motion passed without negative vote.

Phil Cosson of Ehlers & Assoc. provided an overview of the resolutions and bond issue. A series of resolutions are proposed for one bond issue. Anything financed over a 10 year period has to be broken down by purpose. The Official Statement is projected to be distributed the week of March 6<sup>th</sup>. The award of the Sale of the Bonds will be done on March 14<sup>th</sup> with an estimated closing date of March 30, 2017. The City will be going through a rating call with Moody's Investment Services. The Development Agreement with Mill Haven has a cost of \$600,000 which will need to be financed separately. The goal with the allocation is that the funds have the ability to absorb the payments without increasing the tax rate. Interest rates are currently increasing and are not projected to drop anytime soon. Interest rates will be fixed but do change annually and are estimated at about 1.6% and increasing as time goes forward estimated up to approximately 4%. Debt is an exempted provision regarding annual levy limits.

#### **Initial Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$2,975,000 for Community Development Projects in Tax Incremental District No. 8**

Motion by Prise, second by Kiefer to recommend the Common Council approve the Initial Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$2,975,000 for Community Development Projects in Tax Incremental District No. 8. Motion passed with two negative votes. (Kling and Komiskey)

#### **Initial Resolution Authorizing \$540,000 General Obligation Bonds for Water System Projects**

Motion by Prise, second by Kiefer to recommend the Common Council approve the Initial Resolution Authorizing \$540,000 General Obligation Bonds for Water System Projects. Motion passed without negative vote.

**Initial Resolution Authorizing \$1,050,000 General Obligation Bonds for Sewerage Projects**

Motion by Kiefer, second by Prise to recommend the Common Council approve the Initial Resolution Authorizing \$1,050,000 General Obligation Bonds for Sewerage Projects. Motion passed without negative vote.

**Initial Resolution Authorizing \$965,000 General Obligation Bonds for Street Improvement Projects.**

Motion by Kiefer, second by Siekert to recommend the Common Council approve the Initial Resolution Authorizing \$965,000 General Obligation Bonds for Street Improvement Projects. Motion passed without negative vote.

**Initial Resolution Authorizing \$265,000 General Obligation Bonds for Parks and Public Grounds Projects**

Motion by Bohlen, second by Prise to recommend the Common Council approve the Initial Resolution Authorizing \$265,000 General Obligation Bonds for Parks and Public Grounds Projects. Motion passed without negative vote.

**Initial Resolution Authorizing \$585,000 General Obligation Bonds for Fire Department Equipment**

Motion by Kiefer, second by Kling to recommend the Common Council approve the Initial Resolution Authorizing \$585,000 General Obligation Bonds for Fire Department Equipment. Motion passed without negative vote.

**Resolution Directing Publication of Notice to Electors.** A notice is required to be published following authorization of the Council to proceed with the bonding.

Motion by Bohlen, second by Prise to recommend the Common Council approve the Resolution Directing Publication of Notice to Electors. Motion passed without negative vote.

**Resolution Providing for the Sale of \$6,380,000 General Obligation Corporate Purpose Bonds.**

This resolution combines all of the above listed resolutions for the sale of the bonds.

Motion by Prise, second by Kiefer to recommend the Common Council approve the resolution providing for the sale of \$6,380,000 General Obligation Corporate Purpose Bonds as presented. Motion passed without negative vote.

**Request by Non-Represented Personnel of the City of Tomah Concerning Annual Wage Increase.** Administrator Gorius was approached by members of the non-represented group of employees after the January Council meeting regarding the .67% increase that was authorized by the Council. Chief Nicholson appeared representing the non-represented employees of the Police Department. The Budget for 2017 included funds for an increase greater than .67%. Concern was voiced regarding retaining current non-represented personnel. Retired Ambulance Service Director Jody Allen requested that the .67% wage increase be re-evaluated. The Ambulance Service has gone to a fully staffed paramedic service. City Treasurer Julia Mann advised that this increase affects many employees. Lt. Ron Waddell advised that he is representing 175 years of experienced service from the Police Dept. and expressed concerns regarding the recent wage increase of .67%. The Union has seen a higher wage increase than the non-represented which causes a compression in wages between union and non-union staff. Potential monetary incentives are narrowing and the desire to advance becomes less. The morale of supervisory staff is also at stake. Lt. Waddell expressed concern for the future of the department and the ability to attract and keep qualified personnel. City Administrator Gorius advised that the City has presented Budgets that have been under tight constraints placed by the state. Over the past 3 years, increases have been kept low. There may be a serious retention and recruitment problem in the future. Wage increases should be

fair and equitable. Non-represented employees do not have a vote in whether or not to keep a union and should not be held under the same constraints. Alderperson Prise questioned the 2% increase. We need to have something in place to measure what the percentage should be. Alderperson Kling feels everyone deserves that raise, but we also need to think about the taxpayers. City Attorney Berry advised that the Committee of the Whole can make a recommendation to the City Council who approved the .67% wage increase. The Council can chose not to follow that recommendation. Someone who voted for the .67% increase at the Council meeting would have to bring a motion to reconsider at the Council level and after that motion passed, then another motion would need to be made regarding a change in the increase. Alderpersons that originally voted no could not bring the item back before the Council. Union negotiations are settled prior to the non-represented wage increases being determined.

Motion by Bohlen to make a recommendation to the City Council to pursue methods that can compress the time delay between the budget and the actual implementation of the employees have to anticipate these numbers. Motion dies due to lack of a second.

Motion by Prise, second by Bohlen to bring the .67% wage increase for non-represented employees before the Common Council for further discussion and consideration on the March agenda. Motion passed with one negative vote (Kiefer).

#### **Bartender Licenses.**

Motion by Prise, second by Siekert to recommend the Common Council approve the bartender's license as listed. Motion passed without negative vote. Bartender licenses approved as follows: Cassandra J. Kiel.

#### **Special Beer Permit for Queen of the Apostles Church – Mardi Gras Dance and Social on February 25, 2017 at 303 W Monroe Street.**

Motion by Prise, second by Pater to recommend the Common Council approve the temporary "Class B" beer License for Queen of the Apostles Parish for the Mardi Gras Dance and Social on February 25, 2017. Motion passed without negative vote.

#### **Special Beer Permit for Families First of Monroe County, Inc. – 7<sup>th</sup> Annual Trivia Night Event on March 11, 2017 at Recreation Park Recreation Building Main Hall.**

Motion by Prise, second by Siekert to recommend the Common Council approve the temporary "Class B" Beer License for Families First of Monroe County, Inc. for the 7<sup>th</sup> Annual Trivia Night Event on March 11, 2017 at Recreation Park Recreation Building Main Hall. Motion passed without negative vote.

#### **2016 Budget Amendment – Acceptance of \$100 Donation in Acct. G-48500 Grants and Donations from the Knights of Columbus.**

Motion by Kiefer, second by Siekert to recommend the Common Council approve the 2016 Budget Amendment accepting the \$100 donation in Account G-48500 Grants and Donations which was received from the Knights of Columbus. Motion passed without negative vote.

#### **2017 Budget Amendment – Acceptance of \$500 Donation in Acct. G-48500 Grants and Donations from an Anonymous Donor**

Motion by Prise, second by Komiskey to recommend the Common Council approve the 2017 Budget Amendment accepting the \$500 donation in Account G-48500 Grants and Donations from an anonymous donor. Motion passed without negative vote.

**Disposition of Surplus City Property and the Use of Revenue from the Same.** At this time, there are outdated pieces of fitness equipment in the Police Department. Surplus city property may be disposed of by public auction, sale by sealed bid, or negotiated sale. It is requested that the

Police Dept. be allowed to dispose of this property and because the equipment was originally donated to the department that the proceeds of the sales be used for the purchase of other fitness equipment.

Motion by Prise, second by Komiskey to authorize the Police Dept. to dispose of the outdated fitness equipment by sale and/or auction and allow the proceeds from the sales to be used for the purchase of other fitness equipment. Motion passed without negative vote.

**Report on Annual Fire Department Fund Audit.** The City Treasurer is required to audit the Fire Dept. funds. This has been done for their 2016 records and the books have been found in good order. No unusual activity was found.

Motion by Kiefer, second by Kling to recommend the Common Council approve the Fire Department annual report as presented. Motion passed without negative vote.

**Modification to Bond Schedule for Municipal Ordinance 9-134.66 – Sale or Gift of Nicotine or Tobacco Products to a Juvenile which adopts WI State Statute 134.66.** City of Tomah Ordinance 28-19 adopted Wisconsin Statute 134.66 which regulates the sale of nicotine or tobacco products to juveniles. This process allows for violations to be referred through Municipal Court rather than Circuit Court. However, when this occurred, it does not appear as though the City modified the City of Tomah Bond Schedule to include a fine/forfeiture for this violation.

Motion by Bohlen, second by Prise to modify the City of Tomah Bond Schedule so that a person found guilty of selling tobacco or nicotine products to a juvenile would be fined \$124 for the first offense and \$155.50 for the second and subsequent offenses. Motion passed without negative vote.

**Revision of Ambulance Director Job Description.** With the retirement of Jody Allen, the position announcement has been posted since mid-January with an application deadline of Feb. 3<sup>rd</sup>. It is requested that item number 1 of the current job description be removed as this is a salaried exempt managerial position. It was requested that formal managerial training be a requirement in the position description. Further discussion indicated the job description as worded includes the requirement of management experience.

Motion by Prise, second by Kling to recommend the Common Council approve the revised Ambulance Director job description as presented. Motion passed without negative vote.

**Amendment to Scope of Services – MSA Professional Services.** In reviewing the Downtown Information Center project with Public Works and in light of significant cost reduction through the use of City employees in the demolition and preparation stage, it was requested that MSA provide costs for overseeing the design, bid, and construction phases of the project.

Motion by Prise, second by Siekert to recommend the Common Council approve the amendment to the Scope of Services for MSA and authorize MSA to oversee the design, bid, and construction phase of the Downtown Information Center. Motion passed with one negative vote (Komiskey).

**Ordinance Amending Section 12-61 - Sales of Certain Goods Restricted, Section 12-67 - Display of Registration, Section 12-68 – Location, and Section 12-69 – Hours of Operation of the City of Tomah Municipal Code Regarding Farmers' Market.** The Chamber and Convention & Visitor's Bureau would like to provide marketing and assist in the management of the Farmers Market. Several ordinance amendments were requested regarding the goods that are allowed to be sold, organic items, location of overflow of sellers, and set up times. Parking concerns were voiced. It was recommended that the Public Works, Parks and Rec and City Police come together and report back to the Council on how they are going to solve the parking issues.

Motion by Prise, second by Siekert to recommend the Common Council approve the ordinance amending Section 12-61 – Sales of Certain Goods Restricted, Section 12-67 – Display of Registration, Section 12-68 – Location, and Section 12-69 – Hours of Operation regarding the Farmers Market as presented. Motion passed without negative vote.

**Ordinance Amending Section 30-34 – Hours of Operation of the City of Tomah Municipal Code Regarding Parks, Playgrounds and Public Swimming Pools (Access to Lake Tomah).**

The Ordinance Amending Section 30-34 allows access to Lake Tomah through the park after 11 p.m. when the park is officially closed. Signage will be reviewed to determine if language modifications are needed to accommodate the change.

Motion by Bohlen, second by Kiefer to recommend the Common Council adopt the ordinance amending Section 30-34 – Hours of Operation Regarding Parks, Playgrounds, and Public Swimming Pools (Access to Lake Tomah) as presented. Motion passed without negative vote.

**Ordinance Creating Sections 44-185 to 44-192 Regarding the Use of ATV/UTVs Within City Limits of Tomah.**

Chief Nicholson, P W & Utility Director Arity and City Administrator Gorius were previously tasked to study ATV/UTV usage within the City limits of the City of Tomah and prepare a comprehensive written ordinance regulating such use for Council review and consideration. Chief Nicholson presented several recommendations for revisions. Routes would be open year round and enforcement would be consistent with state law. Concern was voiced regarding allowing ATVs in the City limits. A report was presented that in 2016 alone, there were 22 deaths involving ATV accidents with two incidents in Monroe County. Another concern was the route on Noth Avenue which is a county road has not been approved for ATVs. There are several roads that still have to be approved that are County roads. It is Chief Nicholson's understanding that the route on county roads would be approved following the establishment of routes on City streets. This item is on the Monroe County Highway Commission's agenda this Friday. The time span would be about two months for signage to be erected from the time the ordinance would be passed until the trails would be available. Mike Pierce advised that they are not aware of any violations in Monroe County regarding the use of ATVs on authorized routes. Ron Meyer, owner of EZE Storage on Washington Street was present and had authorized a parking area for ATVs. Parking concerns were discussed. Regarding the listing of the street routes in Section 44-188, the description needs to include "Townline Road from Industrial to Sime Avenue to N. Glendale Ave." A better map is requested. The ultimate goal is to create an access from the south end of the City and the north side of the City to get out to the hotels/motels and to get out to the major trail area from the north side of the City. Educating the community and ATV/UTV users regarding the routes would need to be conducted. The Police Dept. is prepared to address ATV/UTV issues as they arise in the community. The DNR will also have jurisdiction. Alderperson Prise called for the question.

Motion by Prise, second by Siekert to recommend the Common Council adopt the ordinance creating sections 44-185 to 44-192 regarding the use of ATV/UTVs within the City Limits of the City of Tomah with motion and second amended to include the amendments/updates as presented by the Chief of Police as follows: Section 4 – (1)(a) Bullet point #2 add "to North Glendale"; Add language in Section #4 (5) regarding closing the routes for Tractor Pull; and adding (a), (b), and (c) in Section 7 # 9 regarding operation in Winnebago Park, Recreation Park, and Butts Park; and a spelling correction of the word "conform" in Section 7 (12) regarding restriction on equipment. Motion does not pass with ayes from Siekert and Prise and nayses from Kiefer, Kling, Pater, Bohlen, and Komiskey.

**Approval of Lease Agreement Between City of Tomah and Fairway Outdoor Advertising.** The City recently purchased the Cindy Loendorf property at 25097 Grain Avenue in Tomah. Ms. Loendorf had a lease agreement with Fairway Outdoor Advertising for a billboard structure. Attorney Radcliffe has provided documentation indicating the lease agreement for the sign has been

amended to reflect the City of Tomah as the current lessor and the \$700 lease payment will be coming to the City of Tomah effective March 1, 2017.

Motion by Prise, second by Siekert to recommend the Common Council approve the lease agreement between the City of Tomah and Fairway Outdoor Advertising for the billboard sign located at 25097 Grain Avenue in the City of Tomah with a lease payment of \$700 payable to the City of Tomah effective March 1, 2017. Motion passed without negative vote.

**Update for Service Charges and Regulatory Fees Resolution for Special Assessment and Tax Search Fees.** The treasurer's office spends a considerable amount of time fielding requests from title companies to check our records to see if there are outstanding special assessments, water and sewer bills, deferred assessments, flood plain classification, and real estate tax payment status throughout the year. Often these requests come in where the information is needed for a closing on the same day or the next day which doesn't give us adequate time to process the request. It is requested that the Service Charges and Regulatory Fees Resolution be amended to increase the fee for a standard request to \$25 and a rush request fee of \$35.

Motion by Prise, second by Pater to recommend the Common Council approve the Service Charges and Regulatory Fees Resolution increasing the charge for special assessment and tax search fees to \$25 for standard requests and \$35 for rush requests as presented. Motion passed without negative vote.

**Options and Scenarios from Committee of the Whole Ad Hoc Review Committee.** The Committee of the Whole Ad Hoc Review Committee provided multiple options and scenarios for Council consideration. Mayor Pater advised that the Committee had lengthy discussions regarding the different aspects. Alderperson Prise would like to see ways that we could use the consent agenda. Are we looking for transparency and public involvement or are we looking at convenience for the City Council and staff? If we are looking for transparency, one of the options would be to space the meetings as far apart as we can to give the public the most time to respond between the two meetings. The more time in between, the more time the public has to react. If the objective is to make it efficient for the Council, staff and offices to get things done, then we may look at it differently. The best option for spacing was the Committee of the Whole on Monday and the Council meeting on Thursday of the same week. Hagen Sports Network guaranteed 24 hours of coverage between the Committee of the Whole and Council meeting and during non-sports times, 48 hours of coverage to allow more time for the public to watch. Another suggestion was to utilize the consent calendar and task the Committee of the Whole to meet only as needed and rely heavily on the City Council meeting. A consent agenda allows the Council to approve items together without discussion or individual motions. There are certain rules who can put things on the agenda as well. It was requested that the Ad Hoc Committee continue with investigation regarding a task Committee of the Whole, consent agenda, computers in front of council members, etc. to be a productive single night. The Committee is tasked with further investigation and Alderperson Prise is willing to offer some additional insight into consent agendas. No action taken at this time.

**Resolution Authorizing Payment of Monthly Bills.** Motion by Kiefer, second by Kling to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$4,071,301.09. Motion passed without negative vote.

Motion by Bohlen, second by Komiskey to adjourn. Motion passed without negative vote. Meeting adjourned at 10:30 p.m.

Respectfully Submitted,

JoAnn Cram, City Clerk