

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

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 7<sup>th</sup> day of May, 2018 at 6:30 p.m. in the Council Chambers at City Hall with Council President Lamont Kiefer presiding.

Roll call was taken with the following members present: Travis Scholze, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Shawn Zabinski, Richard Yarrington and Mayor Mike Murray. Absent: District 3 is vacant. Quorum present.

Also present: City Administrator Roger Gorius, Public Works and Utilities Director Kirk Arity, Parks and Recreation Director Joe Protz, Fire Chief Tim Adler, City Treasurer Julia Mann, City Clerk JoAnn Cram and Deputy City Clerk Diane Webster. Greg Hagen videotaped the meeting.

=====

Council President Kiefer called the meeting to order at 6:30 p.m.

**Minutes.** Motion by Murray, second by Siekert to approve the minutes of the April 9, 2018 regular Committee of the Whole meeting as presented. Motion passed without negative vote.

Council President Kiefer presented the following three items to be discussed.

**Voting by the Chairperson.** Chairperson Kiefer is requesting that the Council president be able to vote on any item requiring a motion so that the citizens are aware how their alderperson votes on various topics. Roberts Rules of Order recommends that the chair vote only when it is necessary to break a tie or to change the outcome of a vote however this can be decided by the committee.

Motion by Yarrington, second by Murray to table the request until the June Common Council meeting.

**Create consistency in who is allowed to speak in front of the Committee.** Chairperson Kiefer is looking for clarification and consistency in how the committee handles requests to speak by members of the public. He feels the speaker should be a citizen of Tomah; a representative of an entity in Tomah such as a business, non-profit or government agency; and professionals (engineers, architects, etc.) that have been invited to attend the meeting. The length of time each person will be allowed to speak should also be considered.

Members are asked to gather further information and bring ideas and recommendations to the chairman or City Clerk for discussion at the June Committee of the Whole.

**Proper order of motions and discussions.** Chairperson Kiefer is suggesting that at the committee level, a pre-motion discussion of agenda items should be held in order to gain background information on unfamiliar items. He is recommending that he announce agenda item, get background information from department heads/administration/designated representatives, then get input from members of the public. Committee members will then discuss prior to motion being made during which time order will be kept. All committee members will be allowed to speak twice, trying not to repeat and will address the issue, not a person. After each member speaks, the Chairman will ask if anyone is in opposition. Then a first and second motion will be made. Further discussion can be held if needed on the motion only, then the Committee will vote. Also, he would like items tabled until the following meeting if members feel they need further information.

**Fire Department Monthly Report.** Fire Chief Tim Adler provided a department statistic and informational report: The staff consists of 34 firefighters and 4 rescue technicians. Mr. Adler reported that there were several training events held last month. Firefighters are doing practical testing which will contribute to lowering the City's ISO rating. More training is scheduled in June. A mock motor

vehicle scenario was held in conjunction with Tomah Memorial Hospital. New turnout gear was purchased from Globe Manufacturing. Continuing to work on fire inspections for liquor licensing. There were 20 calls for service in April with 85 so far in 2018.

**Construction of an Ambulance Building With Residential Quarters – Presentation by Keller & Associates.** The Ambulance Service is requesting that the City Council accept the design for a new ambulance facility from Keller and Associates for an estimated construction cost of \$2,890,000 to 2,990,000, and to allow the Ambulance Service to research loan rates to borrow funds from whichever entity can provide the best interest rates for the construction loan.

Representatives from Keller and Associates presented information regarding the proposed construction. Plans include eight bays (5 ambulances, 1 wash bay, 1 quick response vehicle and 1 bay for a future ambulance), 8 sleeping rooms, a day room, classrooms, an exercise room and training and meeting rooms. The facility is 13,094 square feet and will be constructed of brick and concrete. The lot is well situated for the driveways and roads being installed for the hospital project. A maintenance building will also be located on the lot.

Motion by Murray, second by Komiskey to table this issue until the June Committee of the Whole meeting in order to gather more information.

Discussion: Ambulance Committee Chairperson Brede Sorenson explained that the proposed facility is needed to attract and retain employees. More employees are needed to take the transport calls that bring in the most income. The hospital has expressed the need for more available ambulances. Mayor Murray addressed the fact that the new facility adds more response time for calls on the north end of Tomah which is where more vehicle accidents occur. He feels that 2 smaller facilities in separate locations may be a better solution. There were questions about the need for so many sleeping rooms & ambulance bays, and whether the workout facility should be downsized or eliminated. Members are encouraged to attend an Ambulance Committee meeting to find out more about the project.

Motion carried with 2 negative votes (Kling and Siekert).

**Ordinance Annexing Land from the Town of Tomah to the City of Tomah (Tomah Memorial Hospital Properties).** The City of Tomah received a petition for direct annexation by unanimous approval from Tomah Memorial Hospital for four parcels 042-00153-0000, 042-00153-2000, 042-00170-0000, and 042-00166-0000 and a Monroe County parcel (#042-00152-000 – road right-of-way). It is recommended that the parcels be temporarily zoned as A1- Agricultural District.

Motion by Scholze, second by Yarrington to recommend the Common Council approve the Ordinance annexing land from the Town of Tomah to the City of Tomah (Tomah Memorial Hospital Properties). Motion passed without negative vote.

**Resolution to Approve Creation of Tax Increment Finance District #10.** Andrew Bremer of MSA provided information regarding proposed TID #10. The Planning Commission has held a public hearing regarding the creation of TID #10. The purpose of TID #10 is to carry out various (re)development and urban renewal projects within the District, or within 05 miles of the boundary of the District in support of tax base growth, business and employee retention and expansion, and infrastructure improvements. TID #10 is being proposed as Mixed Use TIF District and generally includes properties west of Superior Avenue, east of W. Clifton, north of I-90 and south of W. Logan Street. The TID includes lands within the vicinity of the planned new Tomah Memorial Hospital and Gundersen Medical Clinic. Creation of the District supports the Comprehensive Plan to retain, expand, create and attract businesses that strengthen and diversify the local economy, grow the tax base, and enhance employee wages and benefits. Estimated project costs are \$15,817,813. Projects include infrastructure, streetscaping and site improvements, environmental studies and

remediation, financing costs, possible allocation to TID 8, contributions to a Community Development Authority or Redevelopment Authority, incentives, and planning, promotion and development. The base value of the TID is estimated at \$1,567,900 excluding personal property.

Motion by Scholze, second by Murray to recommend the Common Council approve the resolution approving creation of Tax Increment District No. 10 as proposed. Motion passed with 3 negative votes (Yarrington, Komiskey, and Zabinski).

**Resolution to Approve Allocation of Excess Tax Increment from Tax Increment Finance District #10 (Donor TID) to Tax Increment Finance District #8 (Recipient TID).** The Planning Commission held a public hearing on March 22<sup>nd</sup>, 2018 on the proposed creation of Tax Incremental Finance District No. 10, and the proposed boundaries thereof, and on the proposed Project Plan for the Tax Incremental Finance District No. 10.

Motion by Murray, second by Siekert to recommend the Common Council approve the Resolution Approving Allocation of Excess Tax Increment from Tax Increment Finance District No. 10 to No. 8. Motion passed with one negative vote (Komiskey).

**Ambulance Department Monthly Report.** Director Dunford provided a monthly written statistics report. The department consists of 40 employees (21 paramedics, 17 EMTs, 2 administrative). Collection from past billings was \$111,384 and \$257,045 was billed out in April. There were 196 calls in April with 61 out of town transfers. 42 transfers were denied due to lack of available personnel for an estimated lost revenue of \$51,000. In order to handle the needed transfer calls, another ambulance should be staffed which would require an additional five full time employees. Director Dunford presented a report showing the justification for additional employees for members to review. This will be addressed at the June meeting. A report was handed out showing the time it takes for emergency personnel to travel to the north from the new facility location. Director Dunford is still working on applying for grants to hold a training consortium. Two classes on how to administer aid for bleeding will be held at Tomah Memorial Hospital on May 29th and will be open to the public.

**Parks and Recreation Monthly Report - Recreation Programs, Aquatic Center, Recreation Park.** Parks Department Director Joe Protz provided a verbal report and summarized department activities as they are busy preparing for spring events. Outdoor park restrooms are open. An Arbor Day celebration was held at Winnebago Park on April 27<sup>th</sup>. The Parks Department will assist with the downtown clean-up and planting event on May 3<sup>rd</sup>. A need accessible pier was installed at Butts Park. Summer program sign-up began on May 7<sup>th</sup>. The pool is scheduled to open on June 9<sup>th</sup>. Lifeguards are needed. The splash pad is currently being installed. May events at Recreation Park include high school rodeo (5<sup>th</sup> & 6<sup>th</sup>), a wedding, and a Tomah Area Cancer Society event (12<sup>th</sup>).

**Public Works & Utilities Monthly Report - Water, Sewer, Public Works, & Lake Updates.** Public Works and Utilities Director Kirk Arity advised the following: Street Department: The department has started crack-filling. The street sweeper is out. Brush pickup has started however the department does not pick up leaves in the spring. They should be taken to the compost pile on Sime Avenue. Sewer Department: Daily flow is a little above normal. The Superior Avenue alley project was awarded at the Public Works & Utilities Commission meeting. Water Department: Well #12 has been refurbished and is back online. Hydrant flushing will start the week of 5/7/18. Lake Committee: The next Lake Committee meeting is scheduled for May 10<sup>th</sup>.

**Police Department Monthly Report.** The Department monthly report was handed out. In April there was a total of 133 incidents reported, 19 traffic crashes and 164 municipal citations.

**Treasurer Report:** Third quarter tax installment due May 31<sup>st</sup>. Julia Mann and Barb Hendricks attended the Municipal Treasurers' Association conference in Kohler, WI. The accounting software has

been in use for one year and is working well and we are working on providing access to department heads and council members to view budget information.

**Accept Treasurers Revised February and March Cash Report and April Cash Report.** Motion by Yarrington, second by Kling to accept the revised February and March cash reports and the April cash report as presented. Motion passed without negative vote.

**Bartender Licenses.**

Motion by Murray, second by Siekert to recommend the Common Council approve the bartender licenses for Nancy A. Reith. Motion passed without negative vote.

**Renewal of “Class B” Liquor & Class “B” Fermented Malt Beverage Licenses.** Motion by Murray, second by Kling to recommend the Common Council approve the “Class B” Liquor and Class “B” Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2018 – June 30, 2019 unless sooner revoked 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 renewed. Motion passed without negative vote.

1. American Legion Post 201 – Randi W. Owen, Agent at 800 Wisconsin Avenue
2. The Break Room – Chad Madson, Agent at 1123 Superior Ave.
3. The Bank – Jay Larsen at 1015 Superior Avenue
4. C & H Food Service, Inc. - Perkins, Justin Johnson, Agent at 1015 E. McCoy Blvd.
5. Cancun Bay Ltd. – Cancun Mexican Restaurant, Jesus Gonzalez Hidalgo, Agent at 1422 Superior Ave. (Reserve License)
6. Carlton LLC – The Carlton, Samantha G. Davis, Agent at 309 Superior Ave.
7. Cran-Beary Pub - T & J Hospitality, LLC - Tyson Koput, Agent at 319 Wittig Road
8. Crow Bar LLC – The Crow Bar, Troy Gilson, Agent at 1206 Superior Avenue
9. Dimensions II, LLC – Dimensions, Patrick J. Murphy, at 1110 Superior Avenue
10. Swami Hospitality - Econo Lodge, D. Patel, Agent at 2005 N. Superior Avenue
11. Franny’s Bar, James Frandsen, owner at 1115 Superior Avenue
12. Ground Round Grill & Bar - T & J Hospitality LLC - Tyson Koput, Agent at 201 Helen Walton Drive, Suite #1
13. Kelsey’s, Dave Berndt at 201 Superior Avenue
14. Smoke’s Elbow Room Bar - Kenneth Pierce, owner at 114 W. Benton Street
15. Strike Zone - Bruce Gilson, Agent at 202-210 Superior Avenue
16. Don Cinco De Mayo Cantina, Rosa Valencia, Agent at 918 McCoy Blvd.

**Renewal of Class “B” Fermented Malt Beverage Licenses** Motion by Scholze, second by Siekert to recommend the Common Council approve the Class “B” Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2018 – June 30, 2019 unless sooner revoked 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 renewed. Motion passed without negative vote.

1. Area Community Theatre-Robert Shutter, agent at 907 Kilbourn Avenue
2. China Buffet, Eastern Chinese Restaurant, Cai Deng Zheng, owner at 115 W. McCoy Blvd.
3. Knights of Columbus Corp. – Anthony Felber, Agent – Knights of Columbus Hall, 202 E. Juneau Street
4. Peking Chinese Restaurant, LLC – Jiaona M. Ng, Agent at 1013 Superior Avenue
5. Northfield Restaurant Corp. – Pizza Hut, Ricky Murray, Agent at 1821 N. Superior Ave
6. Tomah Softball Association – Victoria Lesczynski, Agent at 400 N. Glendale Avenue (May 8, 2018 through October 31, 2018)

**Renewal of “Class A” Liquor & Class “A” Fermented Malt Beverage Licenses** Motion by Kling, second by Siekert to recommend the Common Council approve the “Class A” Liquor and Class “A”

Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2018–June 30, 2019 unless sooner revoked 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 renewed. Motion passed without negative vote.

1. Aldi Inc. – Troy Lenning, Agent at ALDI #52 at 1844 N. Superior Avenue
2. Festival Foods – Kristie Vaughn Korish, Agent at 701 E. Clifton Street
3. Hwy 21 BP – Rupesh Patel, Agent Wittig Corp. at 311 Wittig Rd
4. Hwy 21 Mobil.– Rupesh Patel, Agent at 907 E. McCoy Blvd.
5. Kwik Trip, Inc. – Jamie Allen Prestwood, Agent – Kwik Trip #484 at 124 W. McCoy Blvd.
6. Kwik Trip, Inc. – Toni Phelps, Agent – Kwik Trip #796 at 310 E. McCoy Blvd.
7. Kwik Trip, Inc. – Danita A. Schmitz, Agent, Kwik Trip #718 at 1504 Superior Ave.
8. Tomah Quick Stop & Spirit Shop, LLC – Casey B. Purdy, Agent at 201 W. Veterans Street
9. Wal-Mart Stores East, LP – David R. Schoeberl, Agent – Wal-Mart Supercenter #965, 222 W. McCoy Blvd.

**Renewal of Class “A” Fermented Malt Beverage Licenses** Motion by Murray, second by Yarrington to recommend the Common Council approve the Class “A” Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2018 – June 30, 2019 unless sooner revoked 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 renewed. Motion passed without negative vote.

1. Casey’s General Store, Emma Monheim, Agent at 313 N. Superior Ave.
2. Tomah Mini Mart, Donovan Riedesel, Agent at 215 W. Clifton Street

**Renewal of “Class C” Wine Licenses.** Motion by Scholze, second by Murray to recommend the Common Council approve the “Class C” Wine Licenses in the City of Tomah as printed for the period of July 1, 2018 – June 30, 2019 unless sooner revoked 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 renewed. Motion passed without negative vote.

1. China Buffet, Eastern Chinese Restaurant – Cai Deng Zheng, owner at 1012 Superior Avenue
2. Natural Connection – Paula Caucutt, owner at 1012 Superior Ave.
3. Peking Chinese Restaurant LLC – Jiaona M. Ng, Agent at 1013 Superior Avenue

**Cabaret Licenses.** Motion by Murray, second by Scholze to recommend the Common Council approve the Cabaret Licenses as printed for the period of July 1, 2018 to June 30, 2019 unless sooner revoked 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 renewed. Motion passed without negative vote.

1. American Legion Post 201 – Randi W. Owen, 800 Wisconsin Avenue
2. The Bank – Jay Larsen., 1015 Superior Avenue
3. The Break Room – Chad Madson, 1123 Superior Ave.
4. C & H Food Service, Inc. – Justin Johnson, 1015 E. Mc Coy Blvd.
5. The Carlton – Samantha Davis, 319 Superior Avenue
6. Cran-Beary Pub – Tyson Koput, 319 Wittig Road
7. Dimensions II – Patrick Murphy, 1110 Superior Avenue
8. Franny’s – James Frandsen, 1115 Superior Avenue
9. Knights of Columbus Corp.– Anthony Felber, 202 E. Juneau Street
10. Smoke’s Elbow Room – Kenneth Pierce, 114 W. Benton Street
11. Strike Zone - Bruce Gilson, 202-210 Superior Avenue
12. Kelsey’s – Dave Berndt, 201 Superior Avenue

**Ordinance Amending Chapter 38-34 Restricted Use of Sidewalks in the Municipal Code of the City of Tomah (1<sup>st</sup> Reading).** Tomah's City Ordinance currently restricts those with mobility disabilities from using public sidewalks and is therefore not compliant with the Americans with Disabilities Act. It is recommended that the ordinance be amended to be compliant with the Americans with Disabilities Act.

Motion by Murray, second by Siekert to recommend the Common Council amend Chapter 38-34 Restricted Use of Sidewalks in the Municipal Code of the City of Tomah. Motion carried without negative vote.

**Change in Precision Retirement Policy Regarding Payout Upon Termination/Retirement Prior to Age 50 for Protective Services Category.** When an employee terminates the City allows for vacation payouts to be used for medical expenses or retirement funding. The City and employee save by not paying FICA tax. If the employee withdraws the funds before age 59 ½ (even though protective service employees are eligible to retire at 50) the IRS imposes a 10% penalty. The City is considering paying 2.35% of the payout amount directly to the employee. This amount in addition to the 7.65% saved by not paying FICA will cover the 10% IRS penalty so that the terminated employee receives their whole lump sum amount.

Motion by Murray, second by Yarrington to table the request to approve a direct payment of 2.35% of vacation payouts to protective services employees who retire prior to age 50. Motion carried without negative vote.

**Review of Room Tax Eligibility Requirements.** The Area Community Theater and Historic Preservation Commission have requested that a portion of the City room tax be allocated to each of their organizations. According to WI Room Tax Statute 66.0615 neither the theater, nor the museum qualifies as a "tourism entity".

Motion by Murray, second by Scholze to deny the request for room tax allocation to the Area Community Theater and the Tomah History museum. Motion carried without negative votes (Kling abstained).

#### **Resolution Authorizing Payment of Monthly Bills.**

Motion by Siekert, second by Murray to recommend the Common Council approve the monthly bills in the amount of \$1,726,086.49 as presented. Motion carried without negative vote.

#### **Monthly Financial Reports.**

Motion by Murray, second by Siekert to accept the December 2017 monthly financial report as presented. Motion passed without negative vote.

Motion by Scholze, second by Murray to accept the April 2018 monthly financial report as presented. Motion passed without negative vote.

Motion by Murray, second by Scholze to adjourn. Motion passed without negative vote. Meeting adjourned at 10:05 p.m.

Respectfully submitted, Diane Webster, Deputy City Clerk