

MEETING MINUTES – CITY OF TOMAH COMMITTEE OF THE WHOLE

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 9th day of July, 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, Jeff Cram, and Mike Murray. Absent: None. Quorum present.

Also present: Public Works and Utilities Director Kirk Arity, Ambulance Director Randy Dunford, Police Lt. Ron Waddell, Fire Chief Tim Adler, City Treasurer Julia Mann, and City Clerk JoAnn Cram. Greg Hagen videotaped the meeting.

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

Minutes. Motion by Yarrington, second by Kling to approve the minutes of the June 11, 2018 regular Committee of the Whole meeting as presented. Motion passed without negative vote.

Fire Department Monthly Report. Fire Chief Tim Adler provided a department statistic and informational report: Mr. Adler reported that the new turnout gear has been placed into service. Fire inspections are complete. Over 600 inspections are completed twice per year. Chief Adler continues to work on multiple grants to include fire safety educational materials for area schools.

Parks and Recreation Monthly Report - Recreation Programs, Aquatic Center, Recreation Park. Parks Department Director Joe Protz provided a written report and summarized department activities.

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 is working on painting the crosswalks and center lines on city streets. The Public bathroom is progressing near Gillett Park and they are currently waiting for some materials. Equipment Operator Kerwin Greeno is retiring this week. WE Energies are starting to work on their facilities on the west alleys of Superior Ave. Citizens are encouraged to contact the Public Works Dept. with any issues you may encounter. There is also some work being done by Centurylink on the East side of Superior Avenue. Sewer Department: There was a quasi-informal preconstruction meeting and it will be early fall before Gerke starts working on the alleys. They are cleaning catch basins and storm sewers. Water Department: Well #6 modifications will be bid out next week. Nathan Waege started work in mid-June at the Water Dept. Lake Committee: The week of July 16th volunteers will work on brush removal on the east side of the dam and continue along the creek/trail. Work will also be done on the observation tower. The next Lake Committee meeting will be held on July 19th at 5 p.m.

Police Department Monthly Report. Lt. Waddell provided a summary of the written report regarding monthly statistics. Tractor Pull and 4th of July events were successful with little enforcement. Both Lieutenants and the Chief will be attending the annual Police Chief's conference in Green Bay the first week of August. Various other staff will be attending specialized training programs. There are currently 3 positions available and the hiring process is ongoing. Jarrod Furlano has been promoted to Sergeant. Officer Heckman has graduated from the Academy and is currently working with a field training officer.

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 \$79,520.25 and \$274,389.91 was billed out in June. There were 201 calls with 67 out of town transfers. 24 transfers were denied due to lack of available personnel. Director Dunford advised the ambulances were inspected by the state this month with no issues. The

Department is looking to purchase a heart monitor to go into a quick response vehicle that the department would like to put in service. This vehicle allows response to a scene to assist a unit on the scene or arrive first to provide advanced life support measures.

Accept Treasurers Cash and Investment Reports. Motion by Yarrington, second by Cram to accept the June cash and investment reports as presented. Motion passed without negative vote.

Bartender Licenses.

Motion by Siekert, second by Yarrington to recommend the Common Council approve the bartender licenses as follows: Jason Allen, David Barsotti, Cameron Beran, Jamie Blaeser, Remi Borchardt, Heather Burkhalter, Alexandria Derhammer, Greg Evans, Harold Haberlin, Cynthia Hansen, Regina Harter, Jessica Jones, Kristen Mathews, Martin Murphy, Scott Murphy, Michael Murray, Thomas Rowan, Ann Stockel, Don Thill, Dennis Trowbridge, Carlee Wedemeier, and Rebecca Williams. Motion passed without negative vote (Michael Murray abstained).

Special Beer and Wine Permit – Tomah Lions Club for August 11, 2018 for Music on Milwaukee Street Event. The Lions Club is working with the Chamber on this event. A map showing the parameters indicates 2 entrances which will have staff making sure participants entering the grounds are 21 years of age. The beverages will be dispensed from one area and may be consumed within the fenced in area. There will be a single fence around the parameter which will include the 100 block of E Milwaukee Street from the alley to Kilbourn Avenue including the parking lots. The alley off of Milwaukee Street will be blocked with the ticket booth for sales as well as a beer truck. .

Motion by Murray, second by Siekert to recommend the Common Council approve the Special Beer Permit for the Tomah Lions Club for August 11, 2018 for Music on Milwaukee Street as described. Motion passed without negative vote (Cram abstained).

Special Wine Permit for Tomah Fire Department for Sept. 1 & 2, 2018 for Vino Fest at Winnebago Park. The Fire Department will be assisting with the Vino Fest event at Winnebago Park on Sept. 1 & 2. The beverages will be dispensed from the Fest Tent and may be consumed in the entire area. There will be a single fence around the parameter. A drawing of the layout has been provided. There will be a number of different entertainers performing throughout the 2 day event. It is anticipated 18 wineries will be on site providing sampling. Approximately 2,000 participants are expected to attend this statewide event. Steve Peterson answered questions regarding the event.

Motion by Komiskey, second by Kling to recommend the Common Council approve the Special Wine Permit for the Tomah Fire Department for Sept. 1 & 2, 2018 for Vino Fest at Winnebago Park. Motion passed without negative vote.

2018 Budget Amendment to Transfer \$2,500 from General Fund Park Improvement Fund to Other Park Supplies Account # 01-55200-3400 to Rebuild Observation Tower and Purchase a Camera. The observation tower on the Recreational Trail will be rebuilt and a camera will also be purchased.

Motion by Scholze, second by Murray to recommend the Common Council approve the 2018 Budget Amendment transferring \$2,500 from General Fund Park Improvement Fund to Other Park Supplies Account #01-55200-3400 to rebuild the observation tower and purchase a camera for the Recreational Trail. Motion passed without negative vote.

2018 Budget Amendment to Transfer \$3,897 from General Fund Park Improvement Fund to Other Park Supplies Account # 01-55200-3400 to Purchase Mulch for Winnebago Wonderland.

Motion by Murray, second by Siekert to recommend the Common Council approve the 2018 Budget Amendment transferring \$3,897 from General Fund Park Improvement Cell Tower Lease Fund to Acct.

01-55200-3400 Other Parks Supplies for the purchase of mulch for Winnebago Wonderland. Motion passed with one negative vote (Yarrington).

2018 Budget Amendment Authorizing Expenditure of \$32,165.50 from Ambulance Equipment Outlay Account # 03-57230-8300 Using Funds From Fund Balance Applied Acct. 03-34300 for the Purchase of Heart Monitor/Defibrillator for the Quick Response Vehicle. It is the intent of the Ambulance Department to put a Quick Response Vehicle into service. This vehicle was previously in the Police Dept. and the SUV will be driven by a paramedic who will respond to life-threatening situations when extra help may be needed. The key piece of equipment in a Quick Response Vehicle is the heart monitor/defibrillator. Discussion was held regarding the transfer of the vehicles between departments and direction was requested on how to proceed for future vehicles.

Motion by Yarrington, second by Siekert to recommend the Common Council approve the 2018 Budget Amendment authorizing the expenditure of \$32,165.50 from Ambulance Equipment Outlay Account #03-57230-8300 using funds from Fund Balance Applied Acct. 03-34300 for the purchase of a heart monitor/defibrillator. Motion passed without negative vote.

Request for Exemption for City of Tomah Residents from Monroe County Library Tax. A letter requesting exemption for City of Tomah residents from the County library tax needs to be sent to the County Treasurer for the exemption from paying again through the County tax. City taxpayers already pay for the library with city tax dollars.

Motion by Komiskey, second by Cram to recommend the Common Council authorize Mayor Murray to send the letter to Monroe County requesting exemption for City of Tomah residents from the Monroe County Library tax. Motion passed without negative vote.

“Class B” Liquor and Class “B” Fermented Malt Beverage License or Class “B” Fermented Malt Beverage and Class “C” Wine License for Joline Powell d/b/a Vino Anjo, Vino Anjo LLC at 800 Superior Avenue. Ms. Powell is requesting a “Class B” Liquor and Class “B” Fermented Malt Beverage License for 800 Superior Avenue with the trade name of the establishment to be Vino Anjo. The City currently has one regular combination license available which has been active until recently at the establishment previously known as Sportsman’s or District 5 Bar. The other available license is a \$10,000 Reserve license. In the past, the Council has typically tried to keep the license with the existing building for resale purposes, however, it is not required. If Ms. Powell is unable to get the combination liquor and beer license, she advised she would be interested in a beer and wine license and would serve food. There are no quotas on these licenses. Joline Powell addressed the Committee. She would like a place where people can come to meet, relax and talk with friends. The establishment is planned to be open Thursday – Saturday evenings from 4 until 10 p.m. to start. As part of the business plan there are also light appetizers being offered as well as a light dessert selection. This will be a destination that will include the wine bar and also a business that will bring in local artists, etc. The market area will try to stay open until 9 o’clock at night. Bob and Dorothy Walker appeared on behalf of the former District 5 location as they are in the process of a foreclosure and the combination license has been associated with their building. They are requesting that the license continue to be held with that location allowing time to explore options for another viable business. Judy Johnson Faulkner of 20986 Bloomington Avenue, Warrens, WI addressed the Committee as the owner of the property at 800 Superior Ave. The building has been designed to follow the downtown standards and construction has begun.

Motion by Komiskey, second by Kling to recommend the Common Council approve a regular “Class B” Liquor and Class “B” Fermented Malt Beverage License for Joline Powell d/b/a Vino Anjo, Vino Anjo LLC as printed for the period of August 30, 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

issued. Motion does not pass with ayes from Komiskey and Kling and Nays from Cram, Zabinski, Yarrington, Murray, Scholze, Kiefer, and Siekert.

Motion by Yarrington, second by Murray to grant a Class “B” fermented malt beverage license and a Class “C” Wine license for 800 Superior Avenue for Joline Powell d/b/a VINO Anjo, VINO Anjo LLC as printed for the period of August 30, 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 issued. Motion passed without negative vote. Ms. Powell was advised that she would be given first consideration should a regular Class “B” Beer and “Class B” Liquor combination license become available.

Class “B” Fermented Malt Beverage and “Class B” Liquor License for Corey Williams d/b/a The Chillzone at 1119 Superior Avenue. Corey Williams has applied for the “Class B” Liquor and Class “B” Fermented Malt Beverage license for 1119 Superior Avenue doing business as Chillzone. This is the location formerly known as Callahan’s.

Motion by Murray, second by Siekert to recommend the Common Council approve the Class “B” Fermented Malt Beverage License and “Class B” Liquor license for Corey Williams d/b/a The Chillzone at 1119 Superior Avenue as printed for the period of August 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 issued. Motion passed without negative vote.

Cabaret License for Corey Williams d/b/a The Chillzone at 1119 Superior Avenue.

Motion by Scholze, second by Cram to recommend the Common Council approve the Cabaret license for Corey Williams d/b/a The Chillzone at 1119 Superior Avenue. Motion passed without negative vote.

Extension of “Class B” Liquor and Class “B” Fermented Malt Beverage Licenses for Kelsey’s and Smoke’s Elbow Room for August 4, 2018 and Authorization to Close the Alleyway from 10 AM to 7 PM. Kelsey’s and Smoke’s Elbow Room would like to have an event at their establishments which would require closing the alley and allowing alcohol to be consumed between the two buildings in the alleyway. The area would be fenced off and access would only be allowed from inside the two buildings.

Motion by Scholze, second by Cram to recommend the Common Council approve the extension of the “Class B” Liquor and Class “B” Fermented Malt Beverage licenses for Kelsey’s and Smoke’s Elbow Room for August 4, 2018 from 10 a.m. to 7 p.m. as requested and authorize the closure of the alleyway during that timeframe. Motion passed without negative vote.

Ordinance Amending Chapter 4 Section 4-99 Regarding Requirements and Guidelines for Outdoor Facilities in the Municipal Code. The ordinance amendment has been approved by the Planning Commission. The changes include the requirement to have an operating video camera monitoring system installed; the overall appearance must meet the Downtown Standards requirements or otherwise required by the Planning Commission; and language regarding noise restraint was added. The potential for outdoor entertainment in these outdoor areas requires a more flexible review of each application based upon location, lighting, noise, etc.

Motion by Murray, second by Scholze to recommend the Common Council approve the ordinance amending Chapter 4 Section 4-99 regarding requirements and guidelines for outdoor facilities in the Municipal Code. Motion passed without negative vote.

Cabaret License for the Crow Bar at 1206 Superior Avenue. Jay Larsen and Troy Gilson have applied for a Cabaret License for the premise located at 1206 Superior Avenue.

Motion by Murray, second by Scholze to recommend the Common Council approve the Cabaret License for the Crow Bar at 1206 Superior Avenue. Motion passed with one negative vote from Yarrington.

Approve Revisions to the Crow Bar Outdoor Facility License. The Crow Bar has revised the layout, and overall use of their Outdoor Facility. The Plan Commission recommends approval of the revisions with proposed conditions. The applicant has installed a metal shipping container equipped with a bar and mounted television. The open section of the container will face the rear of the existing building and the section facing the alley is completely solid with no windows or doors. The Plan Commission received input from an adjacent neighbor with concerns of noise late at night. The Plan Commission discussed noise mitigation efforts with the applicants and the concerned neighbor at the meeting and have proposed a 30 day approval with limitations until such time as an acceptable decibel level can be established. This approval is intended to override any previous conditions and/or approvals as it was deemed unfair to set a condition for this Outdoor Facility License to have no music whatsoever as this condition has never been placed on any other outdoor facility license. Live music was discussed and it was determined that it is appropriate to limit the outdoor facility music review to stereo music as live music is already regulated through a city cabaret license.

Motion by Murray, second by Scholze to recommend the Common Council authorize the operation of outside TVs and outside stereos during weekdays (Sunday through Thursday) until 10:30 p.m. and on Friday and Saturday until 12 a.m. at the Crow Bar Outdoor facility. Motion passed without negative vote.

Lease Agreement Between the City of Tomah and Steve Mesner for Bloyer Field Hangar No. 7. Steve Mesner would like to lease Hangar #7 at Bloyer Field. The lease was drafted by City Atty. Precour with rent established at \$120 per month.

Motion by Murray, second by Cram to recommend the Common Council approve the lease agreement between the City of Tomah and Steve Mesner for Bloyer Field Hangar #7 as presented. Motion passed without negative vote.

Lease Agreement Between City of Tomah and Chamber/CVB. Previously the lease for the Chamber/CVB was presented to the Council and passed. The Chamber/CVB is requesting a change of language prior to signing the lease as they do not believe the intent of the Council is reflected in the lease. In question are Section 3 Rental and Section 13 Sale of Property/Right of First Refusal. Section 3 currently reads: "Lessee shall pay the sum of \$1 per year as and for rent payable on the 1st of January commencing January 1, 2018. Lessor reserves the right to change the rental rate on the demised premises at any time provided lessor gives lessee sixty (60) days written notice of the change. The Chamber/CVB Boards would like to have the following clause removed from the lease: "Lessor reserves the right to change the rental rate on the demised premises at any time provided Lessor gives Lessee sixty (60) days written notice of the change." Section 13: Right of First Refusal is requested to read in section B: In the event Lessor receives an offer to purchase the premises, Lessor shall tender the offer to purchase to lessee who shall have thirty (30) days from receipt of said offer to extend an Offer to Purchase on the same terms and conditions. In the event the Lessee fails to meet the offer, this right of first refusal shall be null and void and all rights of the lessee shall be extinguished.

Motion by Murray, second by Scholze to approve the change in the wording of the lease to remove the following section: Lessor reserves the right to change the rental rate on the demised premises at any time provided Lessor gives Lessee sixty days written notice of the change and amend Section 13 as follows: In the event Lessor receives an offer to purchase the premises, Lessor shall tender the offer to purchase to lessee who shall have thirty (30) days from receipt of said offer to extend an Offer to Purchase on the same terms and conditions. In the event the Lessee fails to meet the offer, this right

of first refusal shall be null and void and all rights of the lessee shall be extinguished. . Motion does not pass. Ayes from Murray, Kiefer, Scholze, and Siekert. Nays from Yarrington, Kling, Komiskey and Zabinski with one abstention from Cram. Motion does not pass.

Lease Agreement Between City of Tomah and Morgan Stanley Smith Barney Financing LLC.

Currently the property located at 1000 Superior Avenue and owned by the City is being rented by Morgan Stanley Smith Barney Financing LLC. This lease is set to expire on July 31, 2019 and the lessee has contacted the City and requested to enter into a lease extension. The term of the existing lease is for 2 years with monthly payments of \$1,003.67 or \$12,044.04 per year. It is recommended that the new monthly payment be \$1,024.38 or \$12,292.5 per year. This follows past history increases at 2%. Additionally, the lessee has requested that the lease be extended under a 2 year term with the following clause: Lessee and Lessor shall each have the one-time right to terminate the Lease early without penalty, effective on July 31, 2020 by giving a written notice of early termination to the other party on or before May 2, 2020. The above clause is included in the current lease agreement.

Motion by Murray, second by Siekert to recommend the Common Council approve the lease terms between the City of Tomah and Morgan Stanley Smith Barney Financing LLC for the period July 31, 2019 through July 31, 2021 and authorize City Administrator Gorius to have the City Attorney's office draft the lease as presented. Motion passed with one negative vote from Yarrington.

Ordinance Amending Ward Number Regarding Annexed Land from the Town of Tomah to the City of Tomah (Reference Ord. #2018-05-04-D – Tomah Memorial Hospital & Monroe County). At the May Council meeting an annexation ordinance was approved regarding parcels located near Gopher Ave., Goose Ave., and STH 16 which designated the annexed parcels to Ward 21. This ward designation needs to be reassigned as the parcels are not contiguous with Ward 21. Therefore, the proposed ordinance simply amends the Ward number in the original annexation ordinance changing it from Ward 21 to Ward 22 for Parcel #042-00166-0000 (which has 2 citizens currently residing there) and changing Ward 21 for Parcel #'s 042-00153-0000, 042-0153-2000, 042-00170-0000, and Parcel #042-00152-0000 with a zero population to Ward 23.

Motion by Murray, second by Cram to recommend the Common Council approve the ordinance Amending Ward Number Regarding Annexed Land from the Town of Tomah to the City of Tomah (reference Ordinance #2018-05-04-D – Tomah Memorial Hospital & Monroe County). Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Kling, second by Siekert to recommend the Common Council approve the monthly bills in the amount of \$1,843,817.57 as presented. Motion carried without negative vote.

Monthly Financial Reports.

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

Motion by Murray, second by Siekert to adjourn. Motion passed without negative vote. Meeting adjourned at 8:23 p.m.

Respectfully submitted,

JoAnn M. Cram, City Clerk