

MEETING MINUTES – CITY OF TOMAH COMMITTEE OF THE WHOLE

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 10th day of September, 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 Chief Mark Nicholson, Parks & Recreation Director Joe Protz, 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 Scholze, second by Murray to approve the minutes of the July 9, 2018 regular Committee of the Whole meeting with the following amendments: In the Section regarding the “Class B” Liquor and Class “B” Fermented Malt Beverage and Class “C” Wine License for Vino Anjo, a correction to the name from Powers to Powell in two locations and the vote on that same item should include a Nay vote from Lamont Kiefer. Motion and second amended to include the corrections. Motion passed without negative vote.

Fire Department Monthly Report. Fire Chief Tim Adler provided a department statistic and informational report: Chief Adler reported that the department provided mutual aid to Sparta during the recent rain and weather event. The department is working on the annual Hunter’s Night Out event. Chief Adler advised they are working on restoring the 1935 Buffalo fire truck which was originally purchased by the City in 1935. Chief Adler reminded citizens that campfires must be at least 25 feet from structures. The annual calendars should be delivered by the end of October.

Parks and Recreation Monthly Report - Recreation Programs, Aquatic Center, Recreation Park. Parks Department Director Joe Protz provided a written report and summarized department activities. The Fall tree program has started and applications are available at the City Clerk’s office. Recreation programs have started for the Fall season. Youth gymnastics started on Sept. 4th. Co-Rec Volleyball and floorball started last week. Youth volleyball sign-up started today.

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 monitored the dam during the recent heavy rain event. Various streets were closed for periods of time. The department will be conducting a post dam inspection per the request of the DNR due to the recent rain events. No damage is anticipated. The public restroom construction continues. Bids were received for Goose Ave., Berry, and May Streets. Sewer Department: The Department is using the camera on West Veterans and ET for an upcoming project. Water Department: The DNR has closed out the consent order for Well #9 and the Well has been abandoned. A preconstruction meeting for modifications to Well #6 was conducted. Lake Committee: The next meeting is Sept. 20th at 5:45 p.m.

Police Department Monthly Report. Chief Nicholson provided a summary of the written report regarding monthly statistics. Two of the vacant positions have been filled and the department remains one position down. Officer Perkins has been promoted to Sergeant and background investigations continue on the remaining open position. Alternate part time crossing guards are needed. The Homecoming Parade is Sept. 21st on Superior Ave. The Emergency Operations Center for Monroe County opened up during the rain event and Tomah Police Department personnel assisted.

Ambulance Department Monthly Report. Director Dunford provided a monthly written statistics report. Collection from past billings was \$162,931.06 and \$314,155.50 was billed out in August. There were 231 calls with 82 out of town transfers. 29 transfers were denied due to lack of available personnel. Total bad debt collected in 2018 is \$27,385.18. Building Update: A meeting was held today with the Tomah VA and they are interested in assisting the City with a building site. The air conditioning unit at the main station was replaced as it was deemed not repairable. The Stop the Bleed program continued with various employee training at area businesses in dealing with taking care of serious bleeding trauma. The Department will be putting on another community class for the upcoming hunting season. The signed settlement was received today for Medicare which leaves a 3 month gap from July to October 27th. Director Dunford is currently working on a grant for training purposes.

Accept Treasurers Cash and Investment Reports. Motion by Murray, second by Scholze to accept the August cash and investment reports as presented. Motion passed without negative vote.

Bartender Licenses.

Motion by Yarrington, second by Cram to recommend the Common Council approve the bartender licenses as follows: Nicholas A. Barker, Joshua J. Ebert, Jessica L. Parks, and Roberta C. Thompson Zellmer. Motion passed without negative vote.

Special Beer Permit for the Tomah Fire Department Effective Nov. 3, 2018 for Hunter's Night Out at Recreation Park, Both Halls – Recreation Building

Motion by Murray, second by Yarrington to recommend the Common Council approve the Special Beer Permit for the Tomah Fire Department effective Nov. 3, 2018 for Hunter's Night Out at Recreation Park, Both Halls – Recreation Building as requested. Motion passed without negative vote.

Special Beer Permit – Tomah Youth Hockey for a 3 on 3 Youth Hockey Tournament in the Multi-Purpose Building, Recreation Park at 1625 Butts Ave. from Oct. 12-14, 2018

Motion by Komiskey, second by Yarrington to recommend the Common Council approve the Special Beer Permit for Tomah Youth Hockey for a 3 on 3 Youth Hockey Tournament in the Multi-Purpose Building, Recreation Park at 1625 Butts Ave. from Oct. 12-14, 2018 as requested. Motion passed without negative vote.

Update on Carlson Dettman Wage Study. Mr. Glynn will not be available until the October 9th meeting. Council members were asked if there were any questions after review of the material provided in August. Additional information will be forthcoming in October for the regular Council meeting and the Budget Workshop. No action taken at this time.

Discussion of Revised Ambulance Building Plans from Keller & Associates. At a previous meeting, the Council requested that Keller & Associates provide plans that would downsize the project from an estimated 2.9 million to 2.3 million dollars. New plans were presented for review. A question arose as 13,000 square feet has been reduced to 10,000 square feet, however, the costs per foot have increased substantially. It was noted that all the mechanical, plumbing, bathrooms, etc. costs remain quite fixed despite the lower square footage. No action taken – information only at this time.

Discussion/Policy Regarding Determination of Reasonable Amount of Time to Hold a Liquor License with a Location When Licensed Establishments Go Out of Business or Availability of the License. City Clerk Cram attended an alcohol licensing seminar at conference in August and spoke with two ATF reps that were conducting the session regarding the handling of open licenses. They advised, and Mr. Morel, the City's representative in the Alcohol, Tobacco and Firearms Division of the Dept. of Revenue has concurred, that the City needs to be fair and consistent when dealing with licenses that are not in use. Mr. Morel advised that the city has set a precedent in the past by giving the current

building owner time to sell or re-open at other locations. He further advised the Council can set policy one way or the other but they need to be fair and consistent in the process. If we hold the license as we have done in the past, we need to do that for everyone. If we determine that once a business closes down, the license is immediately available, then we need to do that for everyone also. We need to be consistent. Bob Walker appeared representing his mother Dorothy Walker, the owner of the property previously known as District 5. Mr. Walker presented a letter from Attorney Schmidt regarding the status of the property. Mr. Walker would like to continue to go forward and requests the license not be issued to someone else for a reasonable amount of time to give them an opportunity to work through this court foreclosure/receivership process. Judy Johnson Faulkner, owner of the building of the future location of Vino Anjo advised that she reviewed the Downtown Business Plan regarding criteria. Ms. Faulkner advised she has remodeled the upstairs apartments and construction on the lower level continues. Without the liquor license, Vino Anjo can't sell bottles of wine or offer other alcoholic beverages. Dale Bailey, Tomah resident asked about the tax status of the building formerly known as District 5. Ms. Walker advised she is not able to pay the taxes at this time and is awaiting court action to proceed.

Motion by Yarrington, second by Murray to recommend the Common Council adopt the following policy: Any Class B Liquor/Beer Combination license that has not been renewed or has not operated for 90 days will be retained by the City and the property owner will be given up to one year to find a new tenant for that license (clock would start at the end of the 90 days) and if not, it would be available for anyone with the exception of foreclosure, the clock starts when the court action has been completed. Motion passed with one negative vote (Kiefer).

Resolution Authorizing an Application to the Board of Commissioners of Public Lands for a Loan of \$200,000 for Financing the Purchase of Two Public Works Vehicles and Levying a Direct Annual Tax to Pay the Annual Installments of Principal and Interest. During the 2018 Budget process, Public Works was authorized to purchase 2 dump trucks. This financing is needed to pay for the purchase of the vehicles.

Motion by Cram, second by Yarrington to recommend the Common Council approve the Resolution Authorizing an Application to the Board of Commissioners of Public Lands for a Loan of \$200,000 for Financing the Purchase of Two Public Works Vehicles and Levying a Direct Annual Tax to Pay the Annual Installments of Principal and Interest. Motion passed without negative vote.

Award 2018 Street Improvements - Goose Avenue, May Street & Berry Avenue Projects. Bids were publicly opened on Sept. 5, 2018. There is a time constraint regarding these projects. Goose Avenue is the new entrance to the Hospital coming off of Highway 16. Bids were also accepted for May Street and Berry Avenue. It is requested that May Street be taken out of the equation resulting in a deduction in the amount of \$121,570.50. May Street would then be done in 2019 at which time it will be re-bid. The bid is higher than the pre-bid estimate which is primarily due to the schedule requiring a 2018 completion and concerns about continuing bad weather. It is recommended that Gerke Excavating be awarded a contract for the base bid and supplemental bids for a total of \$532,571.69 and that a deductive change order for May Street be pursued as to meet the available budgets. This would result in a total construction cost of \$411,001.19 with a breakdown of \$332,450.85 for Goose Avenue and \$76,903.50 for Berry Avenue. Berry Avenue consists of new concrete curb & gutter, new concrete sidewalk, and asphalt patch preparation from Larkin St. to Veterans St.

Motion by Murray, second by Kling to recommend the Common Council award the 2018 Street Improvement Project bid from Gerke for Goose Avenue and Berry Avenue and remove the May Street project for a total construction cost of \$411,001.19. Motion passed with one negative vote (Yarrington).

Ordinance Annexing Land from the Town of LaGrange to the City of Tomah.

The City of Tomah received a petition for direct annexation by unanimous approval from Badger Five Developments LLC for seven parcels (#'s: 020-00990-0000, 020-00990-0015, 020-00990-0016, 020-00990-017, 020-00990-0020, 020-00990-0021 and 020-00994-0000) for land in the Town of LaGrange near the vicinity of Eggleson Street/Flare Avenue (herein Petitioners) dated May 9, 2018. The petition has been reviewed by the City of Tomah Planning Commission and the Planning Commission has made recommendations for temporarily zoning of the territory included in the petition. The petition has also been reviewed by the Department of Administration, Municipal Boundary Review Division so as to ensure the resulting boundaries are rational and compact.

Motion by Murray, second by Scholze to recommend the Common Council approve the ordinance annexing land from the Town of LaGrange to the City of Tomah (Badger Five Developments LLC Property). Motion passed with two negative votes (Yarrington & Zabinski).

Update the Title VI Plan for the City of Tomah. The City of Tomah adopted the Title VI Plan in May 2014. Recently, the FTA updated the language to the plan. What was added was a yearly review to determine if modifications are necessary to the plan. At this time no other updates for the City are necessary. This Plan is required due to the City receiving federal funds.

Motion by Komiskey, second by Kling to table this issue until October, 2018. Motion passed with four negative votes (Cram, Murray, Scholze and Kiefer) (Kling, Komiskey, Siekert, Yarrington, and Zabinski voted Aye)

Resolution Authorizing Payment of Monthly Bills.

Motion by Murray, second by Yarrington to recommend the Common Council approve the monthly bills in the amount of \$2,619,126.57 as presented. Motion carried without negative vote.

Monthly Financial Reports.

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

Motion by Murray, second by Zabinski to adjourn. Motion passed without negative vote. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

JoAnn M. Cram, City Clerk