

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION March 14, 2017 at 6:00 p.m. with Mayor Nellie Pater presiding.

Following the Pledge of Allegiance, roll call was taken with Eric Prise, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Mike Murray and Luke Bohlen present. Absent: Chris King. Also in attendance: City Administrator Roger Gorius, City Attorney Penny Precour-Berry, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Kiefer, second by Prise to adjourn to closed session pursuant to State Statute 19.85(1) (c) and (e) to confer with Legal Counsel with respect to the City Administrator annual evaluation, negotiation of purchase of public property, negotiation of adaptive management contract, and personnel issues. Motion passed without negative vote. Meeting adjourned to closed session at 6:02 p.m. Meeting reconvened 7:15 p.m.

**Anyone Desiring to Appear Before the City Council.** Ken Gorski of 803 W. Veterans Street appeared before the Council advising he does not desire an ATV route in the City due to safety concerns. Sandy Janeczko, 813 W Veterans Street is also concerned about allowing an ATV route in the City.

**Minutes.** Motion by Kling second by Kiefer to approve the minutes of the February 14, 2017 regular Common Council meeting as presented. Discussion: Alderperson Komiskey requested a change under the "Anyone Desiring to Appear Before the City Council" section in that Mr. Ken Gorski was present and desired to appear before the Council but was advised to wait until the agenda item discussion later in the meeting." Motion and second were amended to include the change and motion was passed without negative vote.

**Mayor. Cannabis Ad Hoc Committee.** There were five meetings held with the Municipal Judge and District Attorney regarding modifying the bond schedule. The Committee is recommending that no changes be made to the current bond schedule regarding cannabis violations. The vote at the Committee level was not unanimous. It was noted that the committee has met and made a recommendation and there does not seem to be a need for the committee to continue meeting.

Motion by Prise, second by Bohlen to concur with the recommendation of the Ad Hoc Committee to make no changes to the current bond schedule or the procedures that are in place related to the handling of ordinance violations for the possession of marijuana. Discussion: Alderperson Kiefer presented a summary of committee discussions. Alderperson Bohlen called for the question, second by Komiskey. Passed without negative vote. Vote taken and original motion passed without negative vote.

**Resolution Awarding the Sale of \$6,380,000 General Obligation Corporate Purpose Bonds, Series 2017A.** Dawn Gundersen of Ehlers, the City's financial advisors, addressed the Council regarding the sale conducted earlier today. A sale day report and a resolution were presented. The resolution has been modified to \$6,320,000 due to the City's bond rating and eligibility for insurance which resulted in lower interest rates. Six competitive bids were received. The City also qualified for insurance which took the rating to an AA rating. The winning bid was Janney Montgomery Scott LLC of Philadelphia. The issue is \$60,000 less for a total of over \$300,000 less than initially proposed due to the AA rating and the excellent interest rate received. The average cost of the interest and the underwriter discount is 2.8043%. The \$60,000 less in principal creates a lower interest amount of \$286,206 over the life of the issue.

Motion by Prise, second by Kiefer to approve **Resolution No. 2017-03-14-15** authorizing the sale of \$6,320,000 General Obligation Corporate Purpose Bonds, Series 2017A. Motion passed without negative vote. Roll Call Vote: Aye votes from Murray, Bohlen, Komiskey (with exception of \$2,975,000 TID portion), Prise, Kiefer, Kling and Siekert. Nay: None.

**RESOLUTION NO. 2017-03-14-15  
RESOLUTION AWARDING THE SALE OF**

**\$6,320,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2017A**

WHEREAS, on February 14, 2017, the Common Council of the City of Tomah, Monroe County, Wisconsin (the "City") adopted initial resolutions authorizing the issuance of general obligation bonds in the following amounts and for the following public purposes: \$2,975,000 for providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental District No. 8; \$540,000 for water system projects; \$1,050,000 for sewerage projects; \$965,000 for street improvement projects; \$265,000 for parks and public grounds projects; and \$585,000 for acquisition of equipment for the fire department (collectively, the "Initial Resolutions");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolutions, the City Clerk caused a notice to electors to be published in the Tomah Journal/Monitor Herald, stating the purpose and maximum principal amount of the bond issues authorized by the Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issues authorized by the Initial Resolutions;

WHEREAS, to date, no petition for referendum has been filed with the City Clerk, and the time to file such a petition shall expire on March 16, 2017;

WHEREAS, on February 14, 2017, the Common Council of the City also adopted a resolution providing that the general obligation bond issues authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated as "General

Obligation Corporate Purpose Bonds" (the "Bonds") for the purpose of paying the cost of the projects described in the Initial Resolutions (collectively, the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on March 14, 2017;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on March 14, 2017;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$6,320,000 for the following public purposes and in the following principal amounts: \$2,945,000 for providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental District No. 8; \$535,000 for water system projects; \$1,045,000 for sewerage projects; \$950,000 for street improvement projects; \$265,000 for parks and public grounds projects; and \$580,000 for acquisition of equipment for the fire department.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal is hereby accepted (subject to the condition that no valid petition for a referendum is filed by March 16, 2017 in connection with any of the Initial Resolutions). The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2017A"; shall be issued in the aggregate principal amount of \$6,320,000; shall be dated March 30, 2017; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2017. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2036 shall be subject to redemption prior to maturity, at the option of the City, on March 1, 2025 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2017 through 2035 for the payments due in the years 2017 through 2036 in the amounts set forth on the Schedule. The amount of tax levied in the year 2017 shall be the total amount of debt service due on the Bonds in the years 2017 and 2018; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of interest on the Bonds in the year 2017.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The City hereby appropriates proceeds of the Bonds or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on September 1, 2017 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$6,320,000 General Obligation Corporate Purpose Bonds, Series 2017A, dated March 30, 2017" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York, the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given

to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded March 14, 2017.

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

**City Administrator/Long Range Planning Committee.**

City Administrator Gorius provided an administrative staff report and advised that he attended the Chamber annual dinner and would like to recognize the Tomah Police Department, Joe Protz, Roger Gorius and Eric Prise who were nominated for awards. A review and update of the Chamber of Commerce building renovation was given. Attended the Monroe County Economic Development convention at Three Bears Lodge. The Historical Committee ordinance continues to be reviewed and will be resubmitted to the State prior to Council action due to the changes made after the State initially reviewed it. This ordinance is also being reviewed by the Long Range Planning Commission.

**City Clerk.** 1. The April Spring election will be held on April 4<sup>th</sup> in the Fire Station. Mike Murray has registered as a write-in candidate in District 3 for Wards 7, 8, 17 and 20. 2. The assessor's office continues with the revaluation effort in the City. Board of Review has been scheduled for July 20<sup>th</sup>. Open Book is tentatively scheduled for July 10-14<sup>th</sup>. Notices are expected to be mailed to all citizens with an assessed value change on or about June 20<sup>th</sup>. 3. Local Update of Census Addresses. Staff will be attending training regarding the upcoming address verification process to be completed this year with regard to the 2020 census. 4. The April Reorganizational Council Meeting will be held on April 18<sup>th</sup>.

**Library Report.** – Library Director Irma Keller provided information regarding Library activities. The Gardening 101 Program is scheduled for Wed., April 5<sup>th</sup> at 6 p.m.

**Convention and Visitors Bureau/Chamber of Commerce.** Executive Director Tina Thompson advised the building project is moving ahead. The estimated completion date is mid-April. It will take approximately 4-6 weeks to complete the move with open house dates in June. Two new staff members have been added. Discover Wisconsin is doing some filming in the Tomah area.

**Tomah Public Housing and Community Development Block Grant Monthly Report.** A written report was provided by Dir. Muehlenkamp. Dir. Muehlenkamp advised the elevator replacement project at the Manor has begun. It is anticipated the elevator will be back in service in early April.

**Senior and Disabled Services Report- No report.**

**Public Works Director – Water, Sewer, Public Works and Lake Updates.** Public Works & Utilities Director Kirk Arity advised the following: Street Dept. – The Department is patching potholes and trimming trees. Also working on improvements to the main boat dock ramp. The Dept. is proceeding with bids for the Downtown Public Information Center. Sewer – A pump failure occurred in February. The improvements project was bid on 3/2/17 with action later in this meeting. Water – Residents will be seeing a mailing with information regarding cross connections, an update on the radium issue at Well #9 will be included. A public information meeting will be held regarding the street and utility improvement project scheduled for later this year. Lake – There will be a vacancy on the Lake Committee. March 23<sup>rd</sup> is the next scheduled Lake Committee meeting.

**Treasurer's Cash and Investment Reports for February.** Motion by Murray, second by Prise to accept the cash and investment reports for February. Motion passed without negative vote.

**Bartender Licenses.** Motion by Prise, second by Siekert to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Kayla Beckjorden-Hojnacki, Rachel Mellor and Jamie Ruiz.

**Special Beer Permit for Tomah Fire Department for ABATE of Wisconsin Motorcycle Show and Swap Meet at the Recreation Building at Recreation Park on April 29, 2017.**

Motion by Prise, second by Murray to approve the temporary "Class B" beer License for the Tomah Fire Department for ABATE of Wisconsin Motorcycle Show and Swap Meet at the Recreation Building at Recreation Park on April 29, 2017. Motion passed without negative vote.

**Special Wine Permit for Tomah Area Community Theater on May 4-6, 2017 at 907 Kilbourn Avenue, 2<sup>nd</sup> Floor.**

Motion by Prise, second by Kiefer to approve the temporary "Class B" Wine License for the Tomah Area Community Theater from May 4<sup>th</sup> to 6<sup>th</sup>, 2017 at ACT, 2<sup>nd</sup> floor of 907 Kilbourn Avenue. Motion passed without negative vote.

**2017 Budget Amendment – Authorizing the Implementation of the Microsoft Exchange Online Subscription Plan and Authorizing the Expenditure of \$2,687.50 from Acct. 1-51980-227 Reserve for Contingency.** Motion by Bohlen, second by Komiskey to approve the 2017 Budget Amendment Authorizing the Implementation of the Microsoft Exchange Online Subscription Plan and authorizing the Expenditure of \$2,687.50 from Acct. 1-51980-227 Reserve for Contingency. Motion passed without negative vote.

**2017 Street and Utility Improvement Award.** This project includes McLean Ave., Lincoln Ave., Pleasant Street, and Hospital Sewer Extension.

Motion by Bohlen, second by Kiefer to award the project to Gerke Excavating Inc. for the 2017 street and utility project in the amount of \$1,815,242.80. Motion passed without negative vote.

**Lease Agreement Between the City of Tomah, Chamber of Commerce, and Convention & Visitor's Bureau.**

Motion by Prise, second by Murray to instruct the Mayor and City Administrator to consider a lease agreement for the Chamber of Commerce and Convention & Visitor's Bureau in the newly remodeled building for the amount of \$1 per month including utilities until the time the 2018 Budget is approved. Motion passed without negative vote.

**Resolution Denying Claim of Michael Kingsley.**

Motion by Komiskey, second by Siekert to approve **Resolution No. 2017-03-14-16** denying the claim of Michael Kingsley as requested by the City's insurance company. Motion passed without negative vote.

**RESOLUTION NO. 2017-03-14-16  
RESOLUTION DENYING CLAIM OF MICHAEL KINGSLEY**

WHEREAS, a Notice of Claim was filed against the City of Tomah regarding the circumstances of the arrest of Michael Kingsley on October 16, 2016; and

WHEREAS, on March 13, 2017, the Committee of the Whole reviewed the same and has recommended that said claim be denied; and

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Tomah that the claim of Michael Kingsley be and is hereby denied.

Dated this 14th day of March, 2017 .Nellie Pater, Mayor ATTEST: JoAnn M. Cram, City Clerk

**Resolution Authorizing Payment of Monthly Bills.**

Motion by Komiskey, second by Prise to approve **Resolution No. 2017-03-14-17** authorizing payment of the monthly bills for a total amount of \$3,974,720.24. Motion passed without negative vote.

**RESOLUTION NO. 2017-03-14-17  
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	\$3,513,747.57	Check #'s 119229-119299 & 119421-119463
2.	Payroll	\$ 308,502.79	Direct Deposit #'s 49456-49725
3.	Wire Transfers	\$ 22,527.92	
4.	Invoices	<u>\$ 129,941.96</u>	Check #'s 119492 - 119582
		<u>\$3,974,720.24</u>	

Nellie Pater, Mayor ATTEST: JoAnn M. Cram, City Clerk

**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.

Motion by Komiskey second by Kiefer to waive the second verbatim reading of 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.

Motion by Komiskey, second by Siekert to adopt **Ordinance No. 2017-03-04-D** 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. 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 modified as needed to accommodate the change.

Motion by Kiefer, second by Murray to waive the second verbatim reading of 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.

Motion by Kiefer, second by Bohlen to adopt **Ordinance No. 2017-03-05-D** 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.

**Negotiation of Adaptive Management Contract.**

Motion by Kiefer second by Prise to enter into a long term agreement for an adaptive management phosphorous trading plan. Motion passed without negative vote.

**Wage Increase for Non Represented and AFSCME Union Employees**

Motion by Kiefer second by Bohlen to authorize an additional .83% increase in wages to the non-represented and AFSCME employees to make a total package increase of 1.5%. (Motion passes with Murray and Prise voting no.)

Motion by Kiefer, second by Prise to adjourn. Motion passed without negative vote. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Nellie Pater, Mayor

JoAnn Cram, City Clerk