

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION April 11, 2017 at 6:30 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.

**Anyone Desiring to Appear Before the City Council.** No one appeared.

**Minutes.** Motion by Prise second by Komiskey to approve the minutes of the March 14, 2017 regular Common Council meeting as presented. Motion passed without negative vote.

**Mayor.** No report.

**Distinguished Service Resolution – Eric Prise.** City Administrator Gorius presented a plaque and read the resolution in honor of Eric Prise whose term of office ends on April 18<sup>th</sup>.

Motion by Murray, second by Kiefer to approve **Resolution No. 2017-04-11-18** Distinguished Service Resolution in honor of Alderperson Eric Prise. Motion passed without negative vote.

**RESOLUTION NO. 2017-04-11-18**  
**RESOLUTION IN RECOGNITION OF ERIC PRISE IN**  
**SERVICE TO THE CITY OF TOMAH AS ALDERMAN**  
**2013-2017**

**WHEREAS**, However effective government may be in serving the needs of its citizens, the soul of our city and its' vitality as a place to live and work depend on the relationship of families, friends, neighbors and co-workers.

**WHEREAS**, Eric Prise has committed himself to faithfully serving the citizens of Tomah from 2013 to 2017 as Alderman of District Five, and

**WHEREAS**, Eric has proven himself to be a dedicated and trustworthy member of the City of Tomah. Eric's commitment to his community has been evidenced repeatedly in his term as Alderman by participating on numerous commissions and committees to benefit and enhance the lives of our Citizens. Alderman Prise' service on the Committee of the Whole, Public Works and Utility Commission, Long Range Planning Committee and Planning Commission portray a level of enthusiasm and loyalty to bringing forth the very best our community has to offer. Of particular note is the level of expertise and experience Alderman Prise brought with him in his role as the Council Aldermanic Representative on the Convention and Visitors Bureau Board. As a former Chamber of Commerce Director, Eric utilized his in-depth knowledge of that position's responsibilities and directed those energies to aiding the sitting members of that committee. Repeatedly, the Alderman's experience was invaluable in assisting in the direction and mission statement of the CVB. This commitment and willingness to serve gives testament to Alderman Prise as a dedicated leader and community member. As Alderman of District Five, Eric has repeatedly exhibited an unending drive to promote the quality of life for not only the wards he represents but the City of Tomah overall. During his term as President of the Council Eric was required to fill the vacancy of Mayor. From February of 2016 to April of 2016 Acting Mayor Prise served the City of Tomah in its time of need providing a level of commitment and excellence above and beyond the normal duties of his office. Alderman Prise further distinguished himself by committing his time, energy and passion in contributing his talents to Tomah Memorial Hospital and helping provide his community with a top rated hospital which consistently is recognized as a leader in its field and a true asset for Tomah and its citizens. In Eric's daily involvement with his constituents he exemplifies his selflessness and commitment in providing responsive and representative leadership in his role as an Alderman. His absence from this Council will be truly felt, and

**WHEREAS**, In appreciation for such dedication and service to our Community upon his retirement as Alderman of District Five the following is submitted to record;

**NOW THEREFORE, BE IT RESOLVED**, that on behalf of The City of Tomah, Eric is commended for his outstanding contribution to our community. The Mayor and Common Council of the City of Tomah do hereby express their sincere appreciation and gratitude to Eric for four years of dedication and service to the citizens of the City of Tomah, and extends its best wishes for his health and happiness in the future. Dated this 11th day of April 2017.

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

Alderperson Eric Prise then presented a check for \$1,000 to Library Director Irma Keller of the Tomah Public Library as a donation for the Library fountain project.

**City Administrator/Long Range Planning Committee.** City Administrator Gorius provided an administrative staff report and advised he attended the ground breaking ceremony for the Tomah Memorial Hospital Occupational Health Clinic. Admin. Gorius attended the WCMA Regional City/County Managers Meeting. The City received notification that the Tomah Boy Scout Cabin has been placed on the Wisconsin State Register of Historic Places. Admin. Gorius provided a summary of monthly activity performed.

**City Clerk. 1. Election Tally for the April 4, 2017 Spring Election.** Motion by Prise, second by Siekert to accept the Election Tally for the April 4, 2017 Spring Election as presented. Motion passed without negative vote.

**2. Reorganizational Council Meeting.** The re-organizational Council meeting will be held on Tuesday, April 18<sup>th</sup> at 6 p.m. **3. Local Government 101 Basics You Need to Know** reminder of upcoming enrollment opportunities. **4. Update on Precision Retirement Plan.** The Council approved the plan last April and requested an update after one year in the program. The City has had several people retire and have not received any negative comments from employees that have utilized the program.

**Library Report.** – Library Director Irma Keller provided information regarding Library activities. The Gardening 101 Program was held Wed., April 5<sup>th</sup> at and Saturday, April 8<sup>th</sup>. The Library will also be conducting several other learning seminars. This is National Library Week and Customer Appreciation will be celebrated on Thursday. The Summer Reading Program information is available.

**Convention and Visitors Bureau/Chamber of Commerce.** Executive Director Tina Thompson advised the building project is nearing completion. They are looking at opening the facility in early June. June 12<sup>th</sup> and 13<sup>th</sup> will be public open houses. They have applied for a JEM grant from the State Tourism office for future events. The special events coordinator has scheduled a “Picnic in the Park” event for June 10<sup>th</sup>.

**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 is close to completion and inspection is scheduled for Wed., April 19<sup>th</sup>. They will come in well under the total project cost. Lakeside Apartments received a 93 score out of 100 on a recent inspection which is in the high performer designation. The score is a little down because of rehabbing the apartments which lowered the occupancy numbers. They will continue to do apartment rehabs over the next 4-5 years.

**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 working on the Aquatic Center Parking Lot installing storm sewer. The curb, gutter & sidewalk/walking trail is progressing as well. The electrical portion of the project will start next week. Paving and lighting will hopefully be completed by mid-June. Tree trimming continues. Sewer – Repairs are scheduled for the effluent gates on April 17<sup>th</sup> along with that, upgrades are planned for the UV control system. The adaptive management plan has been signed by the farmer and we should be seeing some activity related to that agreement. Water – Radium and cross connection informational mailings are going out this week. There are three options relating to the course of action with regard to Well #9. Hydrant flushing will be conducted the week of April 24<sup>th</sup>. Lake – TWSA has provided a \$500 donation to be used toward the boat dock rehab. Badger Specialty Coatings & Construction LLC were awarded the tainter gate painting project in the amount of \$45,623. Construction can begin July 5<sup>th</sup> and it is projected the project will be completed within one month.

**Treasurer’s Cash and Investment Reports for March.** Motion by Kiefer, second by Kling to accept the investment report for March. Motion passed without negative vote. The cash report was not available.

**Rehabilitation SR17-1.** The applicant for SR17-1 Home Rehabilitation Loan qualifies for a Deferred Payment Loan in the amount of \$16,100 for 312 W Nott Street. Work to be completed include installing new windows and an entrance door as well as a basement water proofing system.

Motion by Murray, second by Bohlen to approve Rehabilitation SR17-1 a Deferred Payment Loan for \$16,100 for home rehab work as designated at 312 W Nott Street. Motion passed without negative vote.

**Review & Approval of Proposed Property/Building Lot for the City of Tomah & Tomah Area School District Youth Training & Community Development Project.** At the April 5<sup>th</sup> CDBG meeting, the Committee motioned to recommend the City Council authorize the purchase of property located at 436 Arthur Street for a price not to exceed \$25,000 with the condition that said property could be rezoned from R-1 Single Family to R-2 Multi-Family Residential to allow for the construction of a three unit rental property. This project would be completed in conjunction with the Youth Training & Community Development Project between CDBG and the Tomah School District. It was later determined that a conditional use permit would be needed instead of rezoning. Upon completion, the property would be sold to the Housing Authority. It was the consensus of the Council to move forward with the purchase of Parcel No. 286-00848-0000 located at 436 Arthur Street for a price not to exceed \$25,000 for the construction of a three-unit rental property.

**Bloyer Field Airport Improvements Resolution.** The Public Works & Utilities Commission along with the Planning Commission recommend the City Council approve the resolution as presented. This Resolution petitions the Secretary of Transportation for Airport Improvement Aid. This aid would be utilized to reconstruct taxiways; extend hangar taxiway; reconstruct remaining apron; expand apron, acquire snow removal equipment; sealcoat and crack fill airport pavements; update the Airport Layout Plan; clear and maintain runway approaches per WI Admin. Code.

Motion by Prise, second by Kiefer to approve **Resolution No. 2017-04-11-19** – Resolution Petitioning the Secretary of Transportation for Airport Improvement Aid by the Common Council of the City of Tomah and authorize the Mayor and City Clerk to sign the documents. Motion passed without negative vote.

**RESOLUTION NO. 2017-04-11-19**  
**RESOLUTION PETITIONING THE SECRETARY OF TRANSPORTATION**  
**FOR AIRPORT IMPROVEMENT AID BY**  
**Common Council of the City of Tomah**  
**Monroe County, Wisconsin**

WHEREAS, the City of Tomah, Monroe County, Wisconsin hereinafter referred to as the sponsor, being a municipal body

corporate of the State of Wisconsin, is authorized by Wis. Stat. §114.11, to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the sponsor desires to develop or improve the Bloyer Field airport, Monroe County, Wisconsin,

**"PETITION FOR AIRPORT PROJECT"**

WHEREAS, the foregoing proposal for airport improvements has been referred to the city plan commission for its consideration and report prior to council action as required by Wis. Stat. §62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Wis. Stat. §114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, by the sponsor that a petition for federal and (or) state aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with federal and state aid or state aid only, in accordance with the applicable state and federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a general aviation type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project are as follows: Reconstruct taxiways; Extend hangar taxiway; Reconstruct remaining apron; Expand apron; Acquire snow removal equipment; Sealcoat and crack fill airport pavements; Update Airport Layout Plan; Clear and maintain runway approaches as stated in Wis. Admin. Code Trans §55, and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the sponsor by the Secretary; the sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the sponsor does not provide the same; in the event the sponsor unilaterally terminates the project, all reasonable federal and state expenditures related to the project shall be paid by the sponsor; and

WHEREAS, the sponsor is required by Wis. Stat. §114.32(5) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

**"DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR'S AGENT"**

THEREFORE, BE IT RESOLVED, by the sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such, in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Wis. Stat. §32 .02; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the sponsor requests that the Secretary provide, per Wis. Stat. §114.33(8)(a), that the sponsor may acquire certain parts of the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

**"AIRPORT OWNER ASSURANCES"**

AND BE IT FURTHER RESOLVED that the sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Wis. Admin. Code Trans §55, or in accordance with sponsor assurances enumerated in a federal grant agreement.

AND BE IT FURTHER RESOLVED THAT THE Mayor and City Clerk be authorized to sign and execute the agency agreement and federal block grant owner assurances authorized by this resolution.

RESOLUTION INTRODUCED BY: Eric Prise, Alderperson Second by Lamont Kiefer, Alderperson

**CERTIFICATION**

I, JoAnn M. Cram, Clerk of the City of Tomah, Wisconsin, do hereby certify that the foregoing is a correct copy of a resolution introduced at a Regular meeting of the Common Council on April 11, 2017, adopted by a majority vote, and recorded in the minutes of said meeting.

JoAnn M. Cram, City Clerk

**No Parking Requirements for Farmers Market Vendors.** The hair salon located next to the farmers market has a long history of parking issues related to the farmers market held on Wednesdays and Saturdays. Chief Nicholson, Public Works Director Arity, and Parks & Rec Director Protz recommend adding language to a "Rules and Regulations" document that would be supplied to the applicant upon filing the application stating: "Vendors, for the Farmers Market, are not allowed to park on the East side of Superior Avenue's 1400 block, or on East Holton Street from Superior Avenue to Kilbourn Avenue". The Police Dept. will enforce and assist.

Motion by Murray, second by Prise to add a Rules and Regulations document to be distributed at the time of the application to include advising the vendors of the following regulation: "Vendors, for the Farmers Market, are not allowed to park on the East side of Superior Avenue's 1400 block, or on East Holton Street from Superior Avenue to Kilbourn Avenue". Motion passed without negative vote.

**Resolution to Adopt the City of Tomah Downtown Master Plan – Presentation by Andrew Bremer, MSA.** The Downtown Master Plan was presented at the combined public information meeting of the Long Range Planning Committee and the Planning Commission on March 30<sup>th</sup>. The plan serves as a guide for private and public improvement projects in the downtown area. One of the action items in the Comprehensive Plan was to revitalize the downtown area based on public comment. The Plan is broken out into 3 volumes; Volume 1 - Public Engagement and Existing Conditions; Volume 2 - Vision, Strategies, and Actions; and Volume 3 - Design Standards Handbook. This document is a regulating mechanism and doesn't

compel or force anyone to change anything. Concern arose at the Committee of the Whole as to notification for the businesses within the district of the creation of the Downtown Master Plan and the impact it will have on them. When the zoning ordinance is amended to implement the Plan, the City would be required to notify and re-confirm what's in the draft. The checklist provided is also a draft and it is recognized that this is still a working document and future public notification and formal adoption will be a separate process.

Motion by Kiefer, second by Siekert to accept **Resolution No. 2017-04-11-20** adopting the City of Tomah Downtown Master Plan as presented from the Long Range Planning Committee and Planning Commission and hereby instruct the Long Range Planning Committee to look at Council consideration when awarding a certificate of appropriateness. Motion passed with one negative vote (Komiskey).

**RESOLUTION 2017-04-11-20**  
**RESOLUTION TO ADOPT THE CITY OF TOMAH**  
**DOWNTOWN MASTER PLAN**

**WHEREAS**, the City of Tomah adopted a Comprehensive Plan under Wis. Stats. 66.1101 on September 10, 2013; and  
**WHEREAS**, the City's Comprehensive Plan identified a need to revitalize the City's Downtown and Superior Avenue as a pedestrian friendly, aesthetically pleasing, robust mixed-use community destination; and  
**WHEREAS**, the City of Tomah adopted a Tax Increment Finance District, TID #8 on May 12, 2015, for the area within the Downtown, for the purpose of fostering rehabilitation, conservation and urban renewal; and  
**WHEREAS**, the City Council appointed the Long Range Planning Committee (Committee) to work with the City's planning consultant MSA Professional Services, Inc. and the Tomah Chamber of Commerce to develop the Tomah Downtown Master Plan; and  
**WHEREAS**, the purpose of the plan is to define a vision for the Downtown and to create a manual to guide future public and private improvement projects and investments in the Downtown; and  
**WHEREAS**, the Downtown Master Plan is intended to serve as a supplement to the 2013 Comprehensive Plan and may be used for the basis of, among other things, general zoning ordinances, zoning and development permits, and as a guide for approving or disapproving actions affecting growth and development; and  
**WHEREAS**, the Downtown Master Plan shall take precedent should any future conflicts be discovered between the Downtown Master Plan and Comprehensive Plan in areas of overlapping policies or content; and  
**WHEREAS**, the Committee met numerous times with MSA to develop the Downtown Master Plan, all said meetings being open to the public. In addition, the Committee conducted two public opinion surveys and held two public information meetings to obtain public feedback during the planning process; and  
**WHEREAS**, the Committee and the City's Planning Commission held a joint public hearing on March 30, 2017 to obtain additional public feedback on the Downtown Master Plan prior to plan adoption. Said public hearing being proceeded by two public notices, with at least one notice provided 30 days prior to the public hearing; and  
**WHEREAS**, the Downtown Master Plan may from time to time be amended, extended, or added to in greater detail.  
**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Long Range Planning Committee and the Plan Commission of the City of Tomah recommends adoption of the Tomah Downtown Master Plan by the City Council.

Nellie Pater, Acting Chair-Long Range Planning Committee  
ATTEST: Roger Gorius, City Administrator

Mayor Nellie Pater, Planning Commission Chair

**Ordinance to Amend the Comprehensive Plan of the City of Tomah.** This ordinance allows for the amendment to the existing Comprehensive Plan to include the Downtown Master Plan as presented.

Motion by Kiefer, second by Murray to waive the first verbatim reading of the Ordinance amending the Comprehensive Plan of the City of Tomah as presented. Motion passed with one negative vote (Komiskey).

**Request for Review of Roadwork and Corrective Action on Park Street, Lakeview Drive, Lakeview Ct., Lawrence Ave., and Grumann Drive as Petitioned.** Gwen Nelson presented a petition with 78 signatures requesting corrective action related to street work that was completed last year. The petition addressed the conditions of lawns on the streets that were affected as chips and gravel were thrown up into the yards during winter snowplowing. One of the big concerns is environmental contamination because some of the debris is draining into the lake. Public Works & Utilities Director Arity advised he is meeting with the contractor this week. This is a normal process even though it is inconvenient but it will get better. Replacing these streets would cost approximately \$1,000,000. The project as conducted should increase the life of the current street about 10 years and had a cost of \$65,000. This process has not been used in our maintenance program in the past. La Crosse actively uses this contractor and system. Environmentally, this process is not new to the construction industry. It is felt that this is the best use of taxpayer dollars. Director Arity requested cooperation and requested that if the debris is raked into the street, the street sweeper will go through and clean it up. This is a new process to the City and there is a learning curve. It was requested that a letter be written and sent to the citizens that signed the petition describing what happened. Geri and Robert Wells 1711 Grumann Drive addressed the Council.

**Bartender Licenses.**

Motion by Kling, second by Murray to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Heather D. Burkhalter, Allison M. Eisbach, Benjamin A. Leinen, Carrie S. Murphy, Martin P. Murphy, Jessica M. Nelson, Bryan I. Pierce, and Joshua M. Schaller.

**"Class B" Liquor and Class "B" Fermented Malt Beverage License for District 5 Bar at 1106 Superior Avenue – William Kohn and Cabaret License for District 5 Bar.** Mr. Kohn has applied for the license for the premise to be known as District 5 Bar (formerly Sportsman's Bar) at 1106 Superior Avenue. License approval should be contingent upon receipt of a valid Wisconsin Seller's Permit and Federal ID # as well as passing inspections conducted by the Police Chief, Building/Zoning Inspector, and Fire Chief.

Motion by Kling second by Kiefer to approve the "Class B" Liquor and Class "B" Fermented Malt Beverage and Cabaret Licenses for District 5 Bar at 1106 Superior Avenue applied for by William Kohn effective 4/12/2017 through 6/30/2017 contingent upon passing all necessary inspections and providing proof of a valid Wisconsin Seller's permit and Federal ID number. Motion passed without negative vote.

**"Class B" Liquor and Class "B" Fermented Malt Beverage License Availability.** City Clerk Cram recently received several inquiries as to the availability of liquor licenses in the City. One available license is being issued tonight which leaves the license previously issued for the former TeePee Supper Club outstanding. The Council voted last August to hold that license in abeyance until January 2017. City Administrator Gorius received notification this morning that construction is scheduled to begin and a request was made to keep the license available for the former TeePee location.

Motion by Prise, second by Komiskey to continue to hold the license until January of 2018 for the TeePee location. Motion passed with Murray abstaining.

**Special Beer & Wine Permit – MC Support Services LLC for the Budweiser Nationals Tractor Pull, Recreation Park, June 22-25, 2017.** A map of the grounds was provided indicating the following licensed areas for the Tractor Pull: Veteran's Beer Garden, VIP Hospitality, Hockey building, Grandstand Arena areas, Hospitality area in the Puller Pit area.

Motion by Prise, second by Kiefer to approve the Special Beer and Wine Permit for MC Support Services LLC for the Budweiser National Tractor Pull at Recreation Park from June 22-25, 2017 for the following areas: Veterans Beer Garden, VIP Hospitality, Hockey Building, Grandstand Arena areas, and the Hospitality area in the Puller Pit area. Motion passed without negative vote.

**Special Beer & Wine Permit – MC Support Services LLC for the Monroe County Fair, Recreation Park, July 26-30, 2017.** MC Support Services is requesting that the time be extended for Thursday, Friday and Saturday nights of the fair from midnight to 1 a.m. in the Veterans Beer Garden area due to various events in the beer tent. Areas to be licensed for the Fair include: Veteran's Beer Garden (fenced), White Hospitality Tent on the Midway for the Business After 5 Event, and Grandstand Arena Areas.

Motion by Prise, second by Komiskey to approve the Special Beer and Wine Permit for MC Support Services LLC at Recreation Park from July 26-30, 2017 for the Monroe County Fair to include the Fenced in Veteran's Beer Garden, White Hospitality Tent on the Midway for the Business After 5 Event, and Grandstand Arena Areas with extended hours on Thursday, Friday and Saturday until 1 a.m. in the Veteran's Beer Garden area. Motion passed without negative vote.

**Special Beer Permit – VFW Chicken Q at 1618 Superior Ave., on May 6, 2017 at 1618 Superior**  
The Veterans of Foreign Wars organization has applied for a beer license for the Chicken Q event to be held on May 6, 2017 at 1618 Superior Ave.

Motion by Bohlen second by Kiefer to approve the Special Beer Permit for the VFW Chicken Q at 1618 Superior Ave on May 6, 2017. Motion passed without negative vote.

**Special Beer & Wine Permit – Queen of the Apostles Church on May 6, 2017 at 303 W. Monroe.** Queen of the Apostles Church is having a Diaconate Social for Kyle Laylan in the church basement at 303 W Monroe Street on May 6, 2017 and are requesting to sell fermented malt beverages and wine.

Motion by Bohlen, second by Komiskey to approve the Special Beer and Wine Permit for Queen of the Apostles Church on May 6, 2017 at 303 W. Monroe St for the Social. Motion passed without negative vote.

**Taxi Cab License – DL & KL Enterprises, LLC – d/b/a Ace Cab Company.** The Certificate of Insurance is on file and the inspections have been completed.

Motion by Bohlen, second by Kling to approve the taxi cab license for the 1997 Mercury Grand Marquis, VIN # ending in 4594 as presented. Motion passed without negative vote.

**Road Repair Reimbursement Agreement.** The proposed agreement is between the City of Tomah and American Transmission Company LLC (ATC) to ensure that any damage to our existing roads and infrastructure would be the responsibility of ATC to repair to our satisfaction during the construction project. Upon review by the City Attorney, it was noted that damage caused to surrounding areas other than the specific roadway was not addressed. A revised agreement has been prepared and it is the City Attorney's recommendation that the Administrator be granted authority to sign the agreement for the City.

Motion by Bohlen, second by Komiskey to approve the amended agreement as presented to include language regarding damage caused to surrounding areas other than the specific roadway and authorize the City Administrator and City Clerk to sign the document. Motion passed without negative vote.

**Request for Donated Monies to Boys and Girls Club.** A request has been submitted for a \$5,000 donation to the Boys and Girls Club of Tomah.

Motion by Komiskey, second by Murray to respectfully deny the request by the Tomah Boys and Girls Club with the knowledge that the City would consider aiding the club in such a way as to not impact City funds. Motion passed without negative vote.

**Award Bid for Downtown Information Center Project.** City Administrator Gorius requested that this item be tabled due to the high bids that were received. Further investigation is desired to try to obtain significant cost savings on the project.

**Ordinance Amending Chapter 2 Creating Sections 2-412 through 2-414 Establishing a Historical Preservation Commission in the Municipal Code of the City of Tomah.** Chapter 2 revisions include establishing the commission and defining the composition and rules and regulations. This ordinance is one of the action items involved in the Downtown Master Plan.

Motion by Komiskey, second by Prise to waive the first verbatim reading of the Ordinance amending Chapter 2 Creating Sections 2-412 through 2-414 identifying the purpose and intent, establishing the Commission composition, and providing for the powers and duties. Motion passed without negative vote.

Motion by Komiskey, second by Murray to waive the second verbatim reading of the Ordinance amending Chapter 2 Creating Sections 2-412 through 2-414 identifying the purpose and intent, establishing the Commission composition, and providing for the powers and duties. Motion passed without negative vote.

Motion by Komiskey, second by Prise to adopt **Ordinance No. 2017-04-06-D** Creating Sections 2-412 through 2-414 establishing a Historical Preservation Commission identifying the purpose and intent, establishing the Commission composition, and providing for the powers and duties in the City of Tomah. Motion passed without negative vote.

**ORDINANCE NO. 2017-04-06-D**

**Ordinance Amending Chapter 2 Creating Section 2-412 (Purpose & Intent), 2-413(Composition), and 2-414 (Powers & Duties) Establishing a Historical Preservation Commission in the Municipal Code of the City of Tomah**

The Common Council of the City of Tomah do ordain as follows:

**SECTION ONE:** Chapter 2 Is Hereby Amended to Create Section 2-412 as follows:

- 2-412 Purpose and Intent**
- 2-413 Historic Preservation Commission Composition**
- 2-414 Historic Preservation Commission Powers and Duties**

**Section 2-412 – Purpose and Intent of the Historic Preservation Commission**

**2-412 Purpose and Intent.**

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of property, improvements, and materials of special architectural character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. A Historic Preservation Commission is hereby established, the purpose of which will be to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such historic structures, sites and districts which represent or reflect elements of the City's cultural, social economic, political, engineering and architectural history.
- (2) Safeguard the City's historic and cultural heritage, as embodies and reflected in such historic structures, sites and districts.
- (3) Stabilize and improve property values.
- (4) Foster civic pride in the beauty and noble accomplishments of the past.
- (5) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (6) Strengthen the economy of the City.
- (7) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City.

**SECTION TWO:** Chapter 2 is Hereby Amended to Create Section 2-413 as follows:

**2-413 Historic Preservation Commission Composition.**

A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, one (1) shall be an Alderperson, appointed annually by the Mayor, one (1) shall be a member of the City Planning Commission, one shall be a member of the Long Range Planning Committee, all remaining members shall be residents of the City of Tomah. Said persons shall be competent and informed in the historical, architectural and cultural traditions of the community. They shall be appointed by the Mayor, subject to confirmation by the Common Council of the City of Tomah by majority vote. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years. A vacancy occurring in the membership for any cause shall be filled by a person appointed by the Mayor and confirmed by the Common Council for the unexpired term. The members of said Commission shall receive no compensation except for necessary expenses sustained in carrying out their duties, which expenses shall be paid by the City of Tomah as may be authorized by the Common Council.

**SECTION THREE:** Chapter 2 is Hereby Amended to Create Section 2-414 as follows:

**2-414 Historic Preservation Commission Power and Duties.**

- (1) Designation or Rescission of Historic Structures, Historic Sites, and Historic Districts. The Historic Preservation Commission may recommend designation or rescission of Historic Structures, Historic Sites, or Historic Districts within the City of Tomah. Designation or rescission of Historic Structures, Historic Sites and Historic Districts must be approved by the Planning Commission and the Common Council. In addition, any designation or rescission of a Historic Structure, Historic Sites or Historic Districts located within the boundary of the City's Downtown Master Plan

must also be reviewed by the City's Long Range Planning Committee prior to Common Council adoption.

(2) Review and Approve Applications for Certificate of Appropriateness. The Commission shall review and approve applications for Certificate of Appropriateness under Chapter 10, Section 10-406 (Alterations, or Demolition of Historic Structures, Historic Sites, or Historic Districts) of the City of Tomah Municipal Code of Ordinances.

(3) Other duties. In addition to those duties already specified in this Section, the Commission shall:

- (a) Work for the continuing education of the citizens of Tomah about the historic heritage of this City and the Historic Structures, Historic Sites, and Historic Districts designated under the provisions of this Section.
- (b) Conduct local preservation planning efforts, often in conjunction with the planning department. The Commission would conduct or supervise an on-going survey to identify and evaluate properties of historical, prehistorical or architectural interest, prepare reports of its findings and sponsor educational activities in the community.
- (c) Cooperate with the Historic Preservation Officer for the State of Wisconsin, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as Historic Structures, Historic Sites, or Historic Districts in the National Register of Historic Places.
- (d) As it deems advisable, the Commission shall receive and solicit funds for the purpose of historic preservation in the City of Tomah. Such funds shall be placed in a special City account for such purposes.

**SECTION FOUR:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION FIVE:** This ordinance should take effect upon publication.

Nellie Pater, Mayor

ATTEST: JoAnn Cram, City Clerk

Read: April 11, 2017

Passed: April 11, 2017

Published: April 11, 2017

**Ordinance Amending Chapter 10 Creating Article VIII Establishing Sections 10-400 through 10-412 Regarding Historical Preservation in the Municipal Code of the City of Tomah.** The Ordinance Amending Chapter 10 was reviewed by the Long Range Planning Committee and the Planning Commission during a joint meeting on March 30th. Chapter 10 amendments establish regulations regarding historic preservation in the Municipal Code.

Motion by Bohlen, second by Prise to waive the first verbatim reading of the Ordinance creating Article VIII Establishing Sections 10-401 (Jurisdiction), 10-402 (Definitions), 10-403 (General Administrative Provisions), 10-404 (Historic Structures, Historic Sites, and Historic District Designation Criteria), 10-405 (Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts), 10-406 (Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts), 10-407 (Sale/Rescission of Historic Structures and Historic Sites), 10-408 (Conformance with Regulations), 10-409 (Maintenance of Historic Structures, Historic Sites, or Properties in Historic Districts), 10-410 (Conditions Dangerous to Life, Health or Property), 10-411 (Penalties for Violations), and 10-412 Separability. Motion passed without negative vote.

Motion by Bohlen, second by Prise to waive the second verbatim reading of the Ordinance creating Article VIII Establishing Sections 10-401 (Jurisdiction), 10-402 (Definitions), 10-403 (General Administrative Provisions), 10-404 (Historic Structures, Historic Sites, and Historic District Designation Criteria), 10-405 (Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts), 10-406 (Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts), 10-407 (Sale/Rescission of Historic Structures and Historic Sites), 10-408 (Conformance with Regulations), 10-409 (Maintenance of Historic Structures, Historic Sites, or Properties in Historic Districts), 10-410 (Conditions Dangerous to Life, Health or Property), 10-411 (Penalties for Violations), and 10-412 Separability. Motion passed without negative vote.

Motion by Bohlen, second by Siekert to adopt **Ordinance No. 2017-04-07-D** creating Article VIII Establishing Sections 10-401 (Jurisdiction), 10-402 (Definitions), 10-403 (General Administrative Provisions), 10-404 (Historic Structures, Historic Sites, and Historic District Designation Criteria), 10-405 (Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts), 10-406 (Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts), 10-407 (Sale/Rescission of Historic Structures and Historic Sites), 10-408 (Conformance with Regulations), 10-409 (Maintenance of Historic Structures, Historic Sites, or Properties in Historic Districts), 10-410 (Conditions Dangerous to Life, Health or Property), 10-411 (Penalties for Violations), and 10-412 Separability. Motion passed without negative vote.

**Ordinance No. 2017-04-07-D**

**Ordinance Amending Chapter 10 Creating Article VIII Establishing Sections 10-401 (Jurisdiction); 10-402 (Definitions); 10-403 (General Administrative Provisions); 10-404 (Historic Structures, Historic Sites, and Historic District Designation Criteria); 10-405 (Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts); 10-406 ((Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts); 10-407 (Sale/Rescission of Historic Structures and Historic Sites); 10-408 (Conformance with Regulations); 10-409 (Maintenance of Historic structures, Historic Sites, or Properties in Historic Districts); 10-410 (Conditions Dangerous to Life, Health or Property); 10-411 (Penalties for Violations); and 10-412 (Separability) Establishing Regulations Regarding Historical Preservation in the Municipal Code of the City Of Tomah**

The Common Council of the City of Tomah do ordain as follows:

**SECTION ONE:** Chapter 10 Is Hereby Amended to Create **Article VIII Historic Preservation Regulations** as follows:

- 10-401 Jurisdiction
- 10-402 Definitions
- 10-403 General Administrative Provisions
- 10-404 Historic Structures, Historic Sites, and Historic District Designation Criteria

10-405	Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts
10-406	Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts
10-407	Sale/Rescission of Historic Structures and Historic Sites
10-408	Conformance with Regulations
10-409	Maintenance of Historic Structures, Historic Sites, or Properties in Historic Districts
10-410	Conditions Dangerous to Life, Health or Property
10-411	Penalties for Violations
10-412	Separability

**10-401 Jurisdiction.** This ordinance shall apply to all lands located wholly or in part within the boundaries of the City of Tomah.

**SECTION TWO:** Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-402.

**10-402 Definitions.** In this section unless the context clearly requires otherwise:

- (1) Alteration means any change, addition, modification, demolition or removal to an improvement or grading of a Historical Site.
- (2) Certificate of Appropriateness means an official form issued by the Zoning Administrator, Building Inspector or designee stating that the proposed work on a designated landmark or on a building in a Historic District is in accord with the requirements of this ordinance and that (1) the proposed work may be completed as specified in the certificate; and (2) that the Building Inspector may issue any permits needed to do the work specified in the certificate.
- (3) Commission means the Historic Preservation Commission created under this section.
- (4) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.
- (5) Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.
- (6) Historic District (HD) is an area designated by the Common Council on recommendation of the Commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Tomah, the state or nation, and which has been designated as a Historic District pursuant to the provisions of this chapter.
- (7) Historic Structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Tomah, the state or nation and which has been designated as a Historic Structure pursuant to the provisions of this chapter.
- (8) Historic Site means any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated as a Historic Site under this section, or an improvement parcel, or part thereof, used as and constituting part of the premises on which the Historic Structure is situated.

**SECTION THREE:** Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-403.

**10-403 General Administrative Provisions.**

- (1) Conflicting Regulations. Where the regulations imposed by this ordinance are either more or less restrictive than regulations in other ordinances or laws, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
- (2) Measuring 200 Feet around Properties. Certain provisions of this chapter reference properties that are within two hundred (200) feet of a subject property. Under this chapter, measurements around properties shall be taken from the lot lines of the subject property two hundred (200) feet in all directions. Any lots that fall within this measurement shall be considered within two hundred (200) feet of the subject property.

**SECTION FOUR:** Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-404.

**10-404 Historic Structures, Historic Sites, and Historic Districts Designation Criteria.**

- (1) For purposes of this ordinance, a Historic Structure, Historic Site, or Historic District designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Tomah which:
  - (a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  - (b) Are identified with historic personages or with important events in national, state or local history; or
  - (c) Embody the distinguishing characteristics of an architectural type or specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
  - (d) Are representative of the notable work of a master builder, designer or architect.
- (2) The Commission may adopt specific operating guidelines for Historic Structure or Historic Site designation providing such are in conformance with the provisions of this ordinance.
- (3) Historic District Preservation Plan. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City of Tomah to be designated as Historic Districts and shall, with the assistance of the City Planning Commission and Long Range Planning Committee, prepare a historic preservation plan in ordinance form for each area prior to designation of the Historic District. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

**SECTION FIVE:** Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-405.

**10-405 Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts.**

- (1) Public Hearing Required. The Historic Preservation Commission may, after notice and public hearing, recommend establishing Historic Structures, Historic Sites and Historic Districts, or rescind such designation or recommendation, after application of the criteria in Section 10-404. At least ten (10) days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City Assessor who are owners of the subject property plus those owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. The Historic Preservation Commission shall also notify the following: Department of Public Works, Parks and Recreation Commission, Fire and Police Departments, Health/Building Inspection Department, Long Range Planning Committee and Planning Commission. Each such department shall respond to the Commission within thirty (30) days of notification with its comments on the proposed designation or rescission. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems



- necessary. The Commission may conduct an independent investigation into the proposed designation or rescission.
- (2) Historic Preservation Commission Recommendation. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject, or withhold action on the designation or rescinding application. This recommendation shall be forwarded to the City Planning Commission, Long Range Planning Commission (as applicable), and the City Council.
  - (3) Planning Commission Recommendation. The Planning Commission shall review the designation or rescinding application of Historic Structure, Historic Site, or Historic District and make a recommendation to the City Council. The Planning Commission shall make its recommendation within thirty (30) days of receiving notification under Section 10405(1).
  - (4) Long Range Planning Committee Recommendation. Any designation or rescinding application of a Historic Structure, Historic Sites or Historic Districts located within the boundary of the City's Downtown Master Plan must also be reviewed by the City's Long Range Planning Committee prior to Common Council adoption. The Long Range Planning Committee shall make its recommendation within thirty (30) days of receiving notification under 10-405(1).
  - (5) City Council Approval. The City Council, upon receipt of the recommendations from the Historic Preservation Commission, Planning Commission, and Long Range Planning Committee (as applicable) shall take action on the designation or rescinding application of a Historic Structure, Historic Site, or Historic District. The Council at its discretion may hold an additional public hearing prior to taking action.
  - (6) Post Approval Notifications and Recording. After the designation, or rescission has been made, notification shall be sent to the property owner or owners and to any persons who requested notification. Notification shall also be given to the City Clerk, Building Inspector Department, and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the Monroe County Register of Deeds office.
  - (7) Records. Appropriate records, including photographs and plans, shall be kept as a part of the City's official zoning file. Once designated by Common Council, such Historic Structures, Sites, and Districts shall be subject to all provisions of this ordinance.
  - (8) Recognition of Historic Structures and Historic Sites. At such time as a Historic Structure or Historic Site has been properly designated, a suitable plaque may be prepared and erected on such property, declaring that such property is a Historic Structure or Historic Site. Information to be included on such a sign must be reviewed by the Historic Preservation Commission; the standard size and specific style of plaque will be determined by the Historic Preservation Commission so that signage throughout the City will match. Such plaques shall be placed as to be easily visible to passing pedestrians. In the case of a Historic Structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed proper by the Commission. In the case of a Historic Site which is not the site of a Historic Structure, such plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.
  - (9) Voluntary Restrictive Covenants. The owner of any Historic Structure or Historic Site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in the Monroe County Register of Deeds office, and shall notify the City Assessor of such covenant and the conditions thereof.

**SECTION SIX: Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-406.**  
**10-406 Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts.**

- (1) Certificate of Appropriateness Required. No permit to develop, construct, reconstruct, enlarge, alter, demolish, or remove Historic Structures, Historic Sites or property in a Historic District shall be issued until the Historic Preservation Commission has reviewed the application or petition and has recommended approval, approval with conditions, or denial of the application or petition.
  - (a) Permit Required. Except as provided in Section 10-410, no owner or person in charge of a Historic Site, Historic Structure, or structure within a designated Historic District shall construct, alter, reconstruct or permit all or any improvements on any part of the exterior of such property or properties, including demolition of all or part of an improvement, without the review and approval of plans for such alterations by the Historic Preservation Commission. In addition, any permit for a property located within the boundary of the City's Downtown Master Plan must also be approved by the City's Long Range Planning Committee. The Certificate of Appropriateness shall be filed with the Building Inspector or Zoning Administrator. Until such certificate has been granted by the Commission and Long Range Planning Committee (as appropriate), the Building Inspector shall not issue a permit for any such work.
  - (b) Basis for Approval. Any changes or alterations of a Historic Structure, a Historic Site, or a property in a Historic District will be permitted as long as they do not destroy, seriously impair, or significantly alter its character in terms of its historical or architectural interest, or particular character and quality of the Historic District, and conform to all other applicable City ordinances.
- (2) Regulation of Construction, Reconstruction and Exterior Alteration
  - (a) Upon filing of any application with the Historic Preservation Commission, the Historic Preservation Commission shall determine:
    1. Whether, in the case of a designated Historic Structure or Historic Site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
    2. Whether, in the case of the construction of a new improvement upon a Historic Site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
    3. Whether, in the case of any property located in a Historic District the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the Common Council.
    4. If the Commission determines Subparagraphs (1)-(3) above in the negative, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the Building Inspector. The Commission shall make this decision within thirty (30) days of the filing of the application.
  - (b) Appeal. Should the Commission, or Long Range Planning Commission (as applicable), refuse to issue a Certificate of Appropriateness due to failure of the proposal to conform to the above guidelines, the applicant may appeal such decision to the Common Council, which may grant said Certificate by a 2/3 vote only, and then only upon a clear showing of economic hardship by the applicant to the Common Council. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall, at the

request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(3) Criteria for the Review of Alterations to Historic Structures or Properties in Historic Districts.

(a) Criteria for the review of alterations in Historic Structures or properties in Historic Districts.

1. Height. All additions shall be no higher than the existing building.
2. Second exit platforms. Second exit platforms shall not be applied to the front or sides of a building, unless they are not visible from the street.
3. Solar apparatus. Passive and active solar apparatus will be allowed only if such devices do not detract from the architectural integrity of the building and are as unobtrusive as possible. Solar apparatus will not be permitted if such devices hides from street view significant architectural features of the building or neighboring buildings, if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become a major feature of the design.
4. Repairs. Repairs in materials that exactly duplicate the original in composition, texture, and appearance are encouraged. Repairs in new materials that duplicate the original in texture and appearance are also permitted.  
Repairs in materials that do not duplicate the original in appearance will be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building and if repairs that duplicate the original in appearance are prohibitively expensive.
5. Restoration. Projects that will return the appearance of the building to an earlier appearance are encouraged and will be permitted if such projects are documented by photographs, architectural or archaeological research, or other suitable evidence.
6. Re-siding with aluminum or vinyl. Re-siding with aluminum or vinyl that replaces clapboards or non-original siding on buildings originally sided with clapboards is not recommended, but may be permitted if the new siding imitates the width of the original siding within 1", and provided that all architectural details (such as window trim, wood cornices, and ornament) either remain uncovered or are duplicated exactly in appearance.  
Aluminum, vinyl and other materials will be considered on an individual basis.  
Siding that imitates wood graining will not be permitted.  
If more than one layer of siding exists on the building, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the siding as in the original.
7. Storms, screens and storm doors. The repair and retention of original storms, screens and storm doors, or the replacement of same with new units that duplicate the original in materials and appearance is encouraged. Replacements with non-original materials, such as combination metal components may also be permitted. If metal components are used, owners are encouraged to use metal components which have been factory-enameled.  
Painting of raw aluminum storms after a year of weathering of the finish is encouraged. Storm doors that imitate a specific style shall be permitted only if the style matches the style of the building.
8. Additions and alterations to street facades. The appearance of all street facades of a building shall not be altered unless the design is sensitive to the historic character of the building. Specifically, the design shall be compatible with the existing building in scale, color, texture, and the proportion of solids to voids. Materials and architectural details used in such alterations and additions shall either match those on the existing building or shall be materials and details used for the original construction of other buildings in the Historic District of similar materials, age, and architectural style.
9. Additions and alterations not visible from the street. Additions and alterations that are not visible from streets contiguous to the lot lines will be permitted if their design is compatible with the scale of the existing building and, in addition, materials used shall be compatible with the existing in texture, color and architectural details. Alterations shall harmonize with the architectural design of the building, rather than contrast with it.
10. Side additions. Side additions shall be set back from the front wall of the building.
11. Alterations to the roof. Roof alterations, resulting in an increased building volume, to provide additional windows, headroom, or area are not permitted unless by the Commission. In addition, the roof shape of the front of the building shall remain the same, unless the owner wishes to restore an earlier, documentable appearance.  
Roof alterations on the back and sides of the building shall be compatible with the design of the building.  
If the existing roofing material is the same as the original, changes in the appearance of roofing materials (not including color), will not be permitted except when the repair of the existing roof is unfeasible and the cost of replacing it in kind is prohibitive. The new roof shall match the original in appearance (not including color), as closely as is economically possible.  
If the existing roofing material is not original to the building, the new roofing materials shall harmonize in color with the building. Thick wood shakes, rolled roofing and hexagonal shingles will not be allowed. Restoration to a documentable earlier appearance is encouraged.

(b) Criteria for the Review of New Construction in Historic Districts.

1. Primary buildings.
  - a. Heights. The maximum height for new buildings shall conform to the requirements of the City's Zoning Code for each property and shall be compatible with adjacent buildings within the same block face.
  - b. Roof. Roof shapes will be considered on an individual basis. The shape shall be compatible with adjacent buildings within the same block face.
  - c. Materials. Materials for the exterior walls of new buildings shall be the same or similar to the materials prevalent in Tomah. The following materials will be permitted: brick, narrow gauge horizontal clapboards under four inches in exposed width, stone, stucco, smooth shingles or any combination of the above. The following materials will not be permitted: concrete block, asbestos, wide clapboards over four inches in exposed width, diagonal boards, vertical boards, rough sawn wood, rough split shingles, shakes. Other materials, such as aluminum or vinyl, will be considered on an individual basis.
  - d. Visual size. The gross area of the front facade (all walls facing the street) shall not be greater than 125% of the average gross area of the front facades of all adjacent buildings within the

same block face. If this is not possible, changes in the building plane/architectural detail should be designed in the front facade of the building to repeat the rhythm and proportions of adjacent buildings within the same block face.

- e. Solar panels. Solar panels may be permitted on new buildings, including the front facades. Solar apparatus will not be permitted if such devices hide from street view significant architectural features of neighboring buildings, or if they are of such a large scale that they become a major feature of the design.
  - f. Parking lots. In Historic District(s) any proposed new parking will need to be reviewed by the Historic Preservation Commission. Each proposal will be considered on an individual basis.
2. Accessory buildings. Accessory buildings shall be compatible with the design of the existing buildings on the zoning lot and shall be as unobtrusive as possible. Exterior wall materials permitted are the same as for construction of new primary buildings, but the materials should be the same as the exterior materials of existing buildings on the same zoning lot wherever possible.
- (4) Regulation of Demolition. No permit to demolish or move all or part of a Historic Structure, or improvement in a Historic District, shall be granted by the Building Inspector except as follows:
- a. Review and Recommendation by Commission. At such time as such person applies for a permit to demolish or move such property, an application shall be filed with the Historic Preservation Commission. Upon receipt of such application, the Historic Preservation Commission has the right to wait two (2) months from receipt of the application to grant written permission to the application. During the two (2) month period, the Commission and the applicant shall work together in good faith for the purpose of finding a method in which to save the property from demolition. At the end of the two (2) month period, if no agreeable way to save the subject property has been found, and no funding from any source to preserve the property is pending, the Building Inspector may issue the demolition permit for the subject property without the approval of the Commission. If the mutually agreeable method for saving the subject property is not successful or the funding for the preservation of the property is not available within a two (2) month period following the first (2) month period, the Building Inspector may issue the demolition permit without approval of the Commission.
  - b. Review by State Historical Society. If an order is issued to raze a historic building or the City intends to raze a municipally owned historic building, the City shall notify the State Historical Society of the order, application or intent. No historic building may be razed for thirty (30) days after the notice is given. During the thirty (30) day period, the State Historical Society shall have access to the historic building to create or preserve a historic record.
  - c. Standards. In determining whether to issue a Certificate of Appropriateness for any demolition, the Commission shall consider and may give decisive weight to any or all of the following:
    - 1. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Tomah and the State;
    - 2. Whether the building or structure, although not itself a designated Historic Structure, contributes to the distinctive architectural or historic character of the Historic District as a whole and therefore should be preserved for the benefit of the people of the City of Tomah and the State;
    - 3. Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Chapter 2, Section 2-412 and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;
    - 4. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
    - 5. Whether retention of the building or structure would promote the general welfare of the people of the City of Tomah and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;
    - 6. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;
    - 7. Whether any new structure proposed to be constructed or a proposed change in use is compatible with the buildings and environment of the district in which the subject property is located.
  - d. Appeal. An appeal from the decision of the Commission, or Long Range Planning Commission (as applicable), to grant or deny a Certificate of Appropriateness, whether this determination is made upon receipt of the application for the demolition permit or at the end of the two-month period in a case where action on the application is delayed, may be taken to the Common Council by the applicant for the demolition permit. Such appeal shall be initiated by filing a petition to appeal, specifying the grounds, with the City Clerk within ten (10) days of the date the final decision of the Commission is made. The City Clerk shall file the petition to appeal with the Common Council. After a public hearing, the City Council may by favorable vote of two-thirds (2/3) of its members, reverse or modify the decision of the Commission if, after balancing the interest of the owner in using it for his or her own purposes, the City Council finds that, owing to special conditions pertaining to the specific piece of property, demolition will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Commission's, or Long Range Planning Commission's (as applicable), decision. Self-created hardship shall be determined by the Common Council.

**SECTION SEVEN:** Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-407.

**10-407 Sale/Rescission of Historic Structures and Historic Sites.** Any party who is listed as the owner of record of a Historic Structure, or Historic Site, who can demonstrate to the Commission that by virtue of such designation he or she is unable to find a buyer willing to preserve such a Historic Structure or Historic Site, even though he or she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation under Section 10-405. Following the filing of such petition with the Commission:

- a. The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
- b. If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall rescind its designation of the subject property under the procedures of Section 10.405; provided however if the owner has received any financial or tax benefits from designation as a Historic Structure or Historic Site, the waiting period may not exceed twelve (12) months.
- c. In the event of such rescission, the Commission shall notify the City Clerk, the Building Inspector, and the City

Assessor of same, and shall cause the same to be recorded, at its own expense, in the office of the Monroe County Register of Deeds.

- d. Following any such rescission, the Commission may not re-designate the subject property a Historic Structure or Historic Site for a period of not less than five (5) years following the date of rescission.

**SECTION EIGHT: Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-408.**

**10-408 Conformance with Regulations.**

Every person in charge of any Historic Structure, Historic Site or improvement in a Historic District shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance.

The City Council may appoint the Building Inspection Department or any other individual or group of individuals to enforce this ordinance. The duties of the inspection officer shall include periodic inspection at intervals provided by the City Council of designated Historic Structures, Historic Sites and Historic Districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to § 66.112, Wis. Stats., and take any other reasonable measures to further enforcement of this ordinance.

**SECTION NINE: Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-409.**

**10-409 Maintenance of Historic Structures, Historic Sites or Properties in Historic Districts.**

- (1) Every person in charge of an improvement on a Historic Structure, Historic Site, or property in a Historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (2) Insofar as they are applicable to a Historic Structure, Historic Site, or property in a Historic District, designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating, and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the General Ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Building Inspection Department, provided such variance or waiver does not endanger public health or safety.

**SECTION TEN: Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-410.**

**10-410 Conditions Dangerous to Life, Health or Property.**

Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on a historic site or in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be required.

**SECTION ELEVEN: Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-411.**

**10-411 Penalties for Violations.**

Any person violating any provisions of this section shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. In addition, in any instance where work commences as regulated in this Chapter without the owner or agent having secured a Certificate of Appropriateness and where applicable, Planning Commission approval, the Building Inspector shall promptly issue a stop work order which shall take immediate effect and remain in effect until such Certificate and other applicable approaches shall have been secured. Issuance of a Certificate in such instances shall require payment of a \$100 fee. If, in the process, provisions of the Building Code shall also have been violated, the penalties for such violation called for in that Building Code shall be applied.

**SECTION TWELVE: Chapter 10 Is Hereby Amended to Create Article VIII Historic Preservation Regulations Section 10-412.**

**10-412 Separability.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

**SECTION THIRTEEN: All ordinances in conflict with the foregoing are hereby repealed.**

**SECTION FOURTEEN: This ordinance should take effect upon publication.**

	Nellie Pater, Mayor	ATTEST: JoAnn Cram, City Clerk
Read:	April 11, 2017	Passed: April 11, 2017      Published: April 20, 2017

**Lease Agreement Between the City of Tomah, Chamber of Commerce and Convention and Visitors Bureau.** A motion was made at the Committee of the Whole meeting recommending approval of the lease as presented, however, the motion did not pass. Further discussion was requested. City Attorney Berry advised edits can be made. The lease agreement should be for the remainder of this year. It was suggested that at the beginning of next year, do a one year lease from budget to budget at which time numbers for a year's worth of bills would be available. Also, another adjustment in the shorter interim contract could be utility costs being paid by the lessee. In the short term, the lease would go from May 15<sup>th</sup> through December 31<sup>st</sup> of 2017 charging no rent and the City would continue the room tax to cover the cost of all utilities. City Treasurer Mann advised that CVB and Chamber have already budgeted funds for 2017 utilities. A prior gentleman's agreement was that there would be no rent, however there was no discussion about the utilities at that time. Tina Thompson advised that approximately \$500-600 per month was budgeted for utilities for the remainder of this year and zero dollars were budgeted for rent. Chamber and CVB budgeted funds could pay for utilities from May through December 31 and a new lease will be looked at going forward from January 2018. Section 5 – Maintenance was addressed and who would be responsible for future maintenance. If no rent is collected, maintenance issues will need to be addressed in the future long term rental agreement. It was advised that a large amount of CVB reserve funds were used to complete the project and they are requesting time to build some of the funds back up for future needs. These issues will be negotiated in the future. Sub-letting would be based on City Council approval. The final consensus was for a short term lease from May 15<sup>th</sup> through December 31, 2017 charging no rent, lessee to pay utilities, and that room tax funds will be used for maintenance for the remainder of this year. City Atty. Berry will revise the lease which will be brought back in May for consideration.

**2017 Budget Amendment – Transfer of \$3,591 from Grants and Donations Acct. G-48500; \$8,960 from Fund Balance Applied and \$4,373 from Capital Outlay Acct. #8-57220-830 to Acct. # G-57220-830 Fire Equipment Outlay for the Purchase of a Breathing Air Compressor for Fire Dept.** The Fire Dept. purchased an air compressor with funds received through grants and donations to the department. The cost of this expenditure is \$16,924.05.

Motion by Siekert, second by Bohlen to approve the 2017 Budget Amendment to transfer \$3,591 from Grants and Donations Acct. G-48500; \$8,960 from Fund Balance Applied and \$4,373 from Capital Outlay Acct. #8-57220-830 to Acct. # G-57220-830 Fire Equipment Outlay for the Purchase of a Breathing Air Compressor for Fire Dept. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills.**

Motion by Siekert, second by Prise to approve **Resolution No. 2017-04-11-21** authorizing payment of the monthly bills for a total amount of \$898,946.37. Motion passed without negative vote.

**RESOLUTION NO. 2017-04-11-21  
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	\$ 178,580.03	Check #'s 119464-119484 & 119583-119642
2.	Payroll	\$ 464,034.36	Direct Deposit #'s 49726-50109
3.	Wire Transfers	\$ 34,176.83	
4.	Invoices	\$ <u>222,155.15</u>	Check #'s 119653-119747
		\$ 898,946.37	

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Motion by Prise, second by Siekert to adjourn to closed session pursuant to State Statute 19.85(1) (c) with respect to the City Administrator annual evaluation. Motion passed without negative vote. Meeting adjourned to closed session at 8:26 p.m.

Respectfully submitted,

Nellie Pater, Mayor

JoAnn Cram, City Clerk