

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, December 12, 2017 at 6:30 p.m. with Mayor Nellie Pater presiding in the Municipal Building, 819 Superior Ave., Tomah, WI.

Following the Pledge of Allegiance, roll call was taken with Luke Bohlen, Mike Murray, Pam Buchda, Travis Scholze, Lamont Kiefer, Wayne Kling, and Larry Siekert present. Absent: Mary Ann Komiskey. Quorum present. Also in attendance: City Admin. Roger Gorius, Asst. City Atty. Rick Radcliffe, City Clerk JoAnn Cram, Police Chief Mark Nicholson, Sr. and Disabled Director Delia Duncan, City Treasurer Julia Mann, Fire Chief Tim Adler, and Ex. Dir. Chamber/CVB Tina Thompson. Gregg Hagen videotaped the meeting.

Anyone Desiring to Appear Before the City Council. No one wished to appear.

Appointments: Appointment of Pam Buchda to fulfill the remaining term of Joanne Westpfahl on the Historical Preservation Commission with the term expiring in April 2019. Motion by Murray, second by Kling to accept Mayor Pater's recommendation and appoint Pam Buchda to the Historical Preservation Commission to fulfill the remaining term of Joanne Westpfahl with the term expiring in April 2019. Motion passed without negative vote. (Buchda abstained)

Appointment of 2018-2019 Election Officials. Election officials must be appointed by the governing body in December of odd numbered years for a two year term. Appointments are made for regular election officials, Chief Inspector election officials, Certified Chief Inspector election officials, alternate election officials, special voting deputies and special registration deputies. Recommendation for Regular Election Officials: Lana Adler, Myra Anderson, Laura Bishop, Paulette Bolton, Alice Brown, Evelyn Chapman, Jim Cram, William Davy, Kevin Decorah, Maureen Decorah, Barbara Enos, Renee Fletcher, Shirley Galstad-Roh, Kitty Gnewikow, Dennis Koranda, Janet Koranda, Jillene Luedtke, Arlys Maas, Jenny McCoy, Darlene Nelson, Mary Pierce, Sheila Robertson, Betty Roscovius, Jane Schave, Joyce Skogen, Mary Smith, Patricia Soulier, Dawn Spence, Lavonne Spiers, and Anne Wallus. **Chief Inspector Election Official Appointments:** Paulette Bolton, Evelyn Chapman, Maureen Decorah, Kitty Gnewikow, Arlys Maas, Darlene Nelson, Mary Pierce, and Sheila Robertson. **Certified Chief Inspection Election Officials** are as follows: Maureen Decorah, Darlene Nelson, Arlys Maas and Mary Pierce. **Alternate Election Officials/Inspectors** are: Lana Adler, Jody Allen, Myra Anderson, Laura Bishop, Paulette Bolton, Alice Brown, Evelyn Chapman, Jim Cram, William Davy, Maureen Decorah, Kevin Decorah, Barbara Enos, Renee Fletcher, Shirley Galstad-Roh, Kitty Gnewikow, Dennis Koranda, Janet Koranda, Jillene Luedtke, Arlys Maas, Jenny McCoy, Darlene Nelson, Mary Pierce, Sheila Robertson, Betty Roscovius, Jane Schave, Joyce Skogen, Mary Smith, Patricia Soulier, Dawn Spence, Lavonne Spiers, and Anne Wallus. **Special Voting Deputies** are as follows: Joyce "Pat" Flanders, Jody Allen, Paulette Bolton, Alice Brown, Evelyn Chapman, Jim Cram, JoAnn Cram, William Davy, Maureen Decorah, Berta Downs, Renee Fletcher, Shirley Galstad-Roh, Kitty Gnewikow, Barbara Hendricks, Jillene Luedtke, Julia Mann, Mary Pierce, Sheila Robertson, Betty Roscovius, Jane Schave, Mary Smith, Dawn Spence, Lavonne Spiers, and Anne Wallus. City Clerk's Office Appointments for **Special Registration Deputies:** Jody Allen, JoAnn Cram, Berta Downs, Roger Gorius, Barbara Hendricks, Julia Mann, Mary Pierce, and Diane Webster.

Motion by Buchda, second by Siekert to approve the 2018-2019 appointment of Election Officials as presented. Motion passed without negative vote.

Mayor. Mayor Pater thanked Band Box for the use of their vehicle during the Holiday Train event.

City Administrator & Long Range Plan Committee Report. City Administrator Gorius advised that he attended a Veterans Day Prayer Luncheon at Ft. McCoy on Veterans Day and also spoke at the Tomah Care Center Veterans Day celebration. Admin. Gorius also attended the Mill Haven Foods ribbon cutting ceremony and grand opening on Nov. 10th. A report was given regarding current and ongoing activities being addressed by the Administrator's office.

Communication to the City Council from the Chair of the Town of Tomah (Information Only). Howard Hanson, Chair of the Town of Tomah wishes to voice concerns regarding increase in rates by Tomah Area Ambulance Service from \$5 per capita to \$20 per capita annually. This would result in an increase for the Town of Tomah of \$21,500 which would be "economically crippling to the Town budget".

Distinguished Service Resolution. A resolution was presented in recognition of Richard Radcliffe in service to the City of Tomah as City legal counsel from 1994 to 2017. Atty. Radcliffe has been appointed Monroe County Circuit Court Judge and is stepping down from his role as Asst. City Atty. for the City of Tomah. Atty. Radcliffe was presented with a plaque.

Motion by Buchda, second by Kling to adopt **Resolution No. 2017-12-12-52** Recognizing Richard Radcliffe for his service to the City of Tomah as City Legal Counsel from 1994 to 2017.

RESOLUTION NO. 2017-12-12-52
RESOLUTION IN RECOGNITION OF RICHARD RADCLIFFE IN
SERVICE TO THE CITY OF TOMAH AS CITY LEGAL COUNSEL
1994-2017

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, Richard Radcliffe has committed himself to faithfully serving the citizens of Tomah from 1994 to 2017 as City Attorney/Assistant City Attorney and Legal Counsel for the City of Tomah, and

WHEREAS, Rick has proven himself to be a dedicated and trustworthy member of the City of Tomah. Rick's commitment to his community has been evidenced repeatedly in his oversight of environmental issues of the Tomah superfunds protecting the citizens of Tomah from environmental issues. Attorney Radcliffe's service to the City of Tomah in legal representation on zoning issues, land acquisitions, union negotiations and many other legal issues facing a City with a population of over nine thousand portray a level of concern and loyalty to bringing forth the very best our community has to offer. As Tomah City Attorney Rick has repeatedly exhibited an unending drive to promote the quality of life for not only the Councils he represents but the citizens of the City of Tomah overall. Attorney Radcliffe has at all times exhibited an understanding and compassion when deciding matters of the City in his role as a City Attorney to the City Council. His thoughtfulness and commitment to, not only his colleagues but, all of Tomah will be greatly missed, and

WHEREAS, in appreciation for such dedication and service to our Community upon his appointment as County Circuit Judge for Monroe County the following is submitted to record;

NOW THEREFORE, BE IT RESOLVED, that as Mayor on behalf of The City of Tomah, I commend Rick for his outstanding contribution to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Rick for twenty-three years of dedication and service to the citizens of the City of Tomah and extends its best wishes for his health, happiness and success in the future. Dated this 12th day of December 2017.

Nellie Pater, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

City Clerk. The Spring Election will be held on Tuesday, April 3, 2018. Offices on the spring ballot include Mayor and 2nd, 4th, 6th and 8th Aldermanic Districts. Nomination papers must be submitted no later than 5 p.m. on January 2, 2018. There are currently three candidates circulating nomination papers for Mayor, therefore, the primary election date will be Tuesday, February 20, 2018. City Clerk Cram also provided an update on the final tax levy and tax bills.

Library Report. No report.

Convention & Visitors Bureau/Chamber of Commerce. Ex. Director Tina Thompson advised that they are working on the Area Guide and will distribute approximately 37,000 copies. A large part of the work next year will focus on increasing our workforce and residency. They will also be reviewing their by-laws and making necessary changes. The annual banquet will be held in February.

Tomah Public Housing & Community Development Block Grant Report. Director Muehlenkamp submitted a written report.

Senior & Disabled Services Report. Sr. & Disabled Services Director Delia Duncan advised the Rotary Christmas party was held last Friday. A memorial was received from Bunny Griffin in the amount of \$700. A \$10,000 donation was received from the Burnstad Foundation. Overhead Doors will be putting in two overhead doors at the Sr. Center. 100 Bingo cards were also donated to the Sr. Center. The November craft sale raised \$1,500 this year. A special thank you was extended to Rachel Muehlenkamp for her assistance with this event. An AED unit has also been donated to the Sr. Center.

Planning/Building Inspection Report. Zoning Administrator/Building Inspector Shane Rolff provided a written report showing permit construction values of \$895,888 and total permit fees of \$5,439 collected in November.

Police Department Monthly Report. Police Chief Nicholson provided a monthly written report for review. He advised that the Police Department is one officer short and the hiring process has re-started with interviews scheduled. A clerical position is also vacant and the hiring process will start in January for that position. The Department will host the "Shopping With a Hero" event on December 13th where local children have been selected to shop at Wal-Mart with each participant receiving \$100 to spend. Alternate side parking will be enforced effective immediately.

Consent Agenda Items.

Motion by Scholze, second by Buchda to approve the following Consent Agenda items. Motion passed without negative vote.

- A. Minutes** of the November 14, 2017 regular Council Meeting as presented.
- B. Minutes** of the December 4, 2017 Special Council Meeting as presented.
- C. Bartender Licenses** for Mallory Fritz, Victoria Leszczynski, Matt Schatzke, Marie Smaida, and Richard Solils.
- D. Special Beer & Wine Permit** for Tomah Warrens Sportsman's Alliance for February 10, 2018 for a Lake Tomah Ice Fisheree at Winnebago Park.
- E. License Application–Pawnbroker–Pioneer Pawn Shop**, 108 E. Veterans Street for 2018
- F. License Application – Secondhand Jewelry Dealer and Secondhand Article Dealer** to Carolyn Habelman of Antique Mall of Tomah, 1510 Eaton Avenue for 2018
- G. Taxi Cab Renewals – F.D.S. Enterprises** for a 2016 Dodge Caravan, (2) 2015 Dodge Caravans, 2013 Dodge Caravan and a 2017 Dodge Caravan for 2018.
- H. Taxi Cab Renewals – Ace Cab Company** for two (2)2001 Ford Taurus vehicles.

- I. **2017 Budget Amendment** – Recognizing \$100 Donation in Grants & Donations- Account # 05-48500 to be used for Police Dept. expenses at a later date.
- J. **2017 Budget Amendment** – Transfer \$9,000 from Acct. #01-57220-1120 Salaries – Support Services and \$3,000 from Acct. 01-52200-1130 Salaries – Operations to Acct. 01-57220-8300 Fire Protection Outlay Equipment to Purchase Fire Equipment
- K. **2017 Budget Amendment** – Carry Forward \$50,000 from Aquatic Center Outlay Account #08-57622-8300 from 2017 to 2018 for Completion of Filter System Upgrade
- L. **2017 Budget Amendment** – Transfer of \$32,000 from Reserved for Contingencies Account #01-51980-2270 to Shared Ride Operating Supplies Acct. #11-53520-3400 for the Shortfall in the Mass Transit Account. Discussion: City Treasurer Julia Mann provided a summary and answered questions regarding calculating the hours and increased costs.

Treasurer - Cash & Investment Reports for November will be available in January.

Request by D.A.R.T. Transport for Consideration of Land Development Agreement. A development agreement was approved between the City of Tomah and Martin Trucking in 1987 with the understanding that within one year Martin Trucking would construct a 4,480 square foot building. The building was not constructed and the land sits vacant. In July of 2014 the City Council entered into a new development agreement that required construction of a commercial or industrial facility or other improvement within five years. The City Administrator's office was contacted by a trucking company who is interested in purchasing the property for use as a transport truck parking facility. It was the consensus of the Committee of the Whole/Common Council that it is in the best interest of the city to abide by the current development agreement. If the current owner constructs a building to comply with the agreement, the sale of the property could then take place.

Lease Agreement Between Tomah Chamber of Commerce/Convention and Visitor's Bureau and City of Tomah. In consideration of the fact that the Chamber contributed significant funds during the renovation, and to allow for them to restore their cash reserves, the proposed lease sets the rent at one dollar a year for a period of five years. All utilities will be paid by the Chamber/CVB and provisions for liability insurance, abandonment, subletting and maintenance are covered in the lease as well. Concern was voiced at the Committee of the Whole regarding the term of the lease and changing the language that would require the lease to come back to the Council for review at the end of the five year period. Discussion was also held regarding future repairs of the building and cost of the building insurance being the responsibility of the City. Concern at the Common Council meeting addressed the maintenance costs being the responsibility of the Chamber/CVB and it was requested that the lessee have the responsibility of maintenance costs. Ex. Director Thompson provided a summary of the history of the project to date. The City could use the room tax funds if repairs are needed to the facility.

Motion by Kling, second by Bohlen to table the lease agreement for additional information to come forth and discussion and to amend the lease. Discussion – the Council members at the time of completion at the end of renovation and an initial lease was completed for \$1 with an extended lease coming due on January 1st, 2018. Another concern was that the Chamber/CVB provided significant renovation funds and are trying to restore cash reserves that were spent down. Another point is that the Chamber/CVB is somewhat of an entity of their own, however, the Council at a very minimal fee have a staff promoting the City and marketing the City for us. The question arose as to why the City couldn't sell the building to the Chamber/CVB for \$1. Historically, the Chamber/CVB have wanted a stable base. Because of the significance of the building and the uniqueness of the building to Tomah, the building should be in some type of control of the City. The 2% room tax increase was added specifically for this project and the goal was to keep the 2% revenue stream until such time as a surplus of funding was restored for the Chamber/CVB to replenish what was spent on the renovation project. A suggestion was made to set the rent at \$1 for a one year period. Kiefer, Kling, Siekert and Bohlen voted aye. Murray, Buchda and Scholze voted nay. Motion passes to table the item.

Establish Rate of Pay for a Police Officer – Recruit. The application pool for entry level police officers has been on the decline for several years. In an attempt to increase the pool of candidates, minimum requirements have been reduced to apply for an entry level position. The change allows someone who has not attended the Police Academy to be hired as a Police Officer and the City would then sponsor the recruit to attend the Police Academy. If a recruit attends and is "sponsored" by a police agency, the WI Dept. of Justice, Training and Standards Bureau will pay the registration fee upon successful completion. They will also reimburse the associated meals, mileage and lodging costs. If the recruit does not complete the training, the police agency is responsible for the registration fee and all other costs associated with the training. In order to be "sponsored" the WI Dept. of Justice, Training & Standards Bureau requires that the recruit be employed by the Police Agency and be "Sworn" in as a police officer prior to attending the academy. It is suggested that the rate of pay for the "Recruit" position be established at 75% of an entry level police officer.

Motion by Bohlen, second by Buchda to establish the rate of pay for Police Officer – recruit positions at 25% less than that of entry level police officers. Motion passed without negative vote.

Ordinance Creating Section 42-3 Regarding Elimination of Duplicate Municipal Treasurer's Bond Relating to the Collection of State and County Taxes. State Statutes require the City to have an ordinance adopted regarding elimination of duplicate Municipal Treasurer's Bond relating to the collection of state and county taxes. The other option would be to purchase a bond each year that would cover the amount of taxes the City collects that would be paid to the County. This would not be a cost effective option.

Motion by Kling, second by Siekert to waive the first verbatim reading of the Ordinance creating Section 42-3 Regarding Elimination of Duplicate Municipal Treasurer's Bond Relating to the Collection of State and County taxes. Motion passed without negative vote.

Motion by Kling, second by Bohlen to waive the second verbatim reading of the Ordinance creating Section 42-3 Regarding Elimination of Duplicate Municipal Treasurer's Bond Relating to the Collection of State and County taxes. Motion passed without negative vote.

Motion by Kling, second by Scholze to adopt **Ordinance No. 2012-12-15-D** creating Section 42-3 Regarding Elimination of Duplicate Municipal Treasurer's Bond Relating to the Collection of State and County taxes. Motion passed without negative vote.

ORDINANCE NO. 2012-12-15-D

**EXEMPTION FROM TREASURER'S BOND
AN ORDINANCE CREATING SECTION 42-3 REGARDING ELIMINATION OF DUPLICATE
MUNICIPAL TREASURER'S BOND RELATING TO THE COLLECTION OF STATE AND COUNTY TAXES IN THE
MUNICIPAL CODE OF THE CITY OF TOMAH**

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

SECTION ONE: Chapter 42, Section 42-3 is Hereby Created to Read as Follows:

The City of Tomah Treasurer is exempted from giving the bond specified in Section 70.67(1) of the Wisconsin Statutes. Pursuant to Section 70.67(2) of the Wisconsin Statutes, the City of Tomah shall be obligated to pay, in case the Treasurer thereof shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the County Treasurer.

SECTION TWO: The City Clerk shall file a certified copy of this ordinance with the County Treasurer.

SECTION THREE: This ordinance shall take effect the day after publication of same in accordance with Wisconsin Statutes. Dated this 12th day of December, 2017.

READ: Nellie Pater, Mayor ATTEST: JoAnn M. Cram, City Clerk
12/12/2017 PASSED: 12/12/2017 PUBLISHED: 12/21/2017

Ordinance Annexing Land from the Town of Tomah to the City of Tomah (Tomah Associates Property) The City received a petition for direct annexation by unanimous approval from Stuart Ginsberg for Tomah Associates, owners of parcel #'s 042-00367-0000 and 042-00364-0000 in the Town of Tomah. The property is located along the south side of Gopher Avenue and includes 44.01 acres with zero electors currently residing there. The property owners have requested annexation to the City in order to gain access to public facilities.

Motion by Siekert, second by Scholze to waive the first verbatim reading of the ordinance annexing land from the Town of Tomah to the City of Tomah (Tomah Associates) Property. Motion passed without negative vote.

Motion by Siekert, second by Scholze to waive the second verbatim reading of the ordinance annexing land from the Town of Tomah to the City of Tomah (Tomah Associates) Property. Motion passed without negative vote.

Motion by Siekert, second by Kiefer to adopt the **Ordinance No. 2017-12-16-D** annexing land from the Town of Tomah to the City of Tomah (Tomah Associates) Property. Motion passed without negative vote.

**ORDINANCE NO. 2017-12-16-D
AN ORDINANCE ANNEXING LAND
FROM THE TOWN OF TOMAH TO THE CITY OF TOMAH
(Tomah Associates Property)**

WHEREAS, the City of Tomah received a petition for direct annexation of land in the Town of Tomah from Tomah Associates, Stuart Ginsberg-owner, manager (herein Petitioner) dated October 18, 2017; and,

WHEREAS, the petition has been reviewed by the City of Tomah Planning Commission at its meeting on November 30, 2017, and the Planning Commission has made recommendations for temporarily zoning of the territory included in the petition; and

WHEREAS, the annexation petition appears to meet the requirements of §66.0217, Wisconsin Statutes; and,

WHEREAS, the City Council has determined that it is in the best interest of the City of Tomah to annex the territory described in the annexation petition.

NOW THEREFORE, the City Council of the City of Tomah hereby enacts the following ordinance:

SECTION 1: Territory Annexed.

The City Clerk received a petition for direct annexation on the 18th day of October, 2017, signed by Stuart Ginsberg, owner/manager of Tomah Associates on behalf of owners of all of the real property in the territory. That the territory described in the annexation petition which is attached to this ordinance as Exhibit A and incorporated as if fully set forth herein is hereby annexed to the City of Tomah in accordance with sec. 66.0217(2) of Wisconsin Statutes.

SECTION 2: Temporary Zoning.

Upon recommendation of the City of Tomah Planning Commission, the territory annexed to the City of Tomah by this ordinance is temporarily zoned as A-1 Agricultural District, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes and Sec. 52-32(3) of the City of Tomah Zoning Ordinance. The Planning Commission is directed to prepare an amendment to the City of Tomah Zoning Ordinance, pursuant to Article IX of the Zoning Ordinance, setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the City Council within one year of adoption of this ordinance.

SECTION 3: Designations.

The population at the time of annexation to the City of Tomah was zero (0) population and remains at zero (0). Said property shall be established as Ward 19 and shall be included as part of Aldermanic District 8. Said property shall be part of County Supervisory District #10, Assembly District #96, Senate District #32, and Congressional District #3.

SECTION 4: Payment to Town as required by Statute.

The City agrees to pay annually to the Town of Tomah, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the 2017 tax roll under §70.65, Stats., pursuant to §66.0217(14)(a)1., Stats.

SECTION 5: Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6: Effective Date.

This ordinance is effective upon enactment pursuant to §66.0217(8)(c), Stats.

Dated this 12th day of December, 2017.

CITY OF TOMAH

READ: Nellie Pater, Mayor 12/12/2017 ATTEST: JoAnn Cram, Clerk 12/12/2017 PASSED: 12/12/2017 7 Ayes 0 Nays 1 Absent PUBLISHED: 12/12/2017

Ordinance Amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement. The recycling and garbage ordinance was revised in Sept. 2016. A discrepancy has been found which could cause confusion in enforcement. It is requested that “garbage receptacles” be added to Section (b)(2) for clarification.

Motion by Buchda, second by Kling to waive the first verbatim reading of the ordinance amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Scholze, second by Siekert to approve **Resolution No. 2017-12-12-53** authorizing payment of the monthly bills in the amount of \$814,128.92 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2017-12-12-53
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	\$ 117,538.08	Check #'s 121061-121093, 121173-121239
2.	Payroll	\$ 315,065.64	Direct Deposit #'s 52023-52281
3.	Wire Transfers	\$ 23,183.39	
4.	Invoices	<u>\$ 358,341.81</u>	Check #'s 121269-121313
		\$ 814,128.92	

Nellie Pater, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Ordinance Amending Chapter 52 Sections 52-14 and 52-209 Regarding Fences and Hedges. Motion by Bohlen, second by Siekert to waive the second verbatim reading of the revised ordinance amending Chapter 52 Sections 52-14 and 52-209 regarding fences and hedges as presented. Motion passed without negative vote.

Motion by Bohlen, second by Kiefer to adopt **Ordinance No. 2017-12-17-D** amending Chapter 52 Sections 52-14 and 52-209 regarding fences and hedges as presented. Motion passed without negative vote.

ORDINANCE NO. 2017-12-17-D

ORDINANCE AMENDING CHAPTER 52 SECTIONS 52-14 DEFINITIONS AND SECTION 52-209(a) and (b)(2) AND (b)(4) REGARDING FENCES AND HEDGES IN THE MUNICIPAL CODE OF THE CITY OF TOMAH

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

SECTION ONE: Chapter 52 Section 52-14. - Definitions Is Hereby Amended to Read as Follows: Add: Property Survey: Property lines that have been determined and defined by a Wisconsin Professional Land Surveyor, marked on the ground by monuments at the property corners and delineated on a signed and sealed map using minimum standards as defined by AE-7 of the Wisconsin Administrative Code.

SECTION TWO: Chapter 52 Section 52-209(a) Is Hereby Amended to Read as Follows:

Sec. 52-209. - Fences and hedges.

(a) *Permits.* No person shall erect or construct any fence on any premises in the city without first obtaining a permit. Applicant for such permit shall provide a property survey map bearing the seal and signature of a Wisconsin Professional (Registered) Land Surveyor showing the applicant’s property ownership line(s) and monuments marking the corners of the property. A sketch showing known lot lines (as evidenced by survey monuments), fence location and design shall accompany the application for such permit. The building inspector shall approve the application before construction.

SECTION THREE: Chapter 52 Section 209(b) Is Hereby Amended to Read as Follows:

Sec. 52-209 (b) – Fences and Hedges

(b) *Requirements.*

- (1) No fence exceeding three feet in height shall be erected, constructed or maintained in front of the setback line for principal buildings on any premises within a residential district.
- (2) Property owners shall locate fences no closer than two feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owners property. This requirement can be waived if a maintenance free fence is installed. A property survey which identifies

both the boundaries of the property and the location of the proposed fence is required to obtain a building permit.

Property Survey: Property lines that have been determined and defined by a Wisconsin Professional Land Surveyor, marked on the ground by monuments at the property corners and delineated on a signed and sealed map using minimum standards as defined by AE-7 of the Wisconsin Administrative Code.

(3) On any corner lot where a front or side yard is required or provided, no fence, hedge or other obstruction shall be placed so as to interfere with clear vision from one street to the other across the corner. See traffic visibility provisions in [section 52-114](#).

(4) No fence exceeding six feet in height shall be erected, constructed or maintained on any premises in a residential zoning district. Security fences are permitted in all districts except residential districts, but shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing. Fences exceeding six feet in height to a maximum height of eight feet installed for the purpose of providing visual screening for onsite utilities, dumpsters, or similar items may be allowed by the Plan Commission. Swimming pool fences are covered in [section 52-210](#).

(5) No barbed wire or electric fence under six feet in height shall be permitted within the city, except when used for agricultural purposes. Any barbed wire or electric fence over six feet in height shall be approved by the building inspector prior to construction.

(6) Any fence which exists at the time of the passage of the ordinance from which this chapter is derived, but does not conform with the provisions thereof, shall not be altered or enlarged without making the entire fence conform with the provisions of this section.

(7) Any fence constructed so as to make it impassible for the reading of gas, electrical and water meters shall have a gate which gives access to them without entering through any building.

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 M. Cram, City Clerk

READ: 11/14/2017 & 12/12/2017

PASSED:

12/12/2017

PUBLISHED:

12/21/2017

Conditional Use Permit Requested by Roger and Jody Allen for 325 N. Glendale Avenue to Bring an Illegal Nonconforming Duplex into Compliance with Zoning Regulations. Applicant wishes to bring an illegal nonconforming duplex into compliance with zoning regulations. Multifamily dwellings are a listed conditional use in the R-1 Single Family Residential District. The structure was converted from a single family home to a duplex without the required building and/or zoning permits.

Motion by Murray, second by Buchda to approve the Conditional Use Permit without conditions for Roger and Jody Allen for 325 N Glendale Avenue to bring an illegal nonconforming duplex into compliance with zoning regulations. Motion passed without negative vote.

Authorization to Host Ice Race Event on Lake Tomah on January 28, 2018. Mark Muth has requested authorization to hold their annual ice racing event at Lake Tomah. A certificate of insurance will be provided and a map of the racing area has been submitted. There will be 150' between the racing area and spectators. They have advised there isn't anything they need from the city to host this event except for the authorization to use the Park and Lake.

Motion by Buchda, 2nd by Kiefer to host the annual ice race event on Lake Tomah at Winnebago Park on January 28, 2018 contingent on receipt of the certificate of insurance. Motion passed without negative vote.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to Confer with Legal Counsel Regarding Personnel Issues. Motion by Kiefer, second by Siekert to adjourn to closed session pursuant to State Statute 19.85(1)(c) to confer with legal counsel regarding personnel issues. Motion passed without negative vote. Meeting adjourned to closed session at 7:45 p.m.

Approved: Nellie Pater, Mayor

Attest: JoAnn M. Cram, City Clerk