

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, July 10, 2018 at 6:30 p.m. with Mayor Mike Murray presiding in the Municipal Building, 819 Superior Ave., Tomah, WI.

Following the Pledge of Allegiance, roll call was taken with Mike Murray, Travis Scholze, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Richard Yarrington, Shawn Zabinski and Jeff Cram present. Absent: None. Quorum present. Also in attendance: City Atty. Penny Precour, City Treasurer Julia Mann, Library Director Irma Keller, Fire Chief Tim Adler, Ambulance Director Randy Dunford, and City Clerk JoAnn Cram. Greg Hagen videotaped the meeting.

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

Appointments: Appointment of Jared Tessman to the Parks and Recreation Commission to Fulfill the Remaining 3 Year Term of Steve Doll With the Term Expiring April of 2020. Motion by Siekert, second by Yarrington to accept Mayor Murray's recommendation and appoint Jared Tessman to the Parks and Recreation Commission to fulfill the remaining 3 year term of Steve Doll with the term expiring in April of 2020. Motion passed without negative vote.

Mayor: 1. Mayor's Veto Regarding Construction of an Ambulance Building With Residential Quarters. Mayor Murray submitted documentation on June 13, 2018 that he was exercising his power and gave notice that he was vetoing the following decision of the Common Council at the June Council meeting: *Construction of an Ambulance Building with Residential Quarters. Motion by Yarrington, second by Siekert to move forward with the original building proposal as presented by Keller & Associates for the amount of \$2,990,581 and authorize City staff to begin the bonding process to borrow funds for the project. Motion passed with 4 ayes (Siekert, Kling, Cram and Yarrington) and 3 no's (Scholze, Komiskey and Zabinski). Motion carried.*

Mayor Murray provided a summary of the reasons the item was vetoed. Mayor Murray advised that according to the 2018 City Budget, it would cost around \$50,000 to maintain the second station and the ability to disburse ambulances from both locations. The ambulance service budget shows 2.79 million dollars of expenditures for the year. Members of the Ambulance Service reached out to Mayor Murray and a survey was subsequently sent out to Ambulance employees. The first question was: What are the thoughts of the proposed location of the new facility. The second question was what are thought processes regarding two locations. The third question was whether or not there were questions on the facility. It was noted that varying opinions arose as a result of the survey. Another concern from a local doctor was regarding the transfers which are not a guarantee to fund the service. These were the reasons for the Mayor's veto on going ahead with the new ambulance building. Concern was voiced regarding the long waits for ambulances to arrive. The Tomah Area Ambulance Service covers 500 square miles so no matter where they go when they get a call, it will take time to respond. It was stated that the current motion does not state that we can't retain the current location as a second location, however, it was also voiced that the building is at the end of its life and doesn't feel any additional funds should be put into that building. Director Dunford advised that the Ambulance Committee did vote that it is their intent to keep the north side station and have a unit there for 911 response and also build the new station. If we look to the future we have the 2020 census which may put the population over 10,000 which would require additional staffing. The need for transfers will increase as the population and industrial base increases in the City.

Motion by Kiefer, second by Kling to override the veto and maintain the original motion at an estimated building cost of \$2,990,581. Ayes: Kiefer, Kling, Siekert, Cram, and Yarrington. Nays from Zabinski, Komiskey and Scholze. Motion does not pass as the veto requires 6 votes to override.

2. Ambulance Building Project. A meeting was held on July 3rd between Mayor Murray, Director Dunford and City Administrator Gorius. The result of the meeting was to reach a compromise and allow for construction of the new garage, with modifications from the original plan at the proposed site. It was further recommended that renovations be made to the current facility to allow for the addition of a cooling unit in the garage for preservation of medications and removal of existing shower and bathroom facilities, to allow it to be used as a north side satellite station. In doing so, it would be the intent of the Administrator to instruct Keller and Assoc. to scale the new construction back by an additional \$500,000 to allow the borrowing to remain consistent, or lower, with original discussion on the cost. During discussion, concern was voiced that another \$500,000 off the proposed building would probably remove about 5,000 sq. feet. Are we looking for aesthetics or serviceability? Concern was voiced that removing \$500,000 seems excessive. Changing the architects design doesn't really look toward the future. It was suggested to send this back to Keller to see what they can do after selecting a dollar amount the City wants to spend on the building.

Motion by Scholze, second by Komiskey to authorize Administrator Gorius to request that Keller & Assoc. have a revised plan drawn up for a building with a projected cost of \$2.3 million. Ayes: Scholze, Komiskey, Cram and Zabinski. Nays: Yarrington, Kiefer, Kling and Siekert. Mayor Murray broke the tie by voting aye. Motion passes.

City Administrator & Long Range Plan Committee Report. 1. Approval of 2017 Audit Report. Monica Hauser, a Representative from Hawkins, Ash CPAs presented an overview of the 2017 Audit report. Ms. Hauser advised total assets in 2017 were \$71,665,902 compared to \$69,138,568 in 2016. Total assets increased \$2,527,334. Liabilities increased about \$283,000. General Fund Balance increased about \$32,000 with a general fund balance of \$2,173,805 at the end of 2017. The unassigned fund balance was 29%. General Fund expenditures for 2017 were below budget \$227,000. Budget was \$6,854,633 compared to 2016 actual \$6,500,566. 42% of expenditures went to public safety, 29% to public works and general government was 16%. A clean unmodified opinion was issued. General capital assets – added \$4.3 million in 2017. Water and sewer added \$1.1 million. Long term debt increased \$5,343,855 with an outstanding debt balance \$19,177,222 which is well below the allowable debt limit of \$33,000,000. No major problems were encountered during the audit process.

Motion by Scholze, second by Kling to accept the 2017 Annual Audit Report as presented. Motion passed without negative vote.

2. City Administrator Gorius provided a written report regarding current and ongoing activities. 3. **Carlson Dettmann Consulting Meeting.** City Clerk Cram and City Admin. Gorius met with Patrick Glynn of Carlson Dettmann Consulting regarding preliminary data that has been compiled. Mr. Glynn will appear at the August Council meeting with the results of the salary study. This will allow the information presented to be considered and provide time to incorporate a plan into the 2019 Budget process. 4. **Tractor Pull.** City Admin. Gorius thanked all departments involved with the event. 5. **Chamber Walk Through.** Chamber Dir. Thompson, Admin. Gorius, representatives of Brickle Brothers and the architect Ernie Tourville toured the Chamber building for the one year inspection after extensive remodel. The building is holding up very well and Brickle Brothers agreed to repair any discrepancies that were found. 6. **TORO Groundbreaking.** TORO held an official ground breaking ceremony for their new paint facility addition on June 28th. 7. **3rd Gen LLC Progress** report was provided by City Admin. Gorius.

City Clerk. Combining Committee of the Whole/Common Council Meetings in August due to the Partisan Primary Election.

Motion by Kiefer, second by Siekert to authorize the combining of the August Committee of the Whole and Council meetings to be held on Monday, August 13th, 2018 due to the Partisan Primary Election on August 14th, 2018. Motion passed with one negative vote from Yarrington.

City Clerk Cram also provided an update regarding the Fall Primary Election, Carlson Salary Survey, Board of Review final figures, insurance dividend, and local update of census addresses.

Library Monthly Report. Director Keller gave an update on circulation numbers. Both adult and summer reading programs are in full swing and over 600 children are participating in the program. Director Keller recommended audio books and gave a summary of the adult Bingo reading program going on.

Convention & Visitors Bureau/Chamber of Commerce. Ex. Dir. Tina Thompson advised that 80 entries participated in the July 4th parade. Business After 5 will be held at the County Fair on July 25th. The CVB/Chamber is also sponsoring Vino Fest at Winnebago Park. Another event that is being planned is Music on Milwaukee Street to be held on August 11th. Kite Fest was a success with between 1000 and 1200 people in attendance. A Sheriff's forum will be held one week before the primary at the Tomah High School Auditorium (August 7th at 7 p.m.) Several networking events are scheduled.

Tomah Public Housing & Community Development Block Grant Monthly Report. No report.

Senior & Disabled Services Report. Pam Buchda, Sr. & Disabled Services Coordinator appeared and provided a monthly calendar and summary of events. The loan closet is back at the Senior Center.

Planning/Building Inspection Report. A written report was provided by Shane Rolff.

Consent Agenda Items.

Motion by Kiefer, second by Scholze to remove the Minutes from the consent agenda to correct some errors. Motion passed without negative vote.

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

- A. Treasurers Cash and Investment Reports** for June.
- B. Bartender Licenses for** Jason Allen, David Barsotti, Cameron Beran, Jamie Blaeser, Remi Borchardt, Heather Burkhalter, Alexandria Derhammer, Greg Evans, Harold Haberlin, Cynthia Hansen, Regina Harter, Jessica Jones, Kristen Mathews, Martin Murphy, Scott Murphy, Michael Murray, Thomas Rowan, Ann Stockel, Don Thill, Dennis Trowbridge, Carlee Wedemeier, and Rebecca Williams. Motion passed without negative vote.
- C. Special Beer and Wine Permit** for Tomah Lions Club for August 11, 2018 for Music on Milwaukee Street Event.
- D. Special Wine Permit** for Tomah Fire Dept. for Sept. 1 & 2, 2018 for Vino Fest at Winnebago Park.
- E. 2018 Budget Amendment** to transfer \$2,500 from General Fund Park Improvement Fund to Other Park Supplies Acct. #01-55200-3400 to Rebuild Observation Tower and Purchase a Camera.
- F. 2018 Budget Amendment** to Transfer \$3,897 from General Fund Park Improvement Fund to Other Park Supplies Acct. #01-55200-3400 to Purchase Mulch for Winnebago Wonderland.
- G. 2018 Budget Amendment** authorizing expenditure of \$32,165.50 from Ambulance Equipment Outlay Account #03-57230-8300 Using Funds from Fund Balance Applied Acct. 03-34300 for the purchase of a heart monitor/defibrillator for the Quick Response Vehicle
- H. Request for Exemption for City of Tomah residents from Monroe County Library Tax.**

Minutes of the June 12, 2018 regular Council Meeting. Motion by Kiefer, second by Kling to approve the meeting minutes of the June 12, 2018 regular council meeting with the following amendments: Changing presiding officer from Mayor Murray to Council President Kiefer, changing the monthly amount of bills from \$4,222,139.12 to \$666,015.53 and the minutes should be attested by Diane Webster, Deputy City Clerk. Motion passed without negative vote.

“Class B” Liquor and Class “B” Fermented Malt Beverage License or Class “B” Fermented Malt Beverage and Class “C” Wine License for Joline Powell d/b/a Vino Anjo, Vino Anjo LLC at 800 Superior Avenue. Ms. Powers is requesting a “Class B” Liquor and Class “B” Fermented Malt Beverage License for 800 Superior Avenue with the trade name of the establishment to be Vino Anjo. The City currently has one regular combination license available which has been active until recently at the establishment previously known as Sportsman’s or District 5 Bar. The other available license is a \$10,000 Reserve license. The establishment is planned to be open Thursday – Saturday evenings from 4 until 10 p.m. to start. Ms. Powell was advised by the Committee of the Whole that she would be given first consideration should a regular Class “B” Beer and “Class B” Liquor combination license become available. Ms. Powell was also advised that a Reserve license is currently available should she wish to apply for that license. Ms. Powell appeared and requested a definition for reasonable amount of time for the regular license to be reissued at its previous location before consideration to move it to another location and also to determine the current attachment of time going forward when these circumstances occur. Mayor Murray advised that the agenda will reflect this item in August to create a definitive amount of time.

Motion by Scholze, second by Kiefer to grant a Class “B” Fermented Malt Beverage License and a Class “C” Wine license for 800 Superior Avenue for Joline Powell d/b/a Vino Anjo, Vino Anjo LLC as printed for the period of August 30, 2018 – June 30, 2019 unless sooner revoked and contingent on any or all unpaid tax obligations, assessments or other fees owed to the City are paid and must be compliant with building, plumbing, electrical, zoning, health or fire codes at the time the license is to be issued. Motion passed without negative vote.

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

Motion by Komiskey, second by Kiefer to approve the Class “B” Fermented Malt Beverage License and “Class B” Liquor license for Corey Williams d/b/a The Chillzone at 1119 Superior Avenue as printed for the period of August 1, 2018 – June 30, 2019 unless sooner revoked and contingent on any or all unpaid tax obligations, assessments or other fees owed to the City are paid and must be

compliant with building, plumbing, electrical, zoning, health or fire codes at the time the license is to be issued. Motion passed without negative vote.

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

Motion by Komiskey, second by Siekert to approve the Cabaret license for Corey Williams d/b/a The Chillzone at 1119 Superior Avenue. Motion passed without negative vote.

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

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

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

Motion by Cram, second by Kiefer to waive the first verbatim reading of the ordinance amending Chapter 4 Section 4-99 regarding requirements and guidelines for outdoor facilities in the Municipal Code. Motion passed without negative vote.

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

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

Approve Revisions to the Crow Bar Outdoor Facility License. The Plan Commission recommends approval of the revisions with proposed conditions. The applicant has installed a metal shipping container equipped with a bar and television. The open section of the container faces the rear of the building and the section facing the alley is completely solid with no windows or doors. The Plan Commission proposed a 30 day approval with limitations until such time as an acceptable decibel level can be established. This approval is intended to override any previous conditions and/or approvals as it was deemed unfair to set a condition for this Outdoor Facility License to have no music whatsoever as this condition has never been placed on any other outdoor facility license.

Motion by Cram, second by Kiefer to authorize the operation of outside TVs and outside stereos during weekdays (Sunday through Thursday) until 10:30 p.m. and on Friday and Saturday until 12 a.m. as recommended by the Planning Commission for the Outdoor Facility License for the Crow Bar at 1206 Superior Avenue. Motion passed without negative vote.

Lease Agreement Between the City of Tomah and Steve Mesner for Bloyer Field Hangar No. 7. Rent is established at \$120 per month.

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

Lease Agreement Between City of Tomah and Chamber/CVB. Previously the lease for the Chamber/CVB was presented to the Council and passed. The Chamber/CVB is requesting a change of language prior to signing the lease as they do not believe the intent of the Council is reflected in the lease. Section 3 Rental and Section 13 Sale of Property/Right of First Refusal were requested to be changed. However, the Committee of the Whole did not pass a motion regarding this issue.

The Council ultimately decides what should or should not be in the lease. Concern was voiced that the city needs some kind of protection for the future as 50 years is a long time. Ex. Director Tina Thompson advised that the Chamber has \$830,000 invested in the building. This building was uninhabitable and the City has zero dollars invested. The \$830,000 room tax was earmarked for a building project. The current language gives flexibility to the City for increased rent with a 60 day notice. Any time the Chamber/CVB would vacate early, the City would get the building back.

Motion by Kiefer, second by Scholze to approve the change in the wording of the lease to remove the following section: "Lessor reserves the right to change the rental rate on the demised premises at any time provided Lessor gives Lessee sixty days written notice of the change" and Section 13 is amended as follows: "In the event Lessor receives an offer to purchase the premises, Lessor shall tender the offer to purchase to lessee who shall have thirty (30) days from receipt of said offer to extend an Offer to Purchase on the same terms and conditions. In the event the Lessee fails to meet the offer, this right of first refusal shall be null and void and all rights of the lessee shall be extinguished." Motion passed with one negative vote from Kling.

Lease Agreement Between City of Tomah and Morgan Stanley Smith Barney Financing LLC. Currently the property located at 1000 Superior Ave. and owned by the City is being rented by Morgan Stanley Smith Barney Financing LLC. This lease will expire on July 31, 2019 and the lessee has contacted the City and requested to enter into a lease extension. The term of the existing lease is for 2 years with monthly payments of \$1,003.67 or \$12,044.04 per year. It is recommended that the new monthly payment be \$1,024.38 or \$12,292.56 per year. This follows past history increases at 2%. Additionally, the lessee has requested that the lease be extended under a 2 year term with the following clause: Lessee and Lessor shall each have the one-time right to terminate the Lease early without penalty, effective on July 31, 2020 by giving a written notice of early termination to the other party on or before May 2, 2020. The above clause is included in the current lease agreement.

Motion by Zabinski, second by Kiefer to approve the lease terms between the City of Tomah and Morgan Stanley Smith Barney Financing LLC for the period July 31, 2019 through July 31, 2021 and authorize City Administrator Gorius to have the City Attorney's office draft the lease as presented for signatures. Motion passed without negative vote.

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

Motion by Yarrington, second by Kiefer to waive the first verbatim reading of the Ordinance Amending Ward Number Regarding Annexed Land from the Town of Tomah to the City of Tomah (reference Ordinance #2018-05-04-D – Tomah Memorial Hospital & Monroe County). Motion passed without negative vote.

Motion by Yarrington, second by Cram to waive the second verbatim reading of the Ordinance Amending Ward Number Regarding Annexed Land from the Town of Tomah to the City of Tomah (reference Ordinance #2018-05-04-D – Tomah Memorial Hospital & Monroe County). Motion passed without negative vote.

Motion by Yarrington, second by Kiefer to adopt Ordinance No. 2018-07-06-D Amending Ward Number Regarding Annexed Land from the Town of Tomah to the City of Tomah (reference Ordinance #2018-05-04-D – Tomah Memorial Hospital & Monroe County). Motion passed without negative vote.

ORDINANCE NO. 2018-07-06-D
AN ORDINANCE AMENDING WARD NUMBER REGARDING ANNEXED LAND
FROM THE TOWN OF TOMAH TO THE CITY OF TOMAH
(Reference Ord. # 2018-05-04-D - Tomah Memorial Hospital and Monroe Cty)

WHEREAS, the City of Tomah acted on and approved a petition for direct annexation by unanimous approval from Tomah Memorial Hospital for four parcels (#'s: 042-00153-0000, 042-00153-2000, 042-00170-0000, and 042-00166-0000) and Monroe County (Parcel #042-00152-0000 {road right-of-way}) for land in the Town of Tomah near the vicinity of Gopher Ave., Goose Ave., and STH 16 at the May 8, 2018 Common Council meeting, and,

WHEREAS, the Common Council designated these annexed parcels as Ward 21, and

WHEREAS, Ward 21 is not contiguous to these parcels and the parcels are not contiguous to each other, and it is therefore necessary to make a correction and designate the above described parcels as follows: Changing Ward 21 to Ward 22 for Parcel #042-00166-0000 (which has 2 citizens currently residing there) and changing Ward 21 for Parcel #'s 042-00153-0000, 042-0153-2000, 042-00170-0000, and Parcel #042-00152-0000 with a zero (0) population to Ward 23, and

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

SECTION ONE: Designation.

The designation of Ward 21 in Ordinance No. 2018-05-04-D is hereby nullified. Said properties shall instead be designated as Ward 22 for Parcel #042-00166-0000 (which has a current population of two) and changing Ward 21 for Parcel #'s 042-00153-0000, 042-0153-2000, 042-00170-0000, and Parcel #042-00152-0000 with a zero population to Ward 23, all of which shall remain part of Aldermanic District 8.

SECTION TWO: Effective Date.

This ordinance is effective upon enactment and publication. Dated this 10th day of July, 2018.

Michael Murray, Mayor

ATTEST:

JoAnn Cram, Clerk

Resolution Authorizing Payment of Monthly Bills.

Motion by Kling, second by Scholze to approve **Resolution No. 2018-07-10-26** Authorizing Payment of the Monthly Bills in the amount of \$1,843,817.57 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2018-07-10-26
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	\$1,299,354.42	Check #'s 122523-122569 & 122632-122733
2.	Payroll	\$ 361,307.67	Direct Deposit #'s 54018-54318
3.	Wire Transfers	\$ 16,321.47	
4.	Invoices	<u>\$ 166,833.91</u>	Check #'s 122763-122836
		\$1,843,817.57	

Mike Murray, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Adjourn

Motion by Cram, second by Kiefer to adjourn. Motion carried without negative vote. Meeting adjourned at 8:44 p.m.

Approved:

Michael Murray, Mayor

Attest:

JoAnn M. Cram, City Clerk
Minutes to be approved August 13, 2018