

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION, August 13, 2018 at 6:00 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, Richard Yarrington, Shawn Zabinski and Jeff Cram present. Absent: Mary Ann Komiskey. Quorum present. Also in attendance: City Atty. Penny Precour, City Administrator Roger Gorius, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Scholze, second by Kiefer to adjourn to closed session pursuant to State Statute 19.85(1)(c) and (e) to Confer with Legal Counsel with Respect to Information Regarding Union Negotiations and Negotiating the Purchase of Public Property. Motion passed without negative vote. Meeting reconvened at 6:33 p.m.

**Anyone Desiring to Appear Before the City Council.** Darwin (Dip) Dade appeared regarding a complaint of damage at the Veterans Memorial site.

**Approval of Minutes of July 10, 2018 Regular Council Meeting.** Motion by Yarrington, second by Kiefer to approve the Minutes of July 10, 2018 as presented. Motion passed without negative vote.

**Approval of Minutes of July 18, 2018 Special Council Meeting.** Motion by Kiefer, second by Kling to approve the minutes of the July 18, 2018 Special Council meeting as presented. Motion passed without negative vote.

**Appointments: Appointment of Dennis Greeno to the Sr. & Disabled Services Committee.** Motion by Kiefer, second by Siekert to accept Mayor Murray's recommendation and appoint Dennis Greeno to the Sr. & Disabled Services Committee to fulfill the remaining 2 year term of Pam Buchda with the term expiring in April of 2019. Motion passed without negative vote.

**Mayor:** Mayor Murray thanked the Ag Society and Chamber of Commerce for Business After 5 at the Monroe County Fair and also thanked volunteers for the 1st annual Milwaukee Street event.

**City Administrator & Long Range Plan Committee Report. 1. Distinguished Service Resolution–Kerwin Greeno.** Motion by Siekert, second by Kling to adopt **Resolution No. 2018-08-13-27 Distinguished Service Resolution–Kerwin Greeno.** Motion passed without negative vote.

**RESOLUTION NO. 2018-08-13-27**  
**RESOLUTION IN RECOGNITION OF KERWIN GREENO IN SERVICE TO THE CITY OF TOMAH**  
**1990-2018**

**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**, Kerwin Greeno has committed himself to faithfully serving the citizens of Tomah from 1990 to 2018 as a member of the Public Works Department, and

**WHEREAS**, Kerwin has proven himself to be a dedicated and trustworthy member of the City of Tomah. Kerwin's commitment to his community has been evidenced repeatedly in his many years with the Tomah Public Works Department as Sanitation Operator, Truck Driver, Equipment Operator and a host of varied and vital service positions within the department that have enhanced the lives of our Citizens. Kerwin often dedicated hours of his time in cleanup efforts related to snow and rain events that would have affected the capability of the City to function and maintain services to its citizens. Kerwin could often be seen monitoring the City Dam in the early morning hours or hauling and moving snow on weekends and holidays if required. No request made of him was ever questioned and his kind nature and compassion for his coworkers and friends repeatedly exhibited his commitment to our City without question. Kerwin often went beyond and above his assigned duties to make the extra effort that provided for the comfort and protection of our citizens. Of particular note is Kerwin's participation with the Tomah Rescue Team as a technician and leader by example from 1996 to 2018, twenty-two years of service. Giving of his own time Kerwin responded to the most grievous of accidents to offer aid and comfort while assisting our fire and ambulance crews in the performance of their duties. His dedication and selflessness are a true testimonial to his pride and care for the City of Tomah and this City and its citizens are much the better for his service, and

**WHEREAS**, In appreciation for such dedication and service to our Community upon his retirement from the Public Works Department of the City of Tomah the following is submitted to record;

**NOW THEREFORE, BE IT RESOLVED**, that as Mayor on behalf of The City of Tomah, I commend Kerwin for his outstanding contribution to our community. The Common Council of the City of Tomah does hereby express its sincere appreciation and thanks to Kerwin for twenty-eight 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 13<sup>th</sup> day of August 2018.

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

2. City Administrator Gorius provided a written report regarding current and ongoing activities. 1. **Annual Joint Review Board Review of TID #8.** The JRB met on July 19<sup>th</sup> to review the performance criteria associated with TID #8. MSA representative Andrew Bremer presented data. 2. **Toro Expansion.** TORO has begun their expansion of the paint facility. This is the largest expansion the Company has ever undertaken. It represents a significant investment and TORO continues to be one of our largest employers. 3. **Senior Center Crazy Daze Fundraiser.** The Sr. Center hosted their annual Crazy Daze cookout on Aug. 4<sup>th</sup>. 4. **2019 Budget Reviews.** Administrator Gorius has been meeting with department heads reviewing 2019 budget projections.

**Presentation of Initial Findings by Patrick Glynn of Carlson Dettman Regarding Wage Study.**

Patrick Glynn provided information. Two of the main focuses are internal equity and the external competitiveness. These are brought together using consistent methodology. Employee orientations were conducted and each position was analyzed. There are four main policy questions for each project: 1. Define Market Comparisons. 2. Determine Market Placement. 3. Design Structure or Plan Type. 4. Develop an Implementation Plan. People feel much more comfortable now in seeking new employment for better opportunities. Marketplace is not just a matter of who is like us but also who is in the overall market place. Data was used from the Bureau of Labor Statistics for some jobs and also additional surveys that contain regional and statewide data to draw out comparisons. Throughout the process, they were mindful of the financial status of the City. Jobs of the city were evaluated using a process called job evaluation which strips away the personalities and performance characteristics. The goal is to have equity across the organization in jobs performing in a similar manner as well as multiple departments. Five factors are considered: Thinking challenges and problem solving, decision making and the impact of the judgements made, interactions and communications, work environment, and formal preparation and experience. Job Evaluation conclusions provide useful results, removes unwanted bias and subjectivity from the process, provides valid and reliable results, provides a measure of legal defensibility, provide an efficient method of pay determination and results can be used when combined with market practices to design a workable pay structure. Where do we want to position ourselves in the labor markets?

The comparison of current and median market regression shows that the city is about 11.3% behind the market place. Almost 90% of organizations structure their pay scale at the 50<sup>th</sup> percentile or average market place. Public sectors are beginning to see bonus sign-on or retention practices. What are the key policy concerns? Where does the city want to be in the market place? Carlson Dettman recommends building on the 50<sup>th</sup> percentile. What is the relationship between pay and performance? The recommendation is to adopt a step based structure pay scale with the stipulation that no employee should move from one step to another without meeting the expectations of the employer. Different pay structures include Step Based Model, Performance Based Model and a Combination Model. Each pay grade has point intervals. Jobs are assigned to a grade level based on its job evaluation score. Other factors to consider are internal ratings, market and internal practice, revenue/levy limits, organizational assessment of readiness and commitment.

The goal is to move employees forward to get employees into a structure that is affordable. It is the recommendation to use the limited comparables. Employees would be at the control point within 5 years. After the five year step, the 2.5% goes to 1.25% per step. It gets the employees to the 50% rate within 5 years and then moves at a slower pace going forward.

The standard method is to move employees to the nearest step that creates an increase which would create fluctuation in the amount of initial increases. It almost never reflects the years of service with the organization because it has to be balanced in terms of what is affordable. We are going somewhere from 2.5% in base wage increase to 13%. The goal is to come back at a later date with a proposal that tries to balance some of that. A number of employees will fall at Step 1 of the scale. Options can be provided to take this into consideration. The final analysis should be fair, equitable, competitive and supportive and also needs to be fiscally affordable, sustainable, and adoptable. Can the scale be sustained in the coming years as employees move through the structure? Going off the premise to move employees that would move them to a step in the structure that creates an increase in pay. Employees would not be moved backwards. The question arose as to benefit packages vs. the pay structure. The pension system is comparable to other communities. Time off benefits aren't out of line. Health insurance is a variable.

**City Clerk.** City Clerk Cram provided an update regarding the Local Update of Census Addresses, newly created Health Insurance Advisory Committee, and advised that Diane Webster completed the third year of Municipal Clerks Institute classes at UW Green Bay Academy and Barb Hendricks completed the third year of Treasurers Institute Classes at UW Green Bay Academy as well.

**Library Monthly Report.** No report.

**Convention & Visitors Bureau/Chamber of Commerce.** No report.

**Tomah Public Housing & Community Development Block Grant Monthly Report.** Ex. Director Muehlenkamp provided a written update of department activities.

**Senior & Disabled Services Report.** Pam Buchda, Sr. & Disabled Services Coordinator provided a monthly calendar and summary of events. Coordinator Buchda started a music sponsorship program with the first event scheduled for August 24<sup>th</sup> at 10 a.m. The fundraising has started for the annual Halloween festivities. Ms. Buchda will be working on filling the assistant position in the coming weeks.

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

**Fire Department Monthly Report.** Fire Chief Tim Adler provided a department statistic and informational report: Mr. Adler reported that \$2500 was received from the Frank G Andres Fund.

**Parks and Recreation Monthly Report - Recreation Programs, Aquatic Center, Recreation Park.** Parks Department Director Joe Protz provided a report summarizing department activities. A lightning strike took out a major motor at the Aquatic Center. Repairs have been made and the pool activities have resumed. VA Employees are putting on a fundraiser run/walk at the Recreation Trail starting at the VA at the Memorial Park and the annual Art Walk and Fundraiser is also held this Saturday at the Recreation Trail at Memorial Park. A floorball championship tournament will be held at Recreation Park. Sept. 8<sup>th</sup> is the Beer and Sausage Fest at Recreation Park. Applications will be taken for boulevard trees starting the 3<sup>rd</sup> week in August.

**Public Works & Utilities Monthly Report - Water, Sewer, Public Works, & Lake Updates.** Public Works and Utilities Director Kirk Arity advised the following: Street Department: The outside of the public bathroom near Gillett Park is almost finished. The drywall is complete inside and tiling will start next week. The clock, retaining wall, fencing and concrete will be worked on soon. New employee Justin Randall has started as sanitation operator. Patching continues to be worked on. Yellow painting continues on Superior Avenue. The Dept. set up the fencing for the Music on Milwaukee Street event. Sewer Department: The department has been using the new camera and continue cleaning the sanitary and storm sewers throughout the city. Water Department: Well #6 modifications have been awarded to Springlake Contracting. As of 8/7/2018 Well #9 is abandoned. The building will be razed to be in compliance with Consent Order with the DNR. Lake Committee. Algae blooms going on at the Lake because of heat and lack of rain.

**Police Department Monthly Report.** Chief Nicholson provided a summary of the written report regarding monthly statistics. Three candidates came out of the latest PFC interview process. Another process was started last week. Three candidates will go in front of the PFC this Thursday. They are three officers down with the fourth still in a field training officer program. National Night Out was held on August 7<sup>th</sup>. Over 50 organizations were involved and over 250 kids participated in the bike rodeo. Dunkin Donuts Cops on the Rooftop starts at 6 a.m. Aug. 17<sup>th</sup>. Pre-orders are encouraged. Complaints have been received regarding citizens crossing Superior Ave in the crosswalks. Motorists were encouraged to be cautious and yield to people in the crosswalks.

**Ambulance Department Monthly Report.** Director Dunford provided a monthly written statistics report. The department consists of 39 employees (22 paramedics, 17 EMTs, 2 administrative). Collection from past billings was \$81,977.98 and \$290,185.27 was billed out in July. There were 190 calls for service. This month, the department was able to meet 71% of transfer requests. Two new AED units have been installed at City Hall and training has been completed. Documentation was presented regarding a subsidy charge increase. It is proposed that the per capita fee be raised from \$5 to \$10 per capita. This issue will be addressed at the September Council meeting.

**Treasurers Cash and Investment Reports for July.**

Motion by Scholze, second by Kiefer to accept the Treasurer's Cash and Investment reports as submitted. Motion passed without negative vote.

**Review and Approval of Proposed Flooring & Tile Work Contractor(s) for the City of Tomah & Tomah Area School District Youth Training & Community Dev. Building Project.** It is requested by the Community Development Block Grant Committee to award the flooring contract to Marten's Floor Covering for the bid of \$10,462 and the Tile to Marten's Floor Covering for the bid of \$8,570 plus time and materials for this project.

Motion by Yarrington, second by Siekert to award the contract for flooring and tile work related to the Tomah Area School District Youth Training & Community Development Project at 436 Arthur Street for construction of a three one bedroom units apartment building to Marten's Floor Covering as proposed. Motion passed without negative vote.

**Review and Action on State of Wisconsin Proposed Close-Out Program for Community Development Block Grant Revolving Loan Fund for Economic Development (RLF-ED)** The CDBG Committee reviewed the State of Wisconsin proposal to close-out the program for CDBG Revolving Loan Fund for Economic Development. The Committee is recommending Option 2 as follows: Allows the City to apply for a CDBG Close Grant in the amount of the cash on hand plus the amount that the community or county loan principal reimbursement was to DOA. These CDBG-Close Grants are non-competitive and require no matching share. This CDBG-Close Grant application with few exceptions must have a 51% Low and Moderate Income benefit. Eligible projects include road, water, sewer, housing, planning, job training centers, opioid treatment centers, food pantries, senior centers, services to the homeless, or other similar projects approved by DOA. Preventing or eliminating slums or blight is another eligible activity and does not require meeting the 51% Low and Moderate Income benefit threshold. The city would continue to collect principal and interest on active loans and use the funds any way the community or county desires. Could continue

the ED-RLF or can be used for other needs. No Federal regulations apply to these funds as the City reimbursed the state the principal owed on all active loans.

Motion by Yarrington, second by Siekert to approve Option 2: a. Return all RLF cash on hand to DOA and reimburse the state for principal owed on all active loans; b. Apply for a CDBG-Close Grant in the amount of the cash on hand plus the amount the community or county loan principal reimbursement was to DOA. These CDBG-Close Grants are non-competitive and require no matching share \$. This CDBG-Close Grant application with few exceptions must have a 51% Low and Moderate Income (LMI) benefit. Eligible projects include: road, water, sewer, housing, planning, job training centers, opioid treatment centers, food pantries, senior centers, services to the homeless, other similar projects approved by DOA; c. Continue to collect principal and interest on active loans and use the funds any way the community or county desires. Could continue the RLF or could be used for other needs. Federal strings have been cut from these funds since the community reimbursed the state the principal owed on all active loans. Motion passed without negative vote.

**Bartender License Appeal Requested by Rebecca Bogle.** Rebecca Bogle applied for a bartender license and was denied as she indicated on her application that she did not have any non-felony alcohol related convictions or pending charges within the last 12 months. However, information was obtained from the Tomah Police Dept. and CCAP that indicated otherwise. Ms. Bogle appeared and advised that the charges she had were dropped down and she felt she was being truthful when answering the questions on the application. The incident occurred in January 2018 with a conviction in February 2018. The police department recommends denial of the license. Ms. Bogle advised she has held a license in the City previously which expired on June 30<sup>th</sup>.

Motion by Yarrington, second by Kiefer to approve the bartender license for Rebecca Bogle. Motion did not pass with Cram, Scholze, Kling and Zabinski providing negative votes. Ayes from Kiefer, Siekert and Yarrington.

**Bartender Licenses.** Motion by Siekert, second by Scholze to approve the bartender licenses as listed. Bartender licenses approved are: Bradley Ashcraft, Taylor Bos, Victoria Brush, Nichole Engelhart-Dixon, Randall Grening, Tina Gudie, Brandon Johnson, Katie Loveless, Kevin Nauman, Jessica Nelson, Janice Nicholson, Tiffany Pergande, Jessica Resop, Thomas Ryan, and Megan Von Haden. Motion passed without negative vote.

**Special Beer Permit – Queen of the Apostles, 315 W Monroe Street for August 18-19, 2018 for Street Fest on the Hill.** Motion by Cram, second by Yarrington to approve the Special Beer Permit for Queen of the Apostles, 315 Monroe St for 8/18-19/18. Motion passed without negative vote.

**Special Beer Permit – VFW Post 1382 for September 8, 2018 for a Chicken Q at 1618 Superior.** Motion by Kiefer, second by Cram to approve the Special Beer Permit for the VFW Post 1382 for Sept. 8, 2018 for a Chicken Q at 1618 Superior Avenue. Motion passed without negative vote.

**Special Beer Permit – Tomah Rotary Club for September 8, 2018 for their Beer & Sausage Fest at Recreation Park.** Motion by Kiefer, second by Siekert to approve the Special Beer Permit for the Tomah Rotary Club for Sept. 8, 2018 for their Beer and Sausage Fest at Recreation Park. Motion passed without negative vote.

**Utilization of Unrestricted/Undesignated Tourism Funding to Secure Rights to Vinofest and Related Activities for 2018 and 2019.** Over the last several years, planning has been proceeding to host a major outdoor event to establish a yearly draw for tourism. Steve Peterson, Monroe County Economic Development Coordinator created the concept of a three day celebration centered on the theme of our Wisconsin winery industry. At present, the event will host over 10 wineries from around southwest Wisconsin and provide entertainment centered on the wine industry theme. The Unrestricted/Undesignated Tourism fund has a balance of \$75,102.81 and continues to receive a percentage of room tax dollars generated annually. This event would constitute a legitimate tourism based use of those funds without impact on the general tax levy with the intent to have the event be self-funding after the initial two year establishment period. It is requested that the Council approve the allocation to utilize \$10,000 (2 year commitment) from the unrestricted/undesignated tourism funding to secure the rights to Vinofest and all of its related activities for 2018 and 2019.

Motion by Siekert, second by Cram to approve the utilization of \$10,000 unrestricted/undesignated tourism funding to secure the rights to Vinofest and related activities for 2018 and 2019. Motion passed without negative vote.

**Discussion/Policy Regarding Determination of Reasonable Amount of Time to Hold a Liquor License with a Location When Licensed Establishment Goes out of Business.** It is requested that the Council develop a policy regarding the length of time that it is reasonable for the City to attempt to hold a liquor license with a location when the establishment goes out of business. In the

past, the Common Council has traditionally tried to allow the property owner sufficient time to re-open/and/or sell the property before removing the license they previously held at that location. Currently, we have held the license for the location formerly known as The TeePee since early 2014 specifically for that location. Callahan's went out of business last fall and the building was for sale and just recently sold. Another consideration is regarding any reserve licenses which are available. Should the City allow the taking of the regular license that was previously attached to a local business that has closed? Jolene Powell of 1122 Grandview #3, Tomah appeared before the Council. Question arose as to the delinquent status of one of the licensed establishments that recently closed. This will be addressed at the September meeting. It was suggested that the license not be held and be given to Jolene Powell to enhance her business.

**Request by Monroe County Solid Waste Management for Funding to Maintain Special Waste Collections in April and October.** A letter from the Monroe County Solid Waste Management has requested the City support a 30 cent per capita fee to help fund the April and October special county-wide collections. All Monroe County municipalities must agree to the per capita fee before it can be implemented. This fee has become necessary because of declining grant amounts received from the State Dept. of Agriculture. The April and October collections are not sustainable long term and will be discontinued without additional funding. The 30 cent per capita would result in a total cost for the City of approximately \$2,847.30 based on the 2018 population.

Motion by Yarrington, second by Zabinski to approve the request by Monroe County Solid Waste Management for funding to maintain the special waste collection events in April and October each year. Motion passed without negative vote.

**2018 Budget Amendment to Recognize the Andres Grant of \$5,164.44 Received by the Ambulance Dept. and Authorize the Expenditures Specified in the Grant Request from Acct. 03-57230-8300 Ambulance Outlay – Equipment.** The ambulance department received a grant from Frank G Andres for the implementation of lights, siren and a radio for the Quick Response Vehicle. This budget amendment is to record the revenue and authorize the expenditures related to the grant request.

Motion by Scholze, second by Kiefer to authorize the 2018 Budget Amendment to recognize the Andres Grant of \$5,164.44 in Acct. #03-48502 Donations Andres/Earl and authorize the expenditure of \$5,164.44 from Acct. #03-57230-8300 Ambulance Outlay Equipment as designated in the grant request. Motion passed without negative vote.

**Ordinance Deleting Section 28-54 of Chapter 28 Regarding Hosting Events or Gatherings of Underage Persons with Alcohol Present Prohibited in the Municipal Code (1<sup>st</sup> Reading).** Chief Nicholson advised that the state has created state statutes to enforce what was referred to as social hosting offenses. The City already adopts the violations and penalties within Wisconsin Statute 125 in Chapter 4 and it is no longer necessary to have this ordinance on the books.

Motion by Kiefer, second by Siekert to waive the first verbatim reading of the ordinance deleting Section 28-54 of Chapter 28 Regarding Hosting Events or Gatherings of Underage Persons with Alcohol Present Prohibited in the Municipal Code. Motion passed without negative vote.

**Ordinance Amending Chapter 4 Section 4-99 Regarding Requirements and Guidelines for Outdoor Facilities in the Municipal Code (2<sup>nd</sup> Reading & Adoption)** 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.

Motion by Scholze, second by Yarrington to waive the second 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.

Motion by Scholze, second by Kiefer to adopt **Ordinance 2018-08-07-D** Amending Chapter 4 Section 4-99 Regarding Requirements and Guidelines for Outdoor Facilities in the Municipal Code. Motion passed without negative vote.

**ORDINANCE NO. 2018-08-07-D**

**Ordinance Amending Chapter 4 Section 4-99 Regarding Requirements and Guidelines for Outdoor Facilities in the Municipal Code of the City of Tomah**

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

**SECTION ONE:** Chapter 4, Section 4-99 – Guidelines is hereby amended to read:

Sec. 4-99. – Requirements and Guidelines for Outdoor Facilities.

Requirements:

- (1) *Entrance and exits.* The normal entry and exit should be from inside the building. However, an entrance and exit must be available from the outdoor facility. The fire department and building inspector shall review the entrance and exit systems to ensure that the same are code compliant. In addition, the entrance and exit from the site shall have an alarm system meeting the requirements of the building inspector and chief of police to ensure that the staff inside the parent building will be immediately notified if the entrance or exit has been utilized.

