

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION February 12, 2019 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, Richard Yarrington, Remy Gomez, and Jeff Cram present. Absent: Shawn Zabinski and 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.

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

Mayor. Mayor Murray thanked all emergency and public works staff for their efforts during this major snowstorm event.

City Administrator & Long Range Plan Committee Report. City Administrator Gorius provided a written report regarding current and ongoing activities. 1. **Chamber of Commerce Concert Series Collaboration.** Dir. Thompson will be addressing the Council with more detail, however a meeting was held to discuss a possible music venue for the upcoming summer. 2. **Monroe County Economic Development Commission.** The State has decided to discontinue the revolving loan fund program that our City participates in. This will result in monies vested in the program to be returned to the Cities for use in economic development. The County is looking to form an economic development commission that would have oversight of the monies returned to the County level and also work with the County Economic Development Coordinator in promoting the various cities, townships and villages in Monroe County. A meeting will be held on the 13th of February and Administrator Gorius will represent the City of Tomah. 3. **Town Hall Meeting on Amtrak.** Terry Brown, representing the Wisconsin Rail Passengers Association will be in Tomah on February 13th at 7 p.m. in the Council Chambers to give a presentation on a proposal to create a second Empire Building line. This route would be from Chicago to the Twin Cities and feature Portage and Tomah as two major points on the line. He will also be having a public dedication on the remodeled Depot Station at 4:30 p.m. Administrator Gorius also provided an update on monthly activities including judging a chili contest at the Nursing and Rehabilitation Center as well as assisting the UW of Stevens Point in discussing new curriculum the University will offer in 2020.

Special Recognition of Paramedics Jeremy Schaller and Tom Colloton – Due to the inclement weather, this item is tabled until the March meeting.

City Clerk. City Clerk Cram gave an update on the Spring Election to be held on April 2nd, 2019. City Clerk Cram continues to work on job description revisions and Personnel Policy Review. The vision insurance program became effective February 1st and enrollments are complete.

Library Monthly Report. No report.

Convention & Visitors Bureau/Chamber of Commerce. The annual CVB/Chamber Banquet will be held on February 25th. The Area Guide is in print and will be distributed in various locations down the I-90/94 corridor. A downtown event is being planned and more details are to come.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a written report.

Senior & Disabled Services Report. Pam Buchda, Senior & Disabled Services Coordinator provided a monthly calendar and written summary of events.

Planning/Building Inspection Monthly Report. Shane Rolff provided a written report. A report was also provided from Corliss Tischer regarding December and January violations.

Consent Agenda Items. Motion by Cram, second by Yarrington to approve the following Consent Agenda items. Motion passed without negative vote.

- A. **Minutes** of January 8, 2019. Motion by Kiefer, 2nd by Yarrington to amend the minutes adding "Motion passed without negative votes" to the motion regarding the State Trust Fund Loan in the amount of \$180,000.
- B. **Treasurers Cash and Investment Reports** for January 2019 and **Investment Report** for December 2018.

- C. **Bartender Licenses** for Ellena Adler, Victoria Braun, Amy Bryant, Brian Cram, Kimberly Greeno, Michaela Hughes, and Nicole Sweeney.
- D. **Special Beer and Wine Permit** – Tomah Baseball Club “Opening Night” for March 2, 2019 at the Recreation Park Recreation Building
- E. **Special Wine Permit** – Area Community Theatre for March 28-31 and April 4-7, 2019 at 907 Kilbourn Avenue for a Dinner Show and Play
- F. **Special Beer Permit** – for the Tomah Fire Department for a Wild Turkey Federation Banquet on March 30, 2019 at the Recreation Building at Recreation Park.
- G. **Change of Agent** for Kwik Trip No. 484, 124 W. McCoy Blvd. to Britney E. Hall.
- H. **Change of Agent** for Kwik Trip No. 796, 310 E. McCoy Blvd. to Jamie A. Prestwood.
- I. **2019 Budget Amendment – Reduce Reserve For Contingency Acct. #01-51980-2270 by \$24,143.35 and Authorize Expenditures of \$15,293.35 from Law Enforcement Bldg. Maintenance Acct. #01-52100-3550 and \$8,850 from General Building Repair & Maintenance Acct. #01-51600-3500** for City Hall and Police Department HVAC systems for control upgrades for City Hall and the re-piping circuit for redundancy for the Police Department.

“Class B” Liquor and Class “B” Fermented Malt Beverage License for JVM Investments, LLC d/b/a Murray’s on Main, Michael Murray, Agent at 810 Superior Avenue for March 1, 2019-June 30, 2019. JVM Investments, LLC has submitted the application for Murray’s on Main at 810 Superior Avenue upon completion of construction which is anticipated to be March 1, 2019.

Motion by Scholze, second by Cram to approve the “Class B” Liquor and Class “B” Fermented Malt Beverage License for JVM Investments, LLC, Mike Murray, Agent for Murrays on Main effective March 1, 2019 expiring June 30, 2019 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 issued. Motion passed with one negative vote from Yarrington. (Mayor Murray did not vote on this item.)

Application to Operate an Outdoor Facility by Mike Murray at 810 Superior Avenue – d/b/a Murray’s on Main. “Murray’s on Main” would like to extend their liquor license to include an outside seating area facing Superior Avenue on the street level as well as a second floor banquet center balcony. The ability to have live entertainment in these areas will be discussed at a subsequent meeting and requires separate approval. Site plans were reviewed by the Planning Commission.

Motion by Scholze second by Kiefer to approve the Outdoor Facility request by Mike Murray, Agent at 810 Superior Avenue for Murray’s on Main with the condition that it conforms to future ordinances as stipulated by the Planning Commission. Motion passed without negative vote. (Mayor Murray did not vote on this item)

Cabaret License for Murray’s on Main, 810 Superior Avenue. Motion by Scholze, second by Kiefer to approve the Cabaret License for Murray’s on Main at 810 Superior Avenue. Motion passed without negative vote. (Mayor Murray did not vote on this item).

Taxi Cab Licenses for Tomah Transit – Running, Inc. Running Inc. has taken over the Tomah Transit Shared Ride Program for Tomah effective January 1, 2019. The payment, certificate of insurance, and mechanic inspection reports are on file. The Police Department still needs to complete inspections of all vehicles. This licensing period runs from January 1, 2019 to December 31st annually. Due to the switch in Shared Ride administration effective January 1st, this process was delayed.

Motion by Yarrington, second by Cram to approve the Taxi Cab Licenses for Tomah Transit-Running, Inc. for a 2013 Dodge Grand Caravan VIN #2C4RDGBG6DR633211; 2015 Dodge Grand Caravan – VIN #2C7WDGBG8FR636166; 2015 Dodge Grand Caravan – VIN #2C7WDGBG2FR703117; 2016 Dodge Grand Caravan – VIN #2C7WDGBG9GR386602; and a 2017 Dodge Grand Caravan – VIN #2C7WDGBG5HR648584 for the licensing period effective through Dec. 31, 2019 contingent on passing Police Department inspections. Motion passed without negative vote.

Madison Area Technical College Clinical Setting Affiliation Agreement. The Ambulance Service is requesting authorization to sign an agreement with the Madison Area Technical College for the purpose of making Tomah Area Ambulance Service an approved Clinical Setting. This will allow the Ambulance Service the ability to accept students that are currently enrolled in EMT, Advanced EMT, and Paramedic training to provide for them fieldwork, internship or practicum.

Motion by Yarrington, second by Gomez to approve the Clinical Setting Affiliation Agreement between the Tomah Area Ambulance Service and the Madison Area Technical College as presented. Motion passed without negative vote.

Application and Resolution for State Trust Fund Loan in the Amount of \$250,000 for the Purpose of Financing Rehabilitation TID #8 District Development Incentive and Levying Upon All Taxable Property a Direct Annual Tax Sufficient to Pay the Annual Installments and Principal and Interest

Motion by Yarrington, second by Scholze to approve the application and **Resolution No. 2019-02-12-05** for the State Trust Fund Loan in the amount of \$250,000 for the purpose of financing the remaining Development Incentive in the Downtown Rehabilitative TID District #8 for 3rd Gen, LLC and levying upon all taxable property a direct annual tax sufficient to pay the annual installments of principal and interest. Motion passes without negative vote.

RESOLUTION NO. 2019-02-12-05

TO: BOARD OF COMMISSIONERS OF PUBLIC LANDS

We, the undersigned City Administrator and clerk of the City of **Tomah**, in the County of **Monroe**, Wisconsin, in accordance with the provisions of Chapter 24 of the Wisconsin Statutes, do hereby make application for a loan of **Two hundred fifty thousand and 00/100 Dollars (\$250,000.00)** from the Trust Funds of the State of Wisconsin for the purpose of **financing TID #8 development incentive**.

The loan is to be continued for a term of **5** years from the 15th day of March preceding the date the loan is made. The loan is to be repaid in annual installments, as provided by law, with interest at the rate of **4.25** percent per annum.

We agree to the execution and signing of such certificates of indebtedness as the Board may prepare and submit, all in accordance with Chapter 24, Wisconsin Statutes.

The application is based upon compliance on the part of the City with the provisions and regulations of the statutes above referred to, as set forth by the following statements which we do hereby certify to be correct and true.

The meeting of the Common Council of the City of **Tomah**, in the County of **Monroe**, Wisconsin, which approved and authorized this application for a loan was a regularly called meeting held on the 12th day of February, 2019.

At the aforesaid meeting a resolution was passed by a majority vote of the members of the Common Council approving and authorizing an application to The Board of Commissioners of Public Lands, State of Wisconsin for a loan of **Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00)** from the Trust Funds of the State of Wisconsin to the City of **Tomah** in the County of **Monroe**, Wisconsin, **for the purpose of financing TID #8 development incentive**. That at the same time and place, the Common Council of the City of Tomah by a majority vote of the members, adopted a resolution levying upon all the taxable property in the city, a direct annual tax sufficient in amount to pay the annual installments of principal and interest, as they fall due, all in accordance with Article XI, Sec. 3 of the Constitution and Sec. 24.66(5), Wisconsin Statutes.

A copy of the aforesaid resolutions, certified to by the city clerk, as adopted at the meeting, and as recorded in the minutes of the meeting, accompanies this application.

A statement of the equalized valuation of all the taxable property within the City of **Tomah**, certified to by the **City Administrator** and clerk, accompanies this application.

Given under our hands in the City of **Tomah** in the County of **Monroe**, Wisconsin, this **12th** day of **February**, **2019**.

City Administrator Roger Gorius

ATTEST:

City Clerk JoAnn Cram

Resolution Authorizing an Agency Fare to the Shared Ride Taxi Program Fee Schedule. An agency fare is a fare that is allowed to be charged to human service organizations for the use of transit services by their clients. The fare is determined by the municipality. We are suggesting a rate of \$6 one way. The higher rate is to help cover the Federal Transit Administrative costs incurred by the Shared Ride Taxi Program.

Motion by Gomez, second by Kiefer to approve **Resolution No. 2019-02-12-06** authorizing an agency fare to the Shared Ride Taxi Program fee schedule as presented. Motion passed without negative vote.

RESOLUTION NO. 2019-02-12-06

WHEREAS, The City of Tomah participates in the public transit program offered by the Wisconsin Department of Transportation under Sec. 85.20 of the Wisconsin Statutes and Section 5311 of the Federal Transit Act as Amended, and;

WHEREAS, These programs require the City to set a Tariff Schedule that establishes fares for the operation of the public transit system under the state and federal programs referenced above, and;

WHEREAS, USC 49 CFR Part 37.131(c)(4) allows public transit programs to charge Agency Fares to organizations who receive funding to transport individuals served under certain programs, and;

WHEREAS, the use of agency fares will reduce the amount of local subsidy required of the City of Tomah to support the shared-ride taxi program.

NOW, THEREFORE, BE IT RESOLVED that the City Council at the City of Tomah meeting this 12th day of February, 2019 does hereby adopt the following; an agency fare of \$6.00 per one-way ride for the shared-ride taxi program.

BE IT FURTHER RESOLVED that this fare shall be effective on the first day of the month, March 2019 by adoption of this resolution by the Council, and may be amended at any time.

BE IT ALSO RESOLVED that Running Inc., the City's shared-ride taxi operator, may charge and retain an administrative fee to cover any of its expenses involved in collecting these agency fares.

Mike Murray, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Correction of Assessor's Palpable Error on Parcel 286-9160-0000 located at 1216 Mark Avenue. The Assessor's office double assessed the personal property for the massage business located at 1216 Mark Avenue. There are two accounts for the same business; Therapeutic Healing Massage and Brandy Peterson (the owner's name). It has been determined that the correct account is under the owner's name and the account for Therapeutic Healing Massage is incorrect.

Motion by Gomez, second by Yarrington to rescind tax bill #274 in the amount of \$13.32 for Parcel #286-09160-0000 and from Acct. #01-51910-3400 Illegal Taxes, Tax Refunds & Uncollectible Taxes. Motion passed without negative vote.

Correction of Assessor’s Palpable Error on Parcel 286-02713-1312 located at Berry Avenue.

The assessor’s office made an error in the land value computation for parcel 286-02713-1312 for tax year 2018. The assessor and the property owner had a discussion in 2017 that there was a lack of utilities available to this lot. The adjustment was not made to the land value in 2018 which resulted in an error of \$11,200 or the amount of tax to be rescinded at \$248.39.

Motion by Gomez, second by Yarrington to rescind the amount of \$248.39 for parcel #286-02713-1312 from Acct. 01-51910-3400 Illegal Taxes, Tax Refunds, & Uncollectible Taxes. Motion passed without negative vote.

Discussion of Amending City Ordinance Section 2-557 Regarding Composition of Long Range Planning Committee. This Committee currently consists of ten members including the Mayor, two members of the Council and seven members with 2 of those being members of the Planning Commission. This change would require an ordinance amendment. Concern was voiced over the consistent inability to get a quorum and how best to alleviate the problem.

Motion by Kling, second by Scholze to authorize the reduction in the size of the Long Range Planning Committee by one and request the City Clerk to draft the ordinance amendment to be acted on at the March meeting. Motion passed with one negative vote from Yarrington.

Resolution Authorizing Payment of Monthly Bills.

Motion by Kling, second by Gomez to approve **Resolution No. 2019-02-12-07** authorizing payment of the monthly bills in the amount of \$4,093,560.20 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2019-02-12-07
AUTHORIZING PAYMENT OF MONTHLY BILLS**

BE IT RESOLVED by the Common Council of the City of Tomah that the Committee of the Whole has reviewed the monthly bills and recommends the City Council approve said bills as follows:

1. Pre-Paid Checks	\$3,526,125.24	Check #'s 123970-124021 & 124077-124194
2. Payroll	\$ 381,406.96	Direct Deposit #'s 56078-56355
3. Wire Transfers	\$ 32,206.09	
4. Invoices	\$ 150,943.43	
5. Vouchers Payable	<u>\$ 167,367.96</u>	Check #'s 124271-124338
	\$4,093,560.20	

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Motion by Yarrington, second by Kiefer to adjourn to closed session pursuant to State Statute 19.85(1)(e) and (g) to Confer with Legal Counsel with Respect to Information Regarding Union Negotiations, Negotiate the Purchase of Public Property, and the Potential for Pending Litigation. Motion passed without negative vote. The meeting adjourned to Closed Session 7:00 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

JoAnn Cram, City Clerk
Minutes to be approved on March 12, 2019