

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION August 13, 2019 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, Lamont Kiefer, Donna Evans, Sue Holme, Mary Ann Komiskey, Richard Yarrington, Jeff Cram, and Shawn Zabinski present. Quorum present. Absent: Travis Scholze. Also in attendance: City Atty. Penny Precour, City Administrator Roger Gorius, City Clerk JoAnn Cram, and Deputy City Clerk Berta Downs. Gregg Hagen videotaped the meeting.

Motion by Yarrington, second by Evans to adjourn to closed session pursuant to State Statute 19.85(1)(c) and (e) to Confer with Legal Counsel with Respect to Personnel Issues, Union Negotiations, and Regarding the Purchase/Sale of Property. Motion passed without negative vote. The meeting adjourned to Closed Session at 6:02 p.m.

Meeting reconvened to Open Session Pursuant to State Statute 19.85(2) at 7:03 p.m.

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

Mayor. Mayor Murray commended the Monroe County Fair and their involvement with the Special Needs Community with showing animals and the auction. Mayor Murray reminded citizens that school will be starting soon and to be aware of children heading to and from school. Mayor Murray also complimented Tina Thompson, the chamber staff, and the council for their efforts regarding the Downtown Thursday Night's concert series. Word of this event is spreading out beyond Tomah and receiving a lot of positive feedback.

City Administrator & Long Range Plan Committee Report. City Admin. Gorius provided a written report regarding current and ongoing activities. First Community Credit Union has broken ground on the north side for their newest branch in Tomah. On July 15th Chief Adler, Director Dunford, and Admin. Gorius met with members of the National Guard and Wisconsin EPA regarding possible construction on the current North Side Fire Station site for a new Emergency Services Building. Some environmental concerns were addressed. On July 24th we had the joint Tomah/Sparta Business After 5 at the Fair and commend Ex. Director Thompson for a successful event. Admin. Gorius has met with all departments to prepare the 2020 budget and had asked them to be conservative this year.

City Clerk. City Clerk Cram reported on Net New Construction, Tax Increment Values, and Equalized Values. The Board of Commissioners of Public Lands met last week and approved the loan request for \$500,000. Funds will be available the end of August and we will pay the incentive to TORO per the agreement. There are no fall elections this year, however, various groups continue to send out registration material. The deadline has passed for returning postcards. Any voter who received a postcard and did not return it has been inactivated and will need to re-register prior to the next time they wish to vote. Clerk Cram also advised that agenda and minute software vendors are providing information and quotes for using paperless agendas. Granicus will be providing a 60 day free trial that can be downloaded on a tablet or laptop for any interested council members to demo. Deputy Clerk Downs and City Clerk Cram will be attending the annual Wisconsin Municipal Clerks Association conference next week in Madison. Clerk Cram reminded alderpersons of the October Budget workshop to be held October 19, 2019.

Library Monthly Report. Library Director Irma Keller provided monthly statistics. Director Keller gave an overview of the summer reading program which will end on Friday, August 16th with the end of the year celebration. The Children's summer reading program had 992 children register and 276 children finished. The adult program had 208 registrants. Director Keller thanked the Frank G. Andres Fund for their donation for a new security camera.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Muehlenkamp provided a written report. There is still a need for affordable one bedroom handicap accessible apartments. They are rehabbing another apartment at Lakeside. Every five years, a 5-year Agency Plan must be completed and TPHA will try to remove the Lakeside Apartments from the public housing program. The Housing Authority would still own them but it would allow for 28 additional vouchers that would increase the affordable housing availability in the community. This would assist the families currently in the program. Based on regulations, there will be somewhat of a small window to accomplish the transition.

Senior & Disabled Services Report. Senior & Disabled Services Coordinator Pam Buchda provided a monthly calendar and written summary of events. There will be a program regarding Energy Assistance on Sept. 16th. Sept. 22nd is the next Fun Day Sunday. The Special Needs Ad Hoc Subcommittee is in need of 3 - 4 new members and volunteers are requested. Marketing continues for the Tomah Holiday Shopping Hunt event. Donations were received from Frank G. Andres Fund for the purchase of new chairs in the dining room. Crazy Daze fundraiser was a success due to donations and volunteers. Fundraising has also begun for the Community Halloween festivities. Coordinator Buchda will be attending PALS training this month.

Planning/Building Inspection Monthly Report. Shane Rolff provided a written report.

Convention & Visitors Bureau/Chamber of Commerce. Ex. Director Tina Thompson advised that August 22nd is the Back to School BBQ at Firemen's Park. The Ft. McCoy Business After 5 is the same day. Downtown Thursday Nights have been very successful. Estimations are between 1600 and 1800 people for the last week of attendance. Discover Wisconsin filmed the event last week. Concern was raised over the noise on Thursday nights after 10 p.m. as well as parking and traffic concerns. Admin. Gorius advised there have been no issues with WI DOT or with our Police Department. Music on Milwaukee Street will be held August 24th.

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

- A. **Minutes** of July 8, 2019 Special Council Meeting as presented.
- B. **Minutes** of July 9, 2019 Council meeting as presented.
- C. **Treasurers Cash and Investment Reports** for July 2019.
- D. **Bartender Licenses** for Helene R. Abbott, Andrea S. Borowiec, Mary E. Grimshaw, Sarah J. Haralson, Julia I. Pasch, Jordan K. Sieben, Pepper M. Slabik, Tami M. Visgar, and Amanda R. Zielinski.
- E. **Special Beer Permit** for Monroe County Shelter Care for October 24, 2019 for Brighter Tomorrows 2nd Annual Fundraiser.
- F. **2019 Budget Amendment** – Recognizing Donation of \$2,794.35 from Frank G. Andres in Acct. #12-48502 Senior and Disabled Grants and Donations and Authorize an Expenditure of \$2,794.35 from Acct. #12-57650-8300 Senior and Disabled Outlay Equipment for Purchase of New Dining Room Chairs.

Request from Kelsey's for Extension of Class "B" Fermented Malt Beverage License and "Class B" Liquor License for Special Event on August 24, 2019. The event would run from 10 a.m. to 10 p.m. and the fenced off area would include only the parking stalls directly behind the business from the end of the building to the dumpster. There will be no live entertainment or music outside but table and chairs will be put out. This provides the ability to carry out and smoke in that area for their Combat Vets Organization Event.

Motion by Yarrington, second by Evans to approve the request from Kelsey's for extension of the Class "B" Fermented Malt Beverage License and "Class B" Liquor License for their special event on August 24, 2019 from 10 a.m. to 10 p.m. Motion passed without negative vote.

Application of Class "A" Fermented Malt Beverage License and "Class A" Liquor License for Molter Family Markets, LLC, DBA: Molter's Fresh Market at 701 East Clifton Street. Motion by Kiefer, second by Yarrington to approve the Class "A" Fermented Malt Beverage License and "Class A" Liquor License for Molter Family Markets, LLC, DBA: Molter's Fresh Market at 701 East Clifton Street for the period of August 15, 2019 through June 30, 2020 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" Liquor and Class "B" Fermented Malt Beverage License Held in Abeyance for 1106 Superior Avenue. Last year the license for 1106 Superior Avenue, formerly known as Sportsman's Bar and District 5, was surrendered in April. As a sale has not occurred and no application is on file and the license has been held for a period allowing the previous owner an opportunity to sell the building, it is recommended to allow this "Regular" license to become available for issuance in the City.

Motion by Kiefer, second by Cram to allow this "Regular" Class "B" Fermented Malt Beverage License and "Class B" Liquor License to become available for issuance in the City. Motion passed without negative vote.

Request to Adopt Language for Liquor Licenses in Regards to the Relationship with the Establishment. Discussion was held at the Committee of the Whole regarding the procedure the City should follow when a liquor/beer license is surrendered or revoked.

Motion by Kiefer, second by Evans to leave the procedure the same as it currently is and address each license situation as it occurs. Motion passed with one negative vote (Yarrington).

Creation of a Full Time Position for Code Enforcement Officer. The part-time Code Enforcement Officer/Evidence Custodian position is vacant. City Administrator Gorius recommends creating a full-time position to handle code violations and complaints. It is also recommended that this position be responsible for weed and mowing complaints. This position would be placed at Grade "I" on the wage scale and provided the same benefits as full time employees. The current position is shared with the police department; however, the evidence custodian is not being requested at this time. The resolution and job description will be presented at the Budget Workshop.

Motion by Evans, second by Cram to authorize the creation of a full time Code Enforcement Officer position effective in January 2020. Motion passed with one negative vote (Yarrington).

Report on Annual Meeting of Joint Review Board Tax Incremental District Eight. City Administrator Gorius reviewed the performance of TID 8. Currently TID 8 has a tax increment value of \$7,117,500 which indicates the TID is functioning as expected. The completion of the Downtown Information Center, completion of 3rd Gen LLC mixed use development, and adoption of TID 9 and 10 allow allocation of future excess tax increment to TID 8 were part of the report. The development of the façade improvement revolving loan fund has progressed. No action is required.

Lease Between the City of Tomah and the American Federation of Government Employees Local 007. The Union is seeking to enter into a lease agreement to utilize four upstairs offices at the Senior and Disabled Service Center. The monthly rate would be \$400.00 which reflects \$100.00 per office per month. The lease would be set for six-month intervals and utilities would be included in the rent.

Motion by Holme, second by Yarrington to authorize the City Attorney to draft a lease agreement at \$100 per month, per office, for six-month intervals. The City would be responsible for the utilities. The union would be responsible for the installation of Internet, private phone lines, and the purchase, installation, and maintenance of office equipment and office furnishings. Motion passed without negative vote.

Request Two Hour Parking Signs Not be Replaced on New Street Light Poles. Installation of the new street lights has begun. To declutter the signage on the existing poles and replacements, it is recommended that the two-hour parking signs not be placed on the new poles. Two-hour parking is rarely enforced with approximately two or three complaints per year. The intent is to keep the ordinance active, however, without the signage it wouldn't be enforced on Superior. It was the consensus of the Committee of the Whole to keep the ordinance effective at this time.

Motion by Holme, second by Evans to remove the two hour parking signs and NOT replace them on the new street light poles. Motion passed without negative vote.

Resolution Amending the Classification and Compensation Plan for AFSCME Union Members. The AFSCME Union members have failed to gain a majority vote to remain in the union. As a result, these employees will no longer be covered under a collective bargaining unit as of January 1, 2020. It is requested that these positions be placed into their respective wage classification as represented by the wage scale developed through the recent wage study. The placement method will be determined by the Council at a later date. Several union members contacted Council members regarding a discussion with union members.

Motion by Cram second by Kiefer to approve the **Resolution** Amending the Classification and Compensation Plan for AFSCME Union Members as presented. **Motion and second were withdrawn.**

Motion by Holme, second by Zabinski to table the resolution until the September Council meeting. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Cram second by Yarrington to approve **Resolution No. 2019-08-13-28** authorizing payment of the monthly bills in the amount of \$2,027,071.60 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2019-08-13-28
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	\$ 765,973.65	Check #'s	125306-125348 & 125386-125517
2. Payroll	\$ 272,077.02	Direct Deposit #'s	57809-58123
3. Wire Transfers	\$ 34,628.62		
4. Invoices	\$ 954,392.31	Check #'s	125580-125615
	<u>\$2,027,071.60</u>		

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Ordinance Amending Chapter 52-10 – Use Restrictions and Performance Standards (Second Reading and Adoption). The current ordinance restricts the cumulative square footage allowed for accessory structures to 1,200 sq. ft. or 10% whichever is smaller. These restrictions don't accommodate larger lots that may need additional space. Increasing the allowance to 2,400 sq. ft. for lots greater than one acre would be consistent with the restrictions on smaller parcels in relation to the size of the lot.

Motion by Cram second by Kiefer to waive the second verbatim reading of the Ordinance amending Chapter 52-10 regarding use restrictions and performance standards. Motion passed without negative vote.

Motion by Cram second by Kiefer to adopt **Ordinance No. 2019-08-07-D** amending Chapter 52-10 of the Municipal Code regarding adoption of use restrictions and performance standards. Motion passed without negative vote.

**ORDINANCE NO. 2019-08-07-D
ORDINANCE AMENDING SECTION 52-10 - Use Restrictions and
Performance Standards in the Municipal Code of the City of Tomah**

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

SECTION ONE: Sec. 52-10. - Use restrictions and performance standards. is hereby amended to read as follows:

Sec. 52-10. - Use restrictions and performance standards

- (1) Principal uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
 - a. Accessory uses and structures may be allowed where they comply with the following conditions and requirements:
 - 1. Size of accessory structures in residential districts. Accessory structures in residential districts on lots less than or equal to one acre in size may not occupy more than 1,200 square feet or ten percent of the lot area, whichever is smaller. Accessory structures in residential districts on lots greater than one acre in size may not occupy more than 2,400 square feet or ten percent of the lot area, whichever is smaller. The measurement of accessory structure size shall include the total of all detached accessory buildings on the lot.
 - 2. No detached accessory structure shall exceed 20 feet in height.
 - 3. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
 - 4. All accessory structures which are attached to the principal building shall comply with the yard requirements of the principal building.
 - b. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the plan commission after the commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - c. Temporary uses. Temporary uses, such as real estate sales field offices or shelters for equipment and materials being used in the construction of a permanent structure, may be permitted by the zoning inspector.
- (2) Performance standards. Performance standards as listed in section 52-208 shall be complied with by all uses in all districts.

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

SECTION THREE: This ordinance shall take effect upon passage and publication.

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Read: July 9, 2019 & August 13, 2019

Passed: August 13, 2019

Published: August 23, 2019

Ratification of Tomah Area Ambulance Service Union Contract. Motion by Cram, second by Evans to table the ratification of the Tomah Area Ambulance Service Union Contract. Motion passed without negative vote.

Adjourn. Motion by Kiefer second by Cram to adjourn. Motion passed without negative vote. The meeting adjourned at 8:05 p.m.

Approved:

ATTEST:

Michael Murray, Mayor

JoAnn Cram, City Clerk

Minutes to be approved on September 10, 2019