

**MEETING MINUTES - CITY OF TOMAH
COMMITTEE OF THE WHOLE**

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 10th day of April, 2017 at 6:30 p.m. in the Council Chambers at City Hall.

The following members were present: Nellie Pater, Eric Prise, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Luke Bohlen, Chris King and Mike Murray. Absent: None.

Also present: City Administrator Roger Gorius, Fire Chief Tim Adler, Police Chief Mark Nicholson, Parks and Recreation Director Joe Protz, City Treasurer Julia Mann, Ambulance Service Director Randy Dunford, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

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Chairperson Mike Murray called the meeting to order at 6:30 p.m.

Minutes. Motion by King, second by Kiefer to approve the minutes of the March 13, 2017 regular Committee of the Whole meeting as presented. Motion passed without negative vote.

Ambulance Department. Ambulance Service Director Randy Dunford provided a written monthly department report. Director Dunford presented a packet of information from his evaluation of the department. Director Dunford has compiled an assessment of the department to inform the Council of the present status and needs of the department. Dir. Dunford met with all employees and is now desiring to meet with the Council to address the employee shortage, facility shortcomings, etc.

Police Department Monthly Report. Police Chief Nicholson provided a written summary of monthly activities. Chief Nicholson advised that one officer is on light duty due to a work injury. The application process has closed for a part time police clerk and the interview process will be starting soon. An offer of employment has been extended and a background investigation is being done for the code enforcement position recently created. The K-9 Officer and K-9 completed their training and will be returning to work on Wednesday, April 12th. Chief Nicholson reminded citizens that camper and trailer parking is prohibited from midnight to 7 a.m. (includes all trailers) and also advised no farm or exotic animals are allowed in the city.

Zoning/Planning/Building Inspection Monthly Report. Director Shane Rolff provided a written summary of March 2017 activities.

Fire Department Monthly Report. Fire Chief Tim Adler provided a monthly department report. Chief Adler advised that a structure fire occurred on March 11th causing significant damage to the building. Chief Adler continues to work on submitting grants for needed rescue equipment. The new SCBA units have arrived and training is underway. Chief Adler continues to work with the Monroe County Emergency Management Service to review and re-write the Emergency Management Plan. Chief Adler contacted Congressman Ron Kind regarding Act HR1550 which would be a benefit to volunteer firefighters. There were 17 calls for service in March including one serious structure fire. There were 65 calls for service so far this year compared to 44 in 2016.

Parks and Recreation Monthly Report - Parks Dept., Recreation Programs, Aquatic Center, Recreation Park. Parks & Recreation Director Joe Protz provided a written report and summarized department activities. Director Protz advised that department staff is working on opening the park bathrooms. Arbor Day is Friday, April 28th at the Middle School with the planting of the tree in Gillett Park. Spring clean-up day is scheduled for May 5th. Activity Guide is available on the website and hard copies are now available to the community. Summer program signup is May 8th for summer activities. The High School Rodeo will be held at Recreation Park the weekend of May 5-7th.

Accept Treasurers – March Cash and Investment Reports. Proceeds from the Bond sale were received on March 31st and are incorporated into the March investment report.

Motion by Prise second by Kling to accept the March investment report as submitted. Motion passed without negative vote. The cash report was not available.

Resolution to Adopt the City of Tomah Downtown Master Plan – Presentation by Andrew Bremer, MSA. The Downtown Master Plan was presented at the combined public information meeting of the Long Range Planning Committee and the Planning Commission on March 30th. This master plan outlines what guidelines would be in place for renovations in TID 8 which applied for assistance from the Long Range Planning Committee and City Council through the taxing district. The plan was voted in favor by a majority of both committees and is presented for action. Andrew Bremer, MSA gave a presentation on the plan and advised the plan serves as a guide for private and public improvement projects in the downtown area. One of the action items in the Comprehensive Plan was to revitalize the downtown area based on public comment. The Plan is broken out into 3 volumes; Volume 1 - Public Engagement and Existing Conditions; Volume 2 - Vision, Strategies, and Actions; and Volume 3 - Design Standards Handbook. It is intended that Volume 3 would eventually become an overlay zoning district. The overlay provides another layer of regulations such as site and architectural design that would trigger going to Volume 3 and everything that is a standard would be required and recommendations would allow for some choice in how things are completed. This would create a review process that would allow for projects to be implemented. The document is created to allow flexibility that deems “best practices” and the way things should be implemented. There are capabilities of a variance or waiver to a particular standard, etc. This document is a regulating mechanism which shows the way the City would like to see things designed. The plan doesn’t compel or force anyone to change anything. Concern arose as to notification or lack thereof of the businesses within the district of the creation of the Downtown Master Plan and the impact it will have on the businesses. When the zoning ordinance is amended to implement the Plan, the City would be required to notify and re-confirm what’s in the draft. The checklist provided is also a draft and it is recognized that this is still a working document and more public notification and formal adoption will occur in the future which will be a separate process.

Motion by Prise, second by Kling to recommend the Common Council approve the Resolution adopting the City of Tomah Downtown Master Plan as presented and instruct the Long Range Planning Committee to look at Council consideration when awarding a certificate of appropriateness. Motion passed with two negative votes (King and Komiskey).

During Discussion Alderperson Bohlen, second by King requested that the motion be amended to have the City Council have an opportunity after LRPC review when making the final decision and referred to the Downtown Design Standards Flow Chart in Volume 3. The process flows from the proposed project down to applying for the building permit. Administration of the process is intended to be streamlined as much as possible which requires a certificate of appropriateness to be reviewed by staff based on the contents of the ordinance for Volume 3. The staff would determine minor or major projects with both types of projects being defined in the document. There are some aspects of a particular project that may require Council approval. This was discussed and addressed at prior meetings. It was recommended that the ordinance that puts this officially in place be referred back to the Long Range Planning Committee as this is moved forward.

Ordinance to Amend the Comprehensive Plan of the City of Tomah. This ordinance allows for amendment to the existing Comprehensive Plan for the City of Tomah to include the Downtown Master Plan as presented.

Motion by Prise, second by Kling to recommend the Common Council approve the Ordinance amending the Comprehensive Plan of the City of Tomah as presented. Motion passed with one negative vote (King).

Request for Review of Roadwork and Corrective Action on Park Street, Lakeview Drive, Lakeview Ct., Lawrence Ave., and Grumann Drive as Petitioned. City Clerk Cram received a petition presented by Gwen Nelson regarding a request for corrective action related to street work that was completed last year. Ms. Nelson presented a petition with 78 signatures regarding the conditions of lawns on the streets that were affected and the loose gravel that is now on the neighborhood lawns. The street was seal coated and it didn't hold as well on some of the edges as hoped. Chips and gravel were thrown up into the yards during winter snowplowing. Gwen Nelson appeared before the Committee of the Whole. Questions asked included: What is the cost, how much city time and resources will it take, is there a need to resurface the street, or are we just looking at cleaning up the gravel that kicked up into the yards? Ms. Nelson advised one of the big concerns is environmental contamination because the residents are on the lake and some of the debris has already drained into the lake. The street sweeper did come this last week and cleaned up a lot of the loose gravel. Residents feel more still needs to be done. This issue will be looked at by Public Works. Staff will continue to work at corrective action.

Bartender Licenses.

Motion by King, second by Prise to recommend the Common Council approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Heather D. Burkhalter, Allison M. Eisbach, Benjamin A. Leinen, Carrie S. Murphy, Martin P. Murphy, Jessica M. Nelson, Bryan I. Pierce, and Joshua M. Schaller.

“Class B” Liquor and Class “B” Fermented Malt Beverage License for District 5 Bar at 1106 Superior Avenue – William Kohn and Cabaret License for District 5 Bar. Mr. Kohn has applied for the license for the premise to be known as District 5 Bar (formerly Sportsman's Bar) at 1106 Superior Avenue. License approval should be contingent upon receipt of a valid Wisconsin Seller's Permit and Federal ID # as well as passing inspections conducted by the Police Chief, Building/Zoning Inspector, and Fire Chief. Mr. Kohn was present and answered questions.

Motion by Prise, second by Siekert to recommend the Common Council approve the “Class B” Liquor and Class “B” Fermented Malt Beverage License and the Cabaret License for District 5 Bar at 1106 Superior Avenue applied for by William Kohn effective 4/12/2017 through 6/30/2017 and contingent upon passing all necessary inspections and providing proof of a valid Wisconsin Seller's permit and Federal ID number. Motion passed without negative vote.

“Class B” Liquor and Class “B” Fermented Malt Beverage License Availability. City Clerk Cram received an inquiry as to the availability of liquor licenses currently in the City. One license was previously issued to Sportsman's Bar and an application subsequently came in for that location and the other was the former TeePee Supper Club location. The requests were for different locations. If the District 5 Bar license application is approved, that would only leave the former TeePee license available.

Motion by Pater, second by Kiefer to continue to hold the liquor license in abeyance that was previously held by the TeePee Supper Club for the future building project through 2017. Ayes: Prise, Kling, King and Pater and Nays: Kiefer, Siekert, Komiskey and Bohlen. President Murray recused himself from the vote. Motion does not pass.

Special Beer & Wine Permit – MC Support Services LLC for the Budweiser Nationals Tractor Pull, Recreation Park, June 22-25, 2017. A map of the grounds was provided indicating the following licensed areas for the Tractor Pull: Veteran's Beer Garden, VIP Hospitality, Hockey building, Grandstand Arena areas, Hospitality area in the Puller Pit area.

Motion by Kiefer, second by Bohlen to recommend the Common Council approve the Special Beer and Wine Permit for MC Support Services LLC for the Budweiser National Tractor Pull at Recreation Park from June 22-25, 2017 as designated. Motion passed without negative vote.

Special Beer & Wine Permit – MC Support Services LLC for the Monroe County Fair, Recreation Park, July 26-30, 2017. The Ag Society is requesting that the time be extended for Thursday, Friday and Saturday nights of the fair from midnight to 1 a.m. in the Veterans Beer Garden area due to various events in the beer tent. The MC Support Services is requesting to have a trial of allowing the main midway area to be licensed from the Beer Garden to the Recreation Building. It was requested that more specific detail be provided regarding the request of allowing beer on the midway. Areas to be licensed for the Fair include: Veteran’s Beer Garden (fenced), White Hospitality Tent on the Midway for the Business After 5 Event, and Grandstand Arena Areas.

Motion by Kiefer, second by Prise to recommend the Common Council approve the Special Beer and Wine Permit for MC Support Services LLC at Recreation Park from July 26-30, 2017 for the Monroe County Fair as designated with extended hours on Thursday, Friday and Saturday until 1 a.m. Motion passed without negative vote.

Special Beer Permit – VFW Chicken Q at 1618 Superior Ave., on May 6, 2017 at 1618 Superior The Veterans of Foreign Wars organization has applied for a beer license for the Chicken Q event to be held on May 6, 2017 at 1618 Superior Ave.

Motion by Kiefer, second by Komiskey to recommend the Common Council approve the Special Beer Permit for the VFW Chicken Q at 1618 Superior Ave on May 6, 2017. Motion passed without negative vote.

Special Beer & Wine Permit – Queen of the Apostles Church on May 6, 2017 at 303 W. Monroe. Queen of the Apostles Church is having a Diaconate Social for Kyle Laylan in the church basement at 303 W Monroe Street on May 6, 2017 and are requesting to sell fermented malt beverages and wine.

Motion by King, second by Komiskey to recommend the Common Council approve the Special Beer and Wine Permit for Queen of the Apostles Church on May 6, 2017 at 303 W. Monroe St. Motion passed without negative vote.

Taxi Cab License – DL & KL Enterprises, LLC – d/b/a Ace Cab Company. The Certificate of Insurance is on file and the inspections have been completed.

Motion by King, second by Siekert to recommend the Common Council approve the taxi cab license for the 1997 Mercury Grand Marquis, VIN # ending in 4594 as presented. Motion passed without negative vote.

Road Repair Reimbursement Agreement. The proposed agreement is between the City of Tomah and American Transmission Company LLC (ATC) to ensure that any damage to our existing roads and infrastructure would be the responsibility of ATC to repair to our satisfaction during the construction project. Upon review by the City Attorney, it was noted that damage caused to surrounding areas other than the specific roadway are not addressed. It is the City Attorney’s recommendation that the Administrator be granted authority to sign the agreement for the City once this matter is addressed accordingly.

Motion by King, second by Kiefer to recommend the Common Council approve the amended agreement as designated with the stipulation as recommended by the City Attorney regarding damage caused to surrounding areas other than the specific roadway and authorize the City Administrator and City Clerk to sign the document. Motion passed without negative vote.

Request for Donated Monies to Boys and Girls Club. A request has been presented to the Common Council to consider a donation of money to the Boys and Girls Club of Tomah in the

amount of \$5,000. While it is understood that this is a worthy organization that benefits our community and its residents it is the recommendation of the Administrator to deny the request. The City is willing to help out in other non-monetary ways.

Motion by King, second by Kiefer to recommend the Common Council respectfully deny the request by the Tomah Boys and Girls Club with the knowledge that they would consider aiding the club in such a way as to not impact City funds. Motion passed without negative vote.

Award Bid for Downtown Information Center Project. On April 4, 2017 a public opening of bids for the proposed Downtown Information Center was held. Director Protz, Director Arity, Administrator Gorius and Carolyn Wastlund, Project lead at MSA were present. Total price on the bid tabulation was \$461,550 which includes \$30,000 for contingencies. Brickl Brothers Inc submitted a bid for \$424,650. City Administrator Gorius requested that this item be tabled due to the high bids that were received. It is desired to try to obtain significant cost savings and do further investigation.

Ordinance Amending Chapter 2 Creating Sections 2-412 through 2-414 Establishing a Historical Preservation Commission in the Municipal Code of the City of Tomah. Chapter 2 revisions include establishing the commission and defining the composition and rules and regulations. This ordinance is one of the action items in the Downtown Master Plan.

Motion by Bohlen, second by Pater to recommend the Common Council adopt the Ordinance amending Chapter 2 Creating Sections 2-412 through 2-414 identifying the purpose and intent, establishing the Commission composition, and providing for the powers and duties. Motion passed with one negative vote (King).

Ordinance Amending Chapter 10 Creating Article VIII Establishing Sections 10-400 through 10-412 Regarding Historical Preservation in the Municipal Code of the City of Tomah

The Ordinance Amending Chapter 10 was reviewed by the Long Range Planning Committee and the Planning Commission during a joint meeting on March 30th. Chapter 10 establishes regulations regarding historic preservation in the Municipal Code.

Motion by Prise, second by Pater to recommend the Common Council adopt the Ordinance creating Article VIII Establishing Sections 10-401 (Jurisdiction), 10-402 (Definitions), 10-403 (General Administrative Provisions), 10-404 (Historic Structures, Historic Sites, and Historic District Designation Criteria), 10-405 (Procedures for Designating or Rescinding Historic Structures, Historic Sites, or Historic Districts), 10-406 (Alterations or Demolition of Historic Structures, Historic Sites, or Historic Districts), 10-407 (Sale/Rescission of Historic Structures and Historic Sites), 10-408 (Conformance with Regulations), 10-409 (Maintenance of Historic Structures, Historic Sites, or Properties in Historic Districts), 10-410 (Conditions Dangerous to Life, Health or Property), 10-411 (Penalties for Violations), and 10-412 Separability. Motion passed with one negative vote (King).

Lease Agreement Between the City of Tomah, Chamber of Commerce and Convention and Visitors Bureau. Previously a lease for the newly renovated facility for the Tomah Chamber and Convention & Visitor's Bureau was presented for review. The lease should be revised to reflect that the building will be utilized at no cost for the remaining time between initial occupancy and the preparation and passage of the 2018 Budget. Other funds will be required to pay utilities for the time specified. The recommendation is that both CVB and the Chamber be allowed to occupy the building at no cost until such time as passage and approval of the 2018 budget. It is recommended that future review of the costs for utilities be done. It is also recommended that the room tax allocation be left as is for use in payment of said utilities and any monies remaining be placed in a maintenance fund for future use as needed. Discussion was held regarding the difference in language from the remainder of 2017 and a one year time limit. The lease currently stipulates a one

year term which needs to be amended. The City Attorney will be present on Tuesday night for further discussion.

Motion by Prise, second by Kiefer to recommend the Common Council approve the lease as presented. Motion does not pass with Ayes from Kiefer and Kling and Nay votes from Siekert, Prise, Pater, Bohlen, and Komiskey.

2017 Budget Amendment – Transfer of \$3,591 from Grants and Donations Acct. G-48500; \$8,960 from Fund Balance Applied and \$4,373 from Capital Outlay Acct. #8-57220-830 to Acct. # G-57220-830 Fire Equipment Outlay for the Purchase of a Breathing Air Compressor for Fire Dept. The Fire Dept. purchased an air compressor with funds received through grants and donations to the department. The cost of this expenditure is \$16,924.05.

Motion by Prise, second by Siekert to recommend the Common Council approve the 2017 Budget Amendment to transfer \$3,591 from Grants and Donations Acct. G-48500; \$8,960 from Fund Balance Applied and \$4,373 from Capital Outlay Acct. #8-57220-830 to Acct. # G-57220-830 Fire Equipment Outlay for the Purchase of a Breathing Air Compressor for Fire Dept. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Kiefer, second by Komiskey to recommend the Common Council approve the resolution authorizing payment of the monthly bills for a total amount of \$898,946.37. Motion passed without negative vote.

Monthly Financial Reports – March 2017. Motion by Siekert, second by Kiefer to accept the March 2017 monthly financial reports as presented. Motion passed without negative vote.

Motion by Kiefer, second by Prise to adjourn. Motion passed without negative vote. Meeting adjourned at 8:16 p.m.

Respectfully Submitted,

JoAnn Cram, City Clerk