

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

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 11<sup>th</sup> day of December, 2017 at 6:30 p.m. in the Council Chambers at City Hall.

The following members were present: Nellie Pater, Travis Scholze, Lamont Kiefer, Wayne Kling, Larry Siekert, Mary Ann Komiskey, Luke Bohlen, Pam Buchda, and Mike Murray. Absent: None. Quorum present.

Also present: City Administrator Roger Gorius, Fire Chief Tim Adler, Ambulance Service Director Randy Dunford, Public Works & Utilities Director Kirk Arity, Parks and Recreation Director Joe Protz, Police Chief Mark Nicholson, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

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Council President Murray called the meeting to order at 6:30 p.m.

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

**Ambulance Department.** Director Dunford reported monthly statistics. Director Dunford advised that the dept. had 193 calls for service. There are 24 paramedics and 12 EMTs. A resignation was filed last week from a full time paramedic. The Dept. is continuing to work with Keller Architects on the space study and the construction timeline of the new facility. Ft. McCoy responded 8 times during the last month to assist when the department was short staffed and could not meet the needs of the community. A one day management training was hosted by the department earlier in December. A time study was requested regarding response times from the south end of the City where the new facility will be located to see what changes would occur in response time.

**Fire Department Monthly Report.** Fire Chief Tim Adler provided a monthly department report. Chief Adler advised there was a structure fire on Jackson Street and the home suffered extensive damage. The department responded to a vehicle fire and numerous other calls were responded to throughout the month. Four new firefighters have started with the department during the last month. The Department continues to train on the new SCBA equipment. The new truck was delivered on Nov. 16<sup>th</sup> and should be in service within the next week. Annual pump testing was completed with certification received on all units. The department continues to train businesses with the fire extinguisher system.

**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. Dir. Protz advised youth basketball started Dec. 1<sup>st</sup> and other adult activities start this week. The Special Needs Holiday Party will be held at 5 p.m. on Saturday, Dec. 16<sup>th</sup> at Recreation Park. The Department is moving forward regarding the aquatic filter system repair. Dept. staff is also working on the new splash pad to be installed at the aquatic center in the spring.

**Public Works & Utilities Monthly Report.** Director Kirk Arity advised materials have been purchased for the Downtown Informational Center. The areas of focus are covering of the interior ceiling, painting and working on interior plumbing. Tree trimming is also being conducted. Sewer operations are normal at the plant. A repair was needed and completed

south of the Medicine Shop. The water department received the resignation of Bob Burch. Well #11 is back on line. There is nothing to report on the Lake.

**Accept Treasurers – November Cash and Investment Reports.** November cash and investment reports were not available.

**Bartender Licenses.** Motion by Buchda, second by Kiefer to recommend the Common Council approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses approved as follows: Mallory K. Fritz, Victoria E. Leszczynski, Matt B. Schatzke, Marie A. Smaida, and Richard R. Solils.

**Special Beer & Wine Permit for Tomah Warrens Sportman's Alliance for February 10, 2018 for an Ice Fisheree on Lake Tomah at Winnebago Park.** Fermented malt beverages will be sold from a trailer near the enclosed shelter and consumed on grounds and lake.

Motion by Buchda, second by Kiefer to recommend the Common Council approve the Special Beer & Wine Permit for Tomah Warrens Sportsman's Alliance for Feb. 10, 2018 for an ice fisheree on Lake Tomah at Winnebago Park. Motion passed without negative vote.

**License Application – Pawnbroker – Pioneer Pawn Shop, 108 E. Veterans Street.** P & D Pioneer, LLP Douglas & Dawn Duncan have applied for the licensing period Jan.-Dec. 2018.

Motion by Buchda, second by Pater to recommend the Common Council approve the Pawnbroker license for P&D Pioneer, LLP, Douglas and Dawn Duncan, d/b/a Pioneer Pawn Shop at 108 E. Veterans Street for Jan. 1, 2018 to Dec. 31, 2018. Motion passed without negative vote.

**License Application – Secondhand Jewelry Dealer & Secondhand Article Dealer – Carolyn Habelman, Antique Mall at 1510 Eaton Avenue**

Motion by Buchda, second by Komiskey to recommend the Common Council approve the Secondhand Jewelry Dealer and Secondhand Article Dealer license for the premise at 1510 Eaton Avenue for Jan. 1, 2018 to Dec. 31, 2018. Motion passed without negative vote.

**Taxi Cab License Renewals – F.D.S. Enterprises, Inc.** FDS Enterprises, Inc., d/b/a/ Tomah Transit has applied for renewal of their taxicab licenses for 2018. Inspections have been complete and the certificate of insurance is on file.

Motion by Buchda, second by Pater to recommend the Common Council approve taxi cab licenses for the following: 2016 Dodge Caravan – VIN 2C7WDGBG9GR386602; 2015 Dodge Caravan – VIN 2C7WDGBGG2FR703117; 2015 Dodge Caravan VIN # 2C7WDBG8FR636166; 2013 Dodge Caravan – VIN #2C4RDGBG6DR633211; and a 2017 Dodge Caravan - VIN #2C7WDGBG5HR648584 for the licensing period January 1, 2018 to December 31, 2018. Motion passed without negative vote.

**Taxi Cab License Renewals – Ace Cab Co.** DL & KL Enterprises, LLC, d/b/a Ace Cab Company has applied for renewal of their taxi cab licenses for 2018. Inspections have been completed and the certificate of insurance is on file.

Motion by Buchda, second by Kiefer to recommend the Common Council approve taxi cab licenses for the following: 2001 Ford Taurus – VIN # 1FAFP55V11A286764 and a 2001 Ford

Taurus - VIN # 1FAF953U716144290 for the licensing period January 1, 2018 to December 31, 2018. Motion passed without negative vote.

**2017 Budget Amendment – Recognition of \$100 Donation in Acct. #05-48500 – Grants and Donations.** As the result of a Community Service related and response, a resident has donated \$100 as a token of their appreciation. The anonymous party did not designate a specific purpose to be used with the donated funds.

Motion by Buchda, second by Siekert to recommend the Common Council approve the 2017 Budget Amendment recognizing the \$100 donation in Acct. 05-48500-Grants and donations to be spent at a later date. Motion passed without negative vote.

**2017 Budget Amendment – Transfer \$9,000 from Acct. #01-52200-1120 Salaries – Support Services and \$3,000 from Acct. 01-52200-1130 Salaries – Operations to Acct. 01-57220-8300 Fire Protection Outlay Equipment to Purchase Fire Equipment.**

Motion by Buchda, second by Siekert to approve the 2017 Budget Amendment transferring \$9,000 from Acct. #01-52200-1120 Salaries-Support Service and \$3,000 from Acct. #01-52200-1130 Fire Protection Outlay Equipment to Acct. #01-57220-8300 Fire Protection Outlay Equipment to purchase fire equipment . Motion passed without negative vote.

**2017 Budget Amendment – Carry Forward \$50,000 from Aquatic Center Outlay Account #08-57622-8300 from 2017 to 2018 for Completion of Filter System Upgrade.**

Motion by Bohlen, second by Siekert to recommend the Common Council carry forward \$50,000 from the 2017 Aquatic Center Outlay Account #08-57622-8300 to 2018 Aquatic Center Outlay account # 08-57622-8300 for a filter system upgrade which will not be completed until 2018. Motion passed without negative vote.

**2017 Budget Adjustment – Transfer of \$32,000 from Reserved for Contingencies Account #01-51980-2270 to Shared Ride Operating Supplies Acct. #11-53520-3400 for the Shortfall in the Mass Transit Account.** The question was asked if there is increased fares, why is there an increased cost to the City. City Treasurer Mann will be available on Tuesday for answers.

Motion by Buchda, second by Komiskey to approve the 2017 Budget Amendment transferring \$32,000 from Reserved for Contingencies Acct. #01-51980-2270 to Shared Ride Operating Supplies Acct. #11-53520-3400 for the shortfall in the mass transit account. Motion passed without negative vote.

**Request by D.A.R.T. Transport for Consideration of Land Development Agreement.** A development agreement was approved between the City of Tomah and Martin Trucking in August of 1987. The City agreed to sell the parcel for the sum of one dollar with the understanding that within one year of the agreement Martin Trucking would construct a 4,480 square foot building. The building was not constructed and sits vacant. In July of 2014 the City Council agreed to enter into a new development agreement that required construction of a commercial or industrial facility or other improvement of the property within five years with the deadline being July 2019. The City Administrator's office was contacted by David Orand of D.A.R.T. Transport, a trucking company, who is interested in purchasing the property for use as a parking facility for his transport trucks. Mr. Orand has been made aware of the agreement and has indicated he would be unable to give a timeline for construction of a building on the site in the foreseeable future. It was requested that the Common Council review the original contracts for their intent. Additionally, the Council should consider Mr. Orand's proposal to

purchase and use the lot for parking and that a new development agreement be entered into to provide a timeline for construction with specifications of type and size of structure, of a building in the near future. At this time, it is the consensus that it is in the best interest of the city to direct the City Administrator to look at the 2019 date and abide by the development agreement that is in place at this time. If the current owner constructs a building to comply with the agreement, the sale of the property could then take place.

**Lease Agreement Between Tomah Chamber of Commerce/Convention and Visitor's Bureau and City of Tomah.** The City, through an agreement with the DNR, has acquired the old DNR ranger station back from the State. An extensive remodel and renovation of the building was undertaken with the purpose of providing the Tomah City Chamber and Convention & Visitor's Bureau with a new and permanent home. In consideration of the fact that the Chamber contributed significant funds during the renovation, and to allow for them to restore their cash reserves, it is the recommendation to the Council that the lease be set at a one dollar a year payment for a period of five years. All utilities will be paid by the Chamber and provisions for liability insurance, abandonment, subletting and maintenance are covered in the lease as well. Concern was voiced regarding the term of the license and changing the language that would require the lease to come back to the Council for review at the end of the five year period. Discussion was held regarding future repairs of the building and cost of the building insurance being the responsibility of the City vs. the Chamber/CVB. Due to the rent at \$1, concern was voiced regarding having those costs the responsibility of the City.

Motion by Buchda, second by Scholze to recommend the Common Council approve the lease agreement between the Tomah Chamber of Commerce/Convention & Visitor's Bureau and the City of Tomah as presented. Motion passed with negative votes from Komiskey and Bohlen.

**Establish Rate of Pay for a Police Officer – Recruit.** The application pool for entry level police officers has been on the decline for several years. In an attempt to increase the pool of candidates, minimum requirements have been reduced to apply for an entry level position. The change allows someone who has not attended the Police Academy to be hired as a Police Officer and the City would then sponsor the recruit to attend the Police Academy. If a recruit attends the Police Academy and is "sponsored" by a police agency, the WI Dept. of Justice, Training and Standards Bureau will pay the \$5,000 registration fee to attend the Police Academy if it is successfully completed. They will also reimburse the meals, mileage and lodging associated with the training. If the recruit does not complete the training, the police agency is responsible for the \$5,000 registration fee and will not be reimbursed for meals, mileage, or lodging associated with the training. In order to be "sponsored" the WI Dept. of Justice, Training & Standards Bureau requires that the recruit be employed by the Police Agency and be "Sworn" in as a police officer prior to attending the academy. It is suggested that the rate of pay for the "Recruit" position be established at 75% of an entry level police officer. If the recruit does not successfully complete the Academy, the City of Tomah will be responsible for the \$5,000 registration fee for the Academy as well as any expenses associated with the training.

Motion by Buchda, second by Kiefer to recommend the Common Council establish the rate of pay for Police Officer – Recruit positions at 25% less than that of entry level police officers. Motion passed without negative vote.

**Ordinance Creating Section 42-3 Regarding Elimination of Duplicate Municipal Treasurer's Bond Relating to the Collection of State and County Taxes.** The City of Tomah was notified by County Treasurer Erickson that Section 70.67 of the State Statutes requires the City to have an ordinance adopted regarding elimination of duplicate Municipal Treasurer's

Bond relating to the collection of state and county taxes. The other option would be to purchase a bond each year that would cover the amount of taxes the City collects that would be paid to the County. This would not be a cost effective option.

Motion by Buchda, second by Pater to recommend the Common Council adopt the Ordinance creating Section 42-3 Regarding Elimination of Duplicate Municipal Treasurer's Bond Relating to the Collection of State and County taxes. Motion passed without negative vote.

**Ordinance Annexing Land from the Town of Tomah to the City of Tomah (Tomah Associates Property)** The City received a petition for direct annexation by unanimous approval from Stuart Ginsberg for Tomah Associates, owners of parcel #'s 042-00367-0000 and 042-00364-0000 in the Town of Tomah. The property is located along the south side of Gopher Avenue and includes 44.01 acres with zero electors currently residing there. The property owners have requested annexation to the City in order to gain access to public facilities.

Motion by Buchda, second by Pater to recommend the Common Council adopt the ordinance annexing land from the Town of Tomah to the City of Tomah (Tomah Associates) Property. Motion passed without negative vote.

**Ordinance Amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement.** The recycling and garbage ordinance was revised in Sept. 2016. A discrepancy has been found which could cause confusion in the enforcement of the ordinance. It is requested that "garbage receptacles" be added to Section (b)(2) for clarification.

Motion by Buchda, second by Siekert to recommend the Common Council adopt the ordinance amending Chapter 36 Section 36-6(b)(2) Collection of Automated Containers for City Serviced Dwelling Units – Restrictions on Time of Placement. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills.**

Motion by Kling, second by Pater to recommend the Common Council approve the monthly bills in the amount of \$814,128.92 as presented. Motion passed without negative vote.

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

Motion by Kiefer, second by Pater to adjourn. Motion passed without negative vote. Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

JoAnn Cram, City Clerk