

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION January 14, 2020 at 6:00 p.m. with Mayor Mike Murray presiding in the Municipal Building, 819 Superior Avenue, Tomah WI.

Following the Pledge of Allegiance, roll call was taken with the following members present: Mike Murray, Travis Scholze, Lamont Kiefer, Donna Evans, Sue Holme, Shawn Zabinski, Jeff Cram, and Richard Yarrington. Absent: 1st Aldermanic District seat is vacant. Quorum present.

Also present: City Attorney Penny Precour, City Administrator Roger Gorius, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Scholze, 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 Union Negotiations, Personnel Issues, and Purchase of Property. Motion passed with one negative vote (Yarrington). The meeting adjourned to Closed Session at 6:01 p.m.

Meeting reconvened to Open Session Pursuant to State Statute 19.85(2) at 6:49 p.m.

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

Mayor. Mayor Murray gave condolences to the family of Mary Ann Komiskey who has served faithfully on the City Council. The time she devoted to the City was done with compassion and desire and was truly appreciated. Mayor Murray also commended the EMS services for all that they do, especially during the holiday season.

City Administrator & Long Range Planning Committee Report. City Administrator Gorius provided a written report regarding current and ongoing activities. Winnebago Park, Flare Ave., Recreation Park and other projects will be worked on in the coming months.

Presentation by Cindy Zahrt, Supt. Tomah Area School District addressed the Council regarding various school activities and functions. The school district's mill rate went from \$7.45 to \$7.34 per thousand dollars of assessed value. The ranking of the school district is 27th lowest in the State for mill rate comparisons and the average is \$9.46. \$280,000 was distributed through school scholarships last year. The Board is currently conducting facility tours at all school district buildings. The school district is debt free. A spring primary will be held for three open seats on the school board. A survey will be available on the District website asking for the characteristics or the qualities that citizens would like to see in the next District Administrator.

Notice of Alderperson Vacancy. Due to the passing away of Alderperson Komiskey in the 1st Aldermanic District, there is a vacancy on the Council. There are two options: Leave the seat open until the November Election or appoint to fulfill the remaining term until April 2021.

Motion by Yarrington, second by Scholze to notify the public and request letters of interest and appoint a representative from District 1 at the February Council meeting. Motion passed without negative vote.

City Clerk. City Clerk Cram provided updates on the Spring Election process, Compete Count Census Committee, Agenda and Minute software, levy limit for 2020 and the status of printing the budget books.

Library Monthly Report. No report.

Tomah Public Housing & Community Development Block Grant Monthly Report. No report.

Senior & Disabled Services Report. Senior & Disabled Services Coordinator Pam Buchda provided a monthly calendar and written summary of events. Free blood pressure screening will be done on Jan. 23rd. Sunday, Jan. 26th is a Sunday Funday for Special Needs citizens and their caregivers. The Sr. Center will be hosting Bingo and euchre for the public in celebration of Freeze Fest as well as a Freeze Fest potluck. All citizens are welcome. A PALS course will be held in February which will start Feb. 3rd.

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

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

- A. Treasurers Cash and Investment Reports** for December, 2019.
- B. Minutes** of December 10, 2019 Regular Council Meeting as presented.
- C. Bartender Licenses** for Amber L. Deitz, Heather M. Gray, Steven J. Horner, Payton C. Korner, and Diana L. Prestwich.
- D. Special Beer Permit** for Tomah Warrens Sportsmen Alliance Ice Fisheree on February 8, 2020 at Winnebago Park.
- E. Special Beer & Wine Permit** for Tomah Rotary Club, 10th Annual Freeze Fest on February 1, 2020 at Recreation Park, Recreation Building.
- F. 2019 Amendment for Leave Time Payouts** amending the request and transferring \$12,829.12 from Acct. 01-51980-2270 Reserved for Contingency to the following accounts: \$1,111.75 to Acct. 04-56600-1100 CDBG Salaries Managerial; \$2,747.20 to Acct. 01-51420-1100 Clerk Salaries Managerial; \$1,510.18 to Acct. 01-51520-1120 Treasurer Salaries Support; \$2,819.52 to Acct. 01-521100 Law Enf. Salaries Managerial; \$2,995.26 to Acct. 01-52100-1130 Law Enf. Salaries Operations; and \$1,645.21 to Acct. 01-53311-1130 Street Dept. Salaries Operations.

Senior & Disabled Services Center Contract Agreement with Monroe County. Monroe County Senior Services program uses the Kupper Ratsch Sr. Center to provide meals to our seniors through the Elderly Nutrition Program. The agreement needs to be renewed for 2020.

Motion by Zabinski, second by Cram to approve the Senior & Disabled Services Center Contract Agreement with Monroe County. Motion passed without negative vote.

Ordinance Amending Chapter 6, Sections 6-1, 6-8, and 6-9(d) Regarding Amusements and Entertainment. The Council authorized a change in the written notice requirements in the current ordinance from 1,000 feet to 200 feet and authorized public notices for recurring events.

Motion by Yarrington, second by Scholze to waive the first verbatim reading of the Ordinance Amending Chapter 6, Sections 6-1, 6-8, and 6-9(d) Regarding Amusements and Entertainment. Motion passed without negative vote.

Motion by Yarrington, second by Cram to waive the second verbatim reading of the Ordinance Amending Chapter 6, Sections 6-1, 6-8, and 6-9(d) Regarding Amusements and Entertainment. Motion passed without negative vote.

Motion by Yarrington, second by Zabinski to adopt **Ordinance No. 2020-01-01-D** Amending Chapter 6, Sections 6-1, 6-8, and 6-9(d) Regarding Amusements and Entertainment. Motion passed without negative vote.

ORDINANCE NO. 2020-01-01-D
Ordinance Amending Chapter 6, Sections 6-1, 6-8, and 6-9 (d) of the City of Tomah
Municipal Code Regarding Amusements and Entertainment

SECTION ONE: Chapter 6 – Sections 6-1, 6-8 and 6-9(d) Amusements and Entertainment of the Municipal Code is hereby amended to read as follows:

Chapter 6 - AMUSEMENTS AND ENTERTAINMENT ARTICLE I. CABARETS
Sec. 6-1.- Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Indoor cabaret means a place to which the general public is admitted and where dancing or live entertainment is permitted or furnished to patrons by the management with or without special charge therefor, and where liquid refreshment or foods are sold.

Outdoor cabaret means an outdoor area to which the general public is admitted and where dancing or live entertainment is permitted or furnished to patrons by the management with or without special charge therefor, and where liquid refreshment or foods are sold.

Special Event Outdoor Cabaret shall be permitted to conduct an outdoor cabaret; however, such license shall be for a period not exceeding one day, and may exceed the noise levels established in the City Code, provided the sounds emanating from the outdoor cabaret are reasonable under the circumstances, subject to Common Council approval. All property owners within 200 feet of the proposed licensed premises for a Special Event Outdoor Cabaret License shall receive written notice of the original application. Subsequent applications for similar events will require a general notice to the public, A license shall only be granted following approval by a two-thirds vote of the Common Council.

Sec. 6-8. - Investigation.

Each application submitted in accordance with the preceding subsection shall immediately be transmitted by the City Clerk to the Police Department, Fire Department, and Building Inspection Department for review, and said officers shall sign off on the application or report in writing to the City Council their recommendations on such application; and therefore said application shall be presented for action by the Council at the next or any subsequent meeting thereof. The Fire Department and Building Inspection Department shall inspect the premises (if applicable) for new applications only.

Sec. 6-9. - Granting license.

(d) All property owners within 200 feet of the proposed licensed premises for a special event outdoor cabaret license shall receive written notice of the original application. Subsequent applications for similar events will require a general notice to the public. A license shall only be granted following approval by a two-thirds vote of the Common Council.

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: January 14, 2020 PASSED: January 14, 2020 PUBLISHED: January 24, 2020

Downtown Thursday Night Special Event Cabaret Licenses for Tomah Chamber of Commerce. Applications for Special Event Outdoor Cabaret Licenses were received from the Chamber for 800 & 900 Blocks of Superior Ave for six Downtown Thursday Night concert events in July and August of 2020. They are: July 2, 9, 16, and 23, 2020 and August 6 and 13, 2020.

Motion by Yarrington, second by Zabinski to table to enable sufficient notice per amended ordinance. Motion passed (Cram abstained)

Downtown Thursday Night Special Beer Permits for Lions Club. Applications for Special Beer Permits were received from the Tomah Lions for two locations as designated on the map in the 800 and 900 Blocks of Superior Avenue for six Downtown Thursday Night concert events in July and August of 2020. They are: July 2, 9, 16, and 23, 2020 and August 6 and 13, 2020.

Motion by Yarrington, second by Kiefer to table this item pending Council approval of the Special Event Cabaret Licenses. Motion passed without negative vote. Cram abstained.

Secondhand Article Dealer License Application for ecoATM, LLC. Motion by Cram, second by Zabinski to approve the Secondhand Article Dealer License for the premise at 222 McCoy Blvd, Tomah (inside Wal-Mart 0695) for the licensing period January 1, 2020 – December 31, 2020. Motion passed without negative vote.

Secondhand Article Dealer License Application for Kristi's Place. Motion by Cram, second by Yarrington to approve the Secondhand Article Dealer License for the premise dba Kristi's Place at 322 Superior Ave. for the licensing period of January 1 to December 31, 2020. Motion passed without negative vote.

Resolution Adopting the Monroe County Multi-Hazards Mitigation Plan 2019-2023. The Monroe County Multi-Hazards Mitigation Plan 2019-2023 has been approved by WI Emergency Management and FEMA pending adoption by the local municipalities.

Motion by Cram, second by Scholze to approve **Resolution No. 2020-01-14-01** Adopting the Monroe County Multi-Hazards Mitigation Plan 2019-2023 as presented. Motion passed without negative vote.

RESOLUTION # 2020-01-14-01

ADOPTING THE MONROE COUNTY MULTI-HAZARDS MITIGATION PLAN 2019-2023

WHEREAS, the City of Tomah recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted multi-hazards mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, the City of Tomah participated jointly in the planning process with Monroe County and the other local units of government within the County to prepare a Multi-Hazards Mitigation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the City of Tomah, hereby adopts the Monroe County Multi-Hazards Mitigation Plan 2019-2023 as an official plan; and

BE IT FURTHER RESOLVED, that the City of Tomah will provide a copy of this signed resolution to the Monroe County Emergency Management Department.

Dates this 14th day of January, 2020.

Mayor Mike Murray

ATTEST:

City Clerk JoAnn M. Cram

Resolution Denying Claim of Nissen, Inc DBA Tomah Dairy Queen. The insurance company has investigated the claim and can find no liability as the City had no prior notice of the water lateral leak.

Motion by Cram, second by Zabinski to approve **Resolution No. 2020-01-14-01** Denying the Claim of Nissen, Inc., DBA Tomah Dairy Queen regarding the claim sent to the City dated December 27, 2019 and authorize the City Clerk to send notification of the same to Nissen, Inc. Motion passed without negative vote.

RESOLUTION NO. 2020-01-14-02

RESOLUTION DENYING CLAIM OF NISSEN, INC. DBA TOMAH DAIRY QUEEN

WHEREAS, a Notice of Claim was filed against the City of Tomah alleging damage to claimant's property located at 218 E Clifton Street involving a water leak on November 16, 2019; and,

WHEREAS, on January 13, 2020 the Committee of the Whole reviewed the same and has recommended that said claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah that the claim of Nissen Inc., DBA Tomah Dairy Queen be and is hereby denied.

Dated this 14th day of January, 2020.

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Ordinance Repealing Sections 44-177 to 44-181, Recreating Sections 44-177 to 44-181, and Creating Sections 44-182 and 44-183 Regarding All Terrain and Utility Terrain

Vehicles. As instructed at the December Council meeting, Chief Nicholson and the City Administrator were directed to present an ordinance proposal for ATV/UTV regulation in the City limits of Tomah. Chief Nicholson has reviewed similar ordinances from communities with like populations and has prepared an ordinance that he feels meets the needs of the City and the Departments that will need to interact with these vehicles and their operators. This ordinance follows WI Statute on ATV/UTV use and is the recommendation of both Chief Nicholson and City Admin. Gorius. Costs to the City will be minimal as all signage is to be provided by Road Runners ATV UTV Club, Monroe County at no cost to the City. It is further recommended that Road Runners ATV/UTV Club of Monroe County be named as the responsible party for provision of signage, at no cost to the City, for placement by City Staff as needed and that Mike Pierce, Club President, or his designee, be assigned as liaison between the Club and the City Council. The overall ordinance basically adopts State Statute except that Section 44-181 adds additional stipulations. The proposed ordinance requires a driver's license, adherence to speed limits, routes would be open from 6 a.m. to 10 p.m., open container of alcoholic beverages are not allowed while operating, and proof of insurance would be required.

Motion by Kiefer, second by Scholze to waive the first verbatim reading of the Ordinance Repealing Sections 44-177 to 44-181, Recreating Sections 44-177 to 44-181, and creating sections 44-182 and 44-183 regarding All Terrain and Utility Terrain Vehicles as presented and Road Runners ATV TV Club of Monroe County be named as the responsible party for provision of signage at no cost to the City, for placement by City Staff as needed and Mike Pierce, Club President (or his designee) is assigned as liaison between the Club and the City Council. Motion passed without negative vote.

2020-2021 Lease Agreement with the City of Tomah and Phillips Pharmacy.

Motion by Kiefer, second by Cram to approve the 2020-2021 Lease Agreement with the City of Tomah and Phillips Pharmacy to include a 1% rent increase. Motion passed without negative vote.

Lease Agreement with the City of Tomah and Lester Stutzman to Lease Hangar No. 6. Lester Stutzman of Tomah is requesting to lease airport hangar #6 at Bloyer Field effective January 1, 2020. The City Attorney drafted a lease agreement with the lease to begin on or about December 15, 2019.

Motion by Kiefer, second by Zabinski to approve the Lease Agreement for Hangar No. 6 at Bloyer Field between the City of Tomah and Lester Stutzman effective on or about Dec. 15, 2019. Motion passed without negative vote.

Amendment to 2020 Non Represented Wage Scale Adding Part Time Library Aide, Part Time Custodial Services Worker (Police Dept.), and Part Time Sr. & Disabled Services Aide. Job Description Questionnaires (JDQs) were not compiled for these part time positions. The Library Aide and the P.D. Custodial Services Worker were on the AFSCME Union wage scale prior to January 1, 2020 and need to be placed into the scale. The Sr. & Disabled Services Aide was not in the Union but would be the only permanent part time position not on the scale if it isn't added.

Motion by Holme, second by Cram to approve the Amendment to the 2020 Non-Represented Wage Scale adding the P.T. Library Aide to Range C, P.T. Custodial Services Worker in the police department to Range D, and the P.T. Sr. & Disabled Services Aide to Range B to the Wage Scale as described above. Motion passed without negative vote.

Authorization to Sign Medical Director Agreement with Mayo Health Systems. The Medical Director Agreement needs to be finalized for Director of the Ambulance Service.

Motion by Holme, second by Evans to approve the Medical Director Agreement as presented and authorize Director Dunford and City Administrator Gorius to sign the document. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Holme, second by Kiefer to approve **Resolution No. 2020-01-14-03** authorizing payment of the monthly bills in the amount of \$704,389.61 as presented. Motion passed without negative vote.

RESOLUTION NO. <u>2020-01-14-03</u>			
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	\$ 350,518.77	Check #'s	126399-126443 & 126494-126594
2. Payroll	\$ 262,068.66	Direct Deposit #'s	59208-59506
3. Wire Transfers	\$ 34,004.31		
4. Invoices	<u>\$ 57,797.87</u>	Check #'s	126684-126710
	\$ 704,389.61		
Mike Murray, Mayor		ATTEST: JoAnn Cram, City Clerk	

Ratification of TPPA (Police) Union Contract. Motion by Kiefer, second by Evans to ratify the TPPA (Police) Union Contract for 2020-2021 (motion and second amended to include “if accepted by the TPPA Union”). Motion passed without negative vote.

Establish Wage for Newly Appointed Lieutenant Position (Police Dept.) Motion by Yarrington, second by Zabinski to approve the wage for the newly appointed Lieutenant to Grade M, Step 5 effective December 5, 2019 and adjust to Grade M, Step 6 effective January 1, 2020. Motion passed without negative vote.

Adjourn. Motion by Kiefer, second by Holme to adjourn. Motion passed without negative vote. The meeting adjourned at 7:38 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk
Minutes to be approved on February 11, 2020