



AGENDA FOR PLANNING COMMISSION

MEETING NOTICE

A Planning Commission meeting will be held on **Thursday, May 01, 2025 at 5:30 PM**
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Join Zoom Meeting

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmllVEFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,*206751# US (Chicago)

AGENDA

Call To Order

Pledge of Allegiance

[Roll Call](#)

Election: Chairperson

Election: Vice Chairperson

Election: Secretary

Anyone Desiring to Appear Before the Commission

[Presentation and Open Discussion: Habitat For Humanity of Greater La Crosse \(Kahya Fox\)](#)

[Approval: Recommendation to Staff on Way Forward for Sign of Don Roscovius](#)

[Approval: Recommendation to Staff on Way Forward for Sign of Dr. Mark Mueller](#)

[Approval: Certified Survey Map Submitted by Leigh Bardon](#)

[Approval: 3 April 2025 Meeting Minutes](#)

[Approval: Direct Staff to Develop Amendment to Municipal Code Sec. 8-61: Housing of farm and exotic animals prohibited](#)

[Approval: Direct Staff to Develop an Ordinance Allowing Outdoor Dining in Downtown](#)

Approval: Special Meeting on Monday 5 May at 5:30pm to Receive City Detect Presentation

Discussion: Future Agenda Items

Approval: Future Regular Meeting Date Thursday 6 June at 5:30pm

ADJOURNMENT

NOTICE: It is possible that a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through

Planning Commission – May 01, 2025

appropriate aids and services. For additional information or to request this service, contact Becki Weyer, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

CITY PLAN COMMISSION ROLL CALL SHEET

THURSDAY 1 MAY 2025 5:30PM

1. Mayor Paul Dwyer:
2. Alderperson Scholze:
3. Alderperson Glynn:
4. Citizen Eric Prise:
5. Citizen Tina Thompson:
6. Citizen Brian Rice:
7. Citizen Bryan Meyer:

May 1, 2025

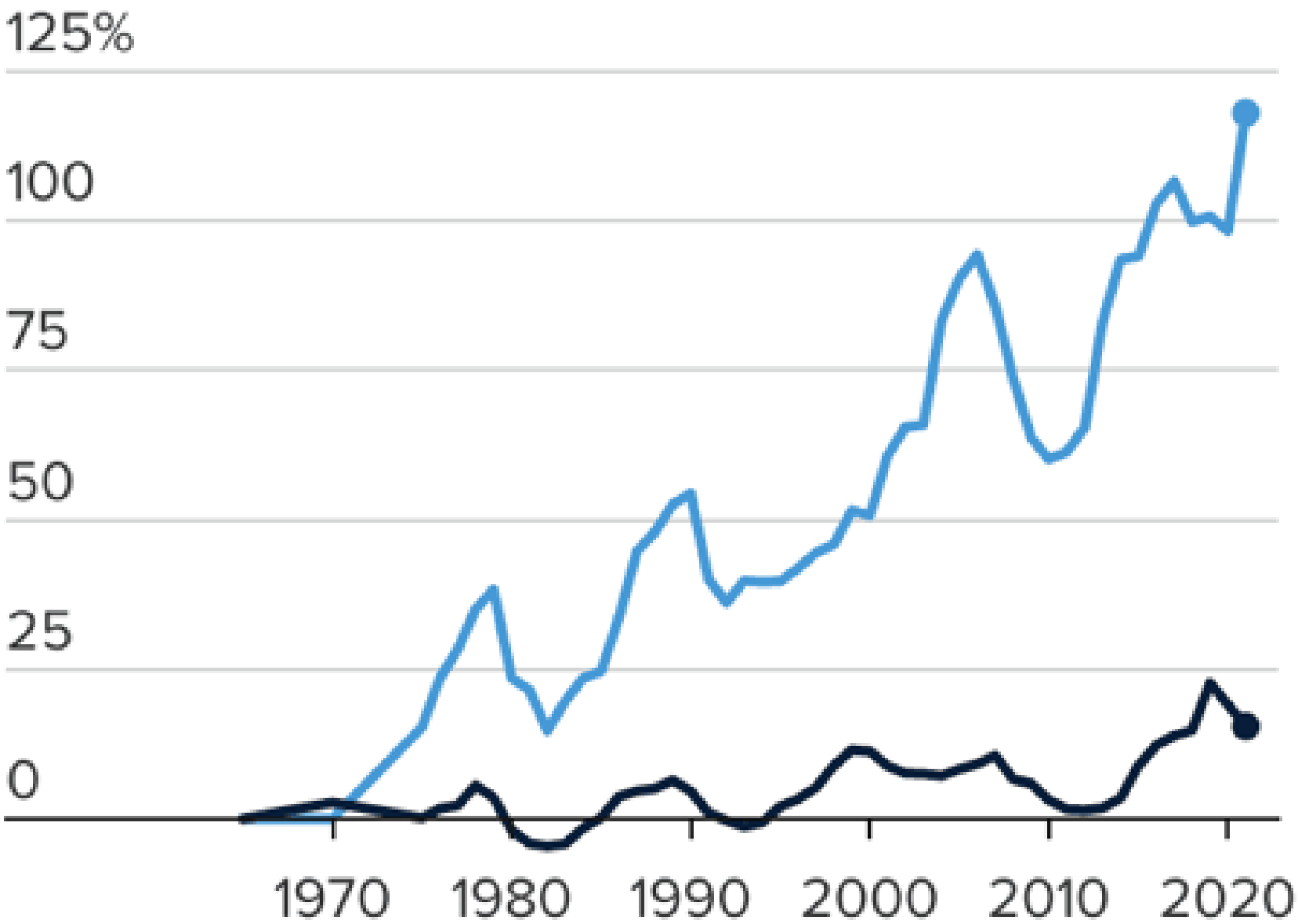
HILLSBORO HOUSING DEVELOPMENT

Kahya Fox, Executive Director
Habitat for Humanity of the Greater La Crosse Region




Growth in U.S. home values outpaces that of incomes

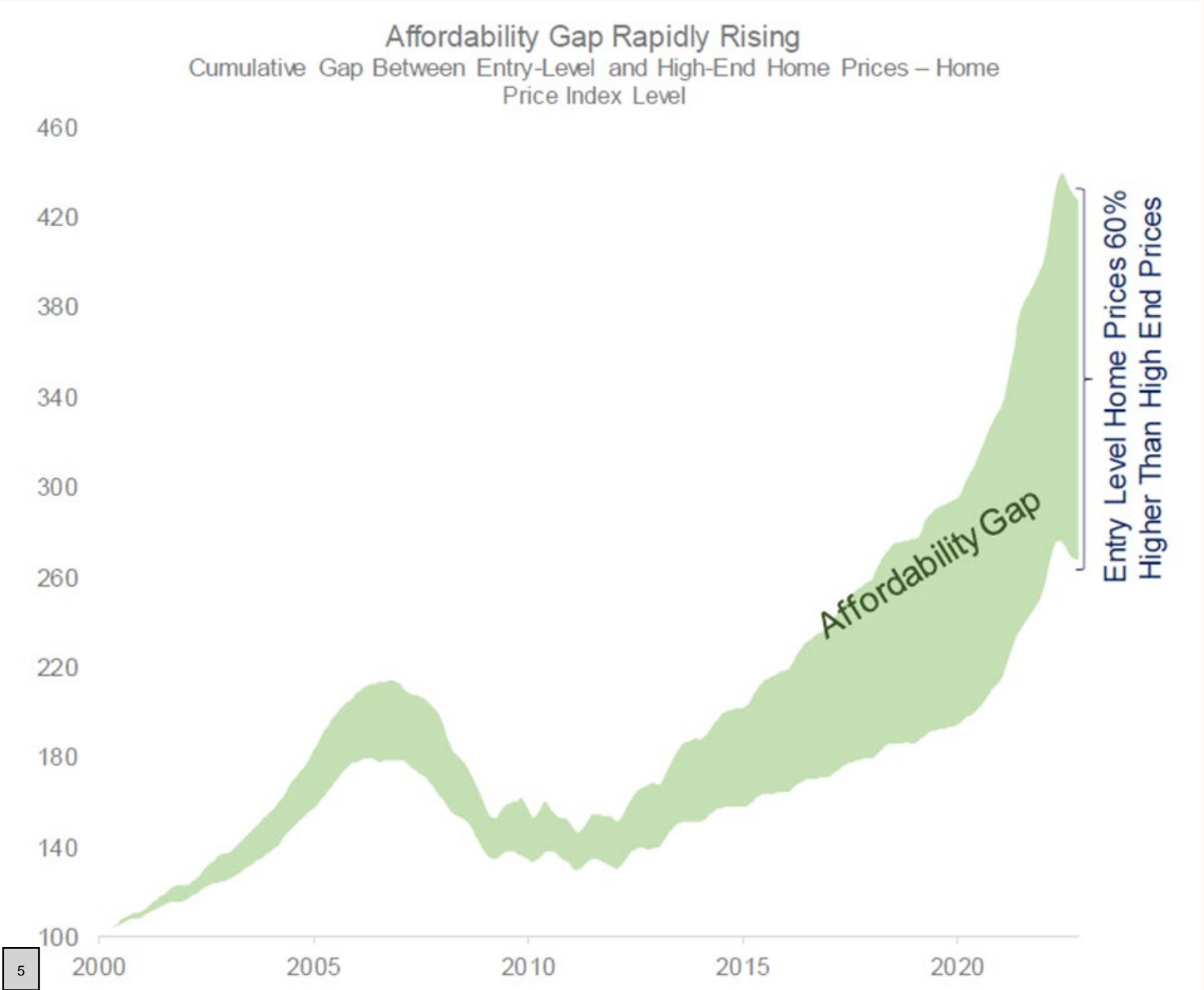
- Average home values
- Median household income



Source: Real Estate Witch analysis of U.S. Census Bureau data



ACCESS TO HOUSING

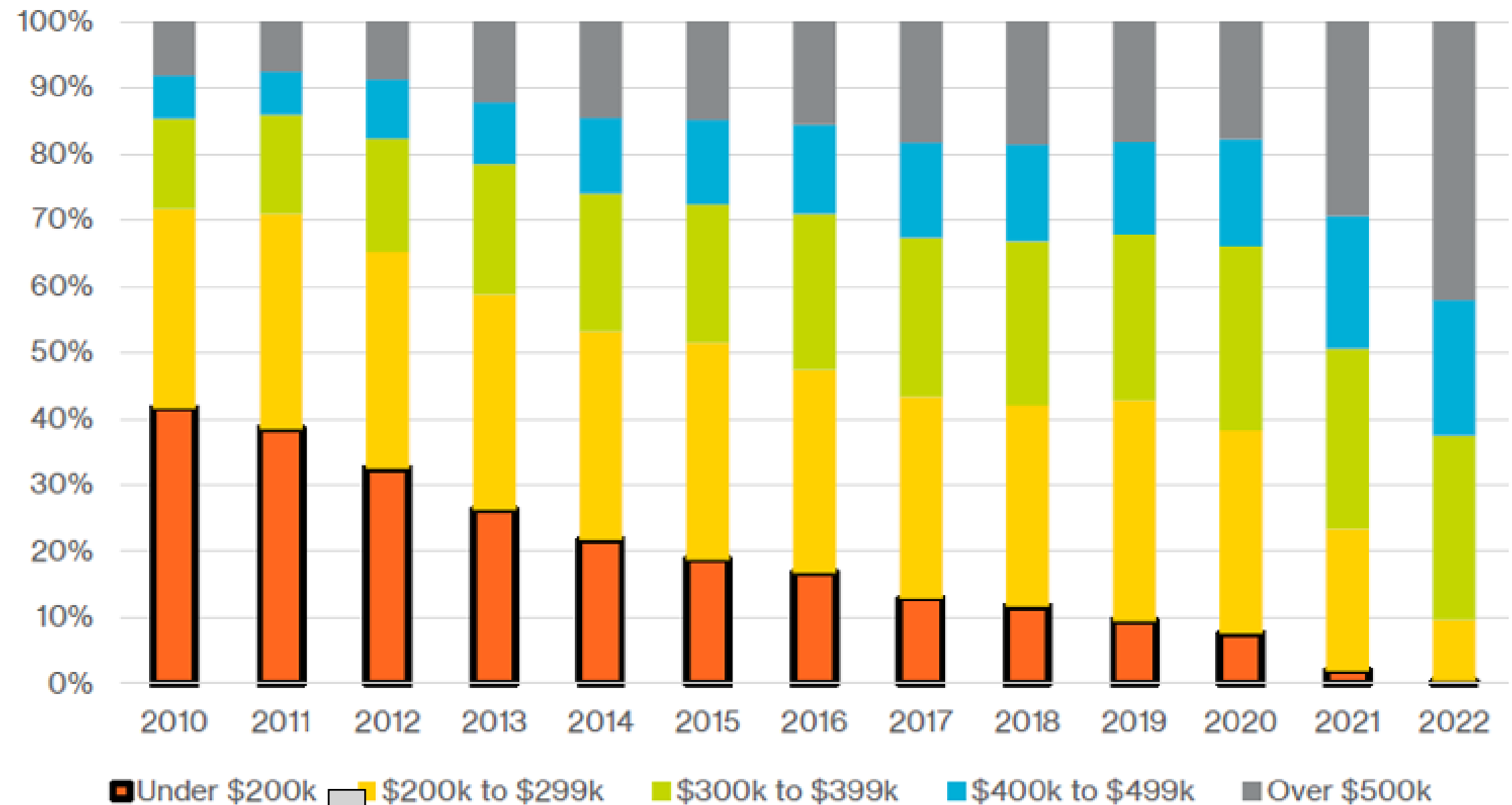


ACCESS TO HOUSING

1,996

households are priced out of the home-buying market for every **\$1,000** increase in the median new home price.

Share of New Homes Sold by Price (U.S.)¹



THE BACKSTORY

- Hillsboro has long prioritized community revitalization and meeting critical housing needs.
- Within the boundaries of a former Tax Incremental District (TID), efforts were made to address the growing demand for housing.
- There was a burst of housing development, but following the 2020 pandemic, construction slowed drastically.
- Recognizing the urgent need to create housing solutions to support the city's growth and workforce retention, Hillsboro turned its attention to try to solicit a developer to assist in housing development.

ABOUT HILLSBORO

Community Data:

- Poverty in Wisconsin = 10.2%
- Poverty in Vernon County = 14.6%
- Wisconsin needs 123,000 affordable housing units

Household Income – Vernon County

Family of 4

- 60% Area Median Income (AMI)
\$52,988
- 80% AMI
\$70,650
- 120% AMI
\$105,960

2010 Census:

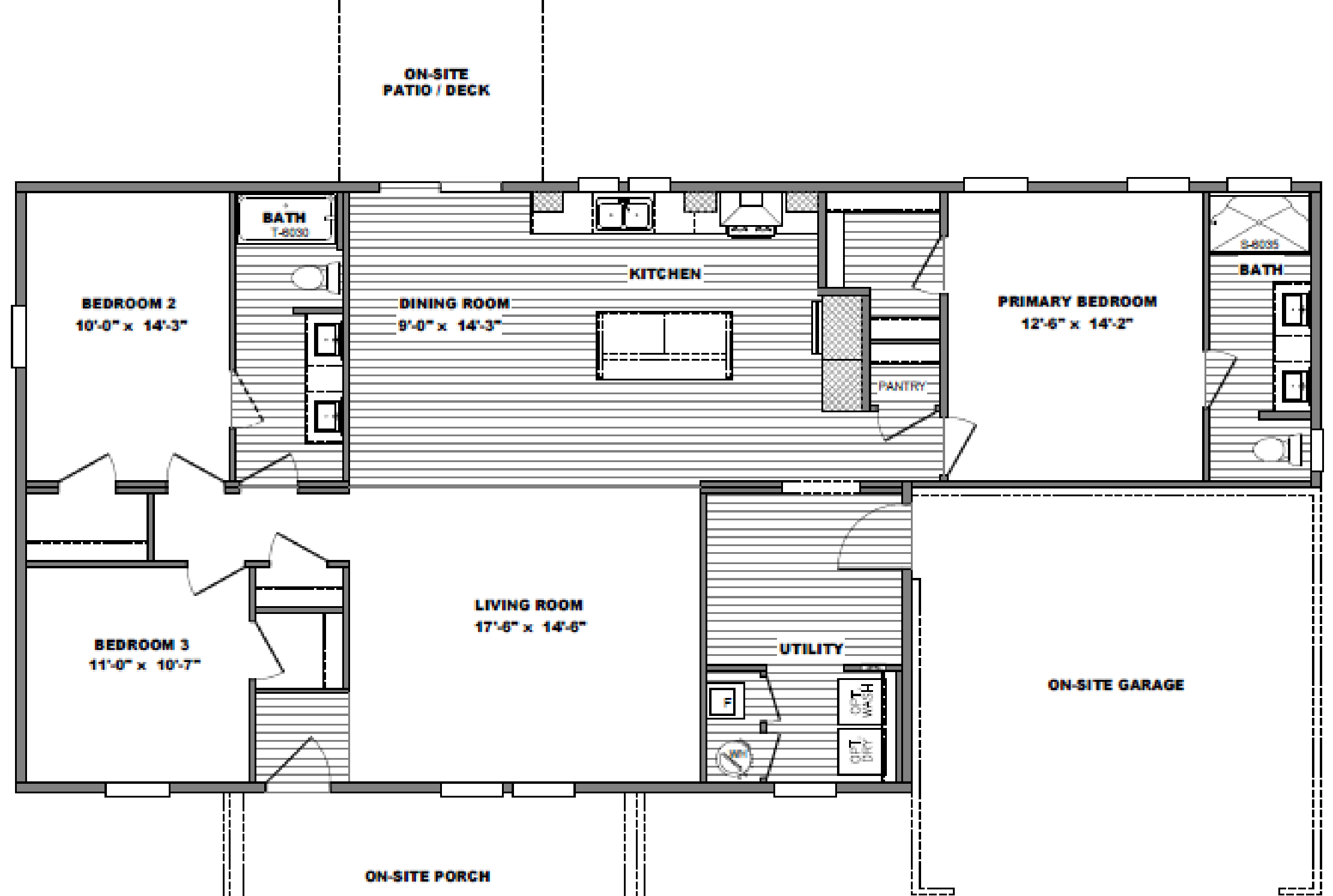
- Population - 1,408
- Median household income - \$42,750
- Housing units - 662
- Median house value - \$85,500

2020 Census:

- Population - 1,397
- Median household income - \$58,281
- Housing units - 675
- Median house value - \$135,800

10 new homes

- 3 Habitat for Humanity homes (60% AMI)
- 3 First-time Homeowners (80% AMI)
- 4 Market - rate homes (120% AMI)



FLOOR PLAN EXAMPLE



CROSSMOD DESIGN

- 3-4 bedroom
- 2 bath
- Attached 2 -car garage
- Front porch + full basement
- E-Built - 40 -50% more energy efficient than standard stick built
- 7-8 kW solar array and battery backup
- Appraised between \$351,000 - \$363,000



INTERIOR DESIGN



INTERIOR DESIGN



Bedroom and bath



CrossMod™

Crossover + Modern



BENEFITS

Fits into community
Increased property
values
Increased tax-base

Addresses growing housing needs
Provides housing access to range of
incomes
Workforce housing opportunities



Need for Housing

We assess families' housing situations and note if they live in unsafe, overcrowded, poorly maintained, and/or inaccessible housing. We also consider how much of their income is spent on housing.

Ability to Pay

Families must be able to afford a mortgage, real estate taxes, and homeowners' insurance. We look for steady income, debt, and credit history.

Willing to Partner

Families commit to at least 150 hours of sweat equity, working alongside volunteers on Habitat projects. Future homeowners must take homeowner education and credit counseling classes prior to purchase.

HABITAT'S MODEL



Habitat will create a mortgage package for EACH homeowner ensuring they pay no more than 30% of their gross income on their house payment.

- Subsidized interest rate to as low as 0%
- Downpayment assistance
- Purchase price

COMMITMENT TO AFFORDABILITY



NEXT STEPS

Community Committee to help with:

1. Family selection
2. Local contractors
3. Volunteers



THANK YOU!

Kahya Fox
kahya@habitatlacrosse.org

Josh Finch
admin@hillsborowi.com



30 April 2025

From: Director of Economic Development and Zoning
To: City Plan Commission

Subject: DIRECTOR'S MEMORANDUM ICO 205 ARTHUR STREET
NONCONFORMING SIGN

References: None.

Enclosures: (1) City of Tomah Municipal Code Section 52, Article V: Signs
(2) E-mail Correspondence dtd 7 March 2024
(3) City of Tomah Sign Permit for 205 Arthur St dtd 3 June 2008

Mr. Don Roscovius, property owner of 205 Arthur Street, currently has a nonconforming sign on his property. After a review of enclosure (1), the sign causes the following violations:

- Sign is in the public right of way (protected for sidewalk extension, utilities improvements, and traffic signs).
- Location of sign does not conform to 10 feet from the property line.
- Sign was erected for a business that no longer exists.

Mr. Shane Rolff, while still serving as the Building Inspector/Zoning Administrator, informed Mr. Roscovius of the public right of way violation one year ago (enclosure 2). Mr. Roscovius would like to keep the sign and have it re-faced for the business of his tenant. The nonconforming nature of his sign does not meet the undue hardship criteria that Wisconsin State Law requires for a variance. However, the City issued Mr. Roscovius a sign permit via the La Crosse Sign Company on 3 June 2008 (enclosure 3).

Staff is respectfully requesting from the City Plan Commission to disclose if there is additional context with regards to why a nonconforming sign was approved in 2008.

Nicholas M. Morales
Director of Economic Development and Zoning
Chairperson of the Senior Executive Team

Cc:

ARTICLE V. - SIGNS

Sec. 52-150. - Permit required.

No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit or without being in conformity with the provisions of this chapter, except those signs excepted in other provisions of this chapter. The sign shall also meet all the structural requirements of chapter 10.

(Code 1993, § 17.50)

Sec. 52-151. - Signs excepted.

No sign shall be placed upon, over or in any public way, in any residential or agricultural districts provided that this section shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. All signs are prohibited in all residential and agricultural districts, except the following:

- (1) Signs over shop windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.
- (3) Name, occupation and warning signs are temporarily located on premises.
- (4) Bulletin boards for public, charitable or religious institutions not to exceed 25 square feet in area, located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners other than political candidate signs, may be posted on private property for five days or less in a 30-day period providing they are no closer than 20 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevard adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.
- (8)

Signs for yard sales or rummage sales may be posted for five days or less in a 30-day period in the parkway between the sidewalk and curb of the street providing they are adjacent to the property of the sale, and are no closer than 30 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevards adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.

- (9) Political candidate signs may be posted on private property with the permission of the owner in accordance with state statutes for duration of posting.
- (10) Electronic message centers shall be permitted pursuant to the requirements of section 52-152(18).

(Code 1993, § 17.51; Ord. No. 2014-09-10-D, § 2, 9-9-2014)

Sec. 52-152. - Sign restrictions.

Signs are permitted in all business and industrial districts subject to the following restrictions:

- (1) No sign shall be placed upon, over or in any public way, provided that this subsection shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. Signs, awnings, canopies or marquees may be permitted on, over or in the public way as a conditional use as provided under this chapter.
- (2) No sign shall be erected on any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic sign, sign, traffic signal or other traffic device, nor shall any sign make use of the words: "STOP", "LOOK", "DRIVE IN", "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (3) Ground signs shall not be located within ten feet of any property line and shall observe the height restrictions pursuant to section 52-40 for principal structures. Ground signs shall not exceed 200 square feet on one side, nor 400 square feet on all sides for any one premises. Exception: Ground signs located in the B2 highway business district shall not exceed 70 feet in height and shall not exceed 300 square feet on one side, nor 600 square feet on all sides for any one premises.
- (4) Vacant lots upon which advertising signs now exist or which are erected pursuant to this chapter shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any vegetation growing on the lot.
- (5) No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend more than five feet into any street.

- (6) At the termination of a business, commercial or industrial enterprise, all signs shall immediately be removed from the public view. Responsibility for violation shall reside with the property owner according to the latest official tax roll listings.
- (7) In a shopping center or industrial park, one freestanding identification sign may be permitted, showing the name of the center or park and represented businesses or industries. The area of the sign shall not be permitted within 20 feet of the right-of-way line of the street.
- (8) The total surface display area of business or industrial signs on the front facade of a building shall not exceed in square feet two times the number of linear feet of width of the building frontage. In the case of a building located on a corner lot, such square-foot display area on the side facing the secondary street may be increased by one time the number of linear feet of the length of the building which faces the secondary street. Such increased permitted display area shall be used only for the erection of a permitted sign on the length of the building that faces the secondary street. Where the premises abut a parking lot, the total of linear feet of the width or length of the building fronting on such parking lots. Such increased display area shall only be utilized by the erection of a permitted sign on that part of the building which abuts such parking lot. In no case shall more wall area usable for sign display be in excess of 200 feet and in no case shall more than one of the criteria stated in this subsection be used to calculate allowable sign area on any one building facade.
- (9) Business and industrial signs mounted on buildings shall not be permitted to project more than five feet beyond the building line.
- (10) No more than one business or industrial sign for each business on the premises shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
- (11) Necessary directional ground signs, which shall not exceed four square feet in area, shall be permitted. Permission to erect such signs shall be obtained from the director of public works and utilities.
- (12) Business and industrial signs may be internally lighted or illuminated by a good reflector, provided such lighting is so arranged as to prevent glare, and no sign shall be lighted by a lighting of intermittent or varying intensity. Flashing signs, signs which may be mistaken for traffic signal devices or diminish the visibility or effectiveness of traffic signal devices are prohibited.
- (13) Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress or for firefighting purposes or placed so as to interfere with any opening required for legal ventilation is prohibited.

- (14) No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (15) a. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall be allowed only in commercial business and industrial zones and shall comply with the following: Minimum distance from grade to bottom of sign shall be eight feet. The sign erector shall furnish drawings indicating a minimum design of 30 pounds per square foot wind load capacity (100 mph wind). The maximum size of a sign shall be 300 square feet. Signs shall be spaced a minimum of 300 feet apart when on the same side of the roadway. Measurements shall be taken along the right-of-way. Signs shall be a minimum distance of 100 feet from an occupied residential dwelling. No signs larger than 50 square feet shall be erected on Superior Ave. between Veterans and Clifton Sts. In all other respects signs shall comply with state rules and regulations.
- b. Digital billboards shall require a conditional use permit and subject to the following requirements:
1. Restricted to the B2-highway business district and any industrial zoned districts.
 2. Brightness limited to 5,000 nits daytime, 500 nits nighttime.
 3. Signs shall be equipped with an automatic dimmer control.
 4. Malfunctioning signs shall be equipped to freeze in one position.
 5. Change in messages shall be limited to one second or less.
 6. Each message shall be in a fixed position for at least 7.5 seconds
 7. Digital billboards shall not exceed 300 square feet.
 8. Digital billboards shall provide a minimum of five hours of public service announcements per month.
 9. Digital billboards are prohibited from scrolling, flashing, animation or the appearance of movement.
- (16) Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided there is only one sign not to exceed five square feet for each business and the sign is at least eight feet above ground level.
- (17) "Special Sale" or poster signs are permitted to be posted in store windows in the business district.
- (18) Electronic message centers shall be permitted in the following zoning districts subject to all applicable requirements prescribed by the zoning district in which the subject property is located and subject to the following:
- a. In C and I zones such signs may display animation so long as flashing is prohibited.

- b. In M1, M2, M#, and B zones such signs shall display static images for a period of at least one second before transitioning to another static image. The use of frame effects is permitted so long as flashing and animation are prohibited.
- c. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- d. No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area measured as follows:

The square root of the product of the sign area and one-hundred.

$$\text{Measurement distance} = \sqrt{(12 \text{ sq. ft.} \times 100)} = 34.6$$

(Code 1993, § 17.52; Ord. No. 2013-09-04-D, § 1, 9-10-2013; Ord. No. 2014-09-10-D, §§ 3—6, 9-9-2014)

Sec. 52-153. - Nonconforming signs to be removed.

All signs or similar advertising structures that do not conform to the regulations of this chapter shall be removed by the person owning such nonconforming signs or the owners of property on which such signs are located within ten years from the date of the passage of the ordinance from which this chapter is derived. Should the owner of a nonconforming sign or the owner of property on which a nonconforming sign is located fail to remove such a sign within ten years, the building inspector shall, following 60 days' written notice to the owner of the sign and the owner of the property on which the sign is located, cause the sign to be removed at the expense of the owner of the sign.

(Code 1993, § 17.53)

Sec. 52-154. - Bond.


Before a permit is granted, every applicant for a permit for a sign, awning, canopy or marquee shall execute a surety bond in a sum to be fixed by the director of public works, not to exceed \$25,000.00, of a form and type approved by the city attorney, indemnifying the city by reason of the erection, construction or maintenance of such sign, awning, canopy or marquee. A liability insurance policy issued by an insurance company authorized to do business in the state and conforming to the requirements of this section may be permitted by the city attorney in lieu of a bond.

(Code 1993, § 17.54)

Secs. 52-155—52-176. - Reserved.

FW: Sign usage at Rosco's

From Casey Kinnear <ckinnear@TOMAHWI.GOV>
Date Thu 2/20/2025 2:57 PM
To Nicholas Morales <nmorales@tomahwi.gov>

 1 attachment (4 MB)
205 Arthur St.--sign location.pdf;

From: Shane Rolff <srolff@TOMAHWI.GOV>
Sent: Thursday, March 7, 2024 8:32 AM
To: dbroscovius@aol.com
Cc: dpowell@holtandmon.com
Subject: Re: Sign usage at Rosco's

Good morning, Donald. The current sign is located in the right of way. At no point are you permitted to install a sign in the right of way. There is no sign permit on file. See attached for illustration. Please give me a call to discuss.

Shane Rolff

City of Tomah

Zoning Administrator/Building Inspector

Senior Executive Team

srolff@tomahwi.gov

Office: (608) 374-7429

Cell: (608) 343-9210

From: k <dbroscovius@aol.com>
Sent: Wednesday, March 6, 2024 4:05 PM
To: Shane Rolff <srolff@TOMAHWI.GOV>
Subject: Sign usage at Rosco's

Shane,

I have rented by building at 205 Arthur St. the Rosco's bait building to Performance heating & cooling LLC. I had informed them they were permitted to change the panels in my sign to reflect their business name. They informed me the city will not permit the use of the exiting sign as it sits but would have to move the sign. Could you please explain to me the reason for this ? If there is a city sign code change could you please provide me with it, This sign was permitted by the city when it was put up some 18 years or so ago. Their not asking to put up a renew sign just inserting a new business name in the panels.

Thanks
Donald Roscovius

City of Tomah

Building and Inspections Dept.
819 Superior Ave.
Tomah, WI, 54660

58984
Roscos

Gateway to Cranberry Country
The City of Tomah
Where The I Divides

Sign Permit

Permit Number: SG2008-11

Page 1 of 2

Printed: 6/3/2008

Applicant

Name: Donald & Bonnie Roscovius
Address: 205 Arthur St.
Tomah, WI 54660

Approval Date:

Phone:

Parcel

Parcel Number: 28623890000
Address: 205 Arthur St. -Bait Shop
Section: Township:
Addition: Block:
Legal Description:

Zoning: B Business District
Tomah, WI 54660
Range:
Lot(s):

Owners

Name: Donald & Bonnie Roscovius
Address: 205 Arthur St.
Tomah, WI 54660

Phone:

Contractors

Contractor Type: Sign Erector

Name: LaCrosse Sign Company
Address: 1450 Oak Forest Drive
Onalaska, WI 54650

Phone: 781-1450

Fees and Receipts:

Number	Description	Amount
FEE2008-132	Sign/Canopy	\$25.00

Total Fees: \$25.00

RCPT2008-100

Total Receipts: \$25.00

Conditions

Date: 6/3/2008

Status: Approved

Code:

Condition Description:

Condition Comments:

35 sq ft ground sign on premises

Other Fields:

MAKE A STATEMENT!

INVOICE

INVOICE #: 005.58986-0

DATE: 06/30/08

CUSTOMER CODE	JOB NUMBER	DATE ORDERED	DATE COMP	SALESMAN	TERMS
ROSCBAI	58986	04/23/08	06/18/08	T-MARK	1%-10/NET 07/31/08

*** SOLD TO ***
ROSCO'S BAIT & TACKLE

205 ARTHUR ST.
TOMAH, WI 54660

*** JOB LOCATION ***
ROSCO'S BAIT & TACKLE
205 ARTHUR ST.
TOMAH, WI 54660

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	PER SIGNED PROPOSAL		
1	*FABRICATE AND INSTALL ONE INTERNALLY ILLUMINATED, DOUBLE FACED POLE SIGN PER QUOTE	7,690.00	7,690.00
1	PERMIT	25.00	25.00
1	PERMIT ACQUISITION	75.00	75.00
1	LESS DEPOSIT	3,500.00-	3,500.00-

THANK YOU!

(NOTE: * INDICATES TAXABLE ITEMS)

S U B T O T A L		
WI WISCONSIN	5%	4,290.00
41 MONROE COUNTY	0.5%	384.50
		38.45

PLEASE PAY THIS AMOUNT -----> 4,712.95

*Pd # 7-10-8
2850*



30 April 2025

From: Director of Economic Development and Zoning
To: City Plan Commission

Subject: DIRECTOR'S MEMORANDUM ICO 820 N. SUPERIOR AVE
NONCONFORMING SIGN

References: None.

Enclosures: (1) City of Tomah Municipal Code Section 52, Article V: Signs
(2) City of Tomah Sign Permit for 820 N Superior Ave dtd 5 January 2007

Dr. Mark Mueller, property owner of 820 N. Superior Ave, currently has a nonconforming sign on his property. After a review of enclosure (1), the sign causes the following violations:

- Sign was erected for a business that no longer exists.
- Sign is larger than 50 square feet and was erected on Superior Ave between Veterans and Clifton Street.

Mr. Shane Rolff, while still serving as the Building Inspector/Zoning Administrator, informed Dr. Mueller of the violations and informed him the sign needed to be removed. Dr. Mueller would like to keep the sign and lease it as an advertising billboard. The nonconforming nature of his sign does not meet the undue hardship criteria that Wisconsin State Law requires for a variance. However, Mr. Rolff issued Dr. Mueller a sign permit via the La Crosse Sign Company on 5 January 2007 (enclosure 3).

Staff is respectfully requesting from the City Plan Commission to disclose if there is additional context with regards to why a nonconforming sign was approved in 2007.

Nicholas M. Morales
Director of Economic Development and Zoning
Chairperson of the Senior Executive Team

Cc:

ARTICLE V. - SIGNS

Sec. 52-150. - Permit required.

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Sec. 52-151. - Signs excepted.

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- (1) Signs over shop windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.
- (3) Name, occupation and warning signs are temporarily located on premises.
- (4) Bulletin boards for public, charitable or religious institutions not to exceed 25 square feet in area, located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners other than political candidate signs, may be posted on private property for five days or less in a 30-day period providing they are no closer than 20 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevard adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.

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Signs for yard sales or rummage sales may be posted for five days or less in a 30-day period in the parkway between the sidewalk and curb of the street providing they are adjacent to the property of the sale, and are no closer than 30 feet to a traffic sign. Signs may be posted in the parkway of another property owner with the permission of that property owner. No sign may be posted on the parkways or boulevards adjacent to any federal or state trunk highways (U.S. 12 & 16 and STH 21 & 131) within the city limits.

- (9) Political candidate signs may be posted on private property with the permission of the owner in accordance with state statutes for duration of posting.
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Sec. 52-152. - Sign restrictions.

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- (2) No sign shall be erected on any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic sign, sign, traffic signal or other traffic device, nor shall any sign make use of the words: "STOP", "LOOK", "DRIVE IN", "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (3) Ground signs shall not be located within ten feet of any property line and shall observe the height restrictions pursuant to section 52-40 for principal structures. Ground signs shall not exceed 200 square feet on one side, nor 400 square feet on all sides for any one premises.
Exception: Ground signs located in the B2 highway business district shall not exceed 70 feet in height and shall not exceed 300 square feet on one side, nor 600 square feet on all sides for any one premises.
- (4) Vacant lots upon which advertising signs now exist or which are erected pursuant to this chapter shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any vegetation growing on the lot.
- (5) No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend more than five feet into any street.

- (6) At the termination of a business, commercial or industrial enterprise, all signs shall immediately be removed from the public view. Responsibility for violation shall reside with the property owner according to the latest official tax roll listings.
- (7) In a shopping center or industrial park, one freestanding identification sign may be permitted, showing the name of the center or park and represented businesses or industries. The area of the sign shall not be permitted within 20 feet of the right-of-way line of the street.
- (8) The total surface display area of business or industrial signs on the front facade of a building shall not exceed in square feet two times the number of linear feet of width of the building frontage. In the case of a building located on a corner lot, such square-foot display area on the side facing the secondary street may be increased by one time the number of linear feet of the length of the building which faces the secondary street. Such increased permitted display area shall be used only for the erection of a permitted sign on the length of the building that faces the secondary street. Where the premises abut a parking lot, the total of linear feet of the width or length of the building fronting on such parking lots. Such increased display area shall only be utilized by the erection of a permitted sign on that part of the building which abuts such parking lot. In no case shall more wall area usable for sign display be in excess of 200 feet and in no case shall more than one of the criteria stated in this subsection be used to calculate allowable sign area on any one building facade.
- (9) Business and industrial signs mounted on buildings shall not be permitted to project more than five feet beyond the building line.
- (10) No more than one business or industrial sign for each business on the premises shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
- (11) Necessary directional ground signs, which shall not exceed four square feet in area, shall be permitted. Permission to erect such signs shall be obtained from the director of public works and utilities.
- (12) Business and industrial signs may be internally lighted or illuminated by a good reflector, provided such lighting is so arranged as to prevent glare, and no sign shall be lighted by a lighting of intermittent or varying intensity. Flashing signs, signs which may be mistaken for traffic signal devices or diminish the visibility or effectiveness of traffic signal devices are prohibited.
- (13) Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress or for firefighting purposes or placed so as to interfere with any opening required for legal ventilation is prohibited.

- (14) No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (15) a. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall be allowed only in commercial business and industrial zones and shall comply with the following: Minimum distance from grade to bottom of sign shall be eight feet. The sign erector shall furnish drawings indicating a minimum design of 30 pounds per square foot wind load capacity (100 mph wind). The maximum size of a sign shall be 300 square feet. Signs shall be spaced a minimum of 300 feet apart when on the same side of the roadway. Measurements shall be taken along the right-of-way. Signs shall be a minimum distance of 100 feet from an occupied residential dwelling. No signs larger than 50 square feet shall be erected on Superior Ave. between Veterans and Clifton Sts. In all other respects signs shall comply with state rules and regulations.
- b. Digital billboards shall require a conditional use permit and subject to the following requirements:
1. Restricted to the B2-highway business district and any industrial zoned districts.
 2. Brightness limited to 5,000 nits daytime, 500 nits nighttime.
 3. Signs shall be equipped with an automatic dimmer control.
 4. Malfunctioning signs shall be equipped to freeze in one position.
 5. Change in messages shall be limited to one second or less.
 6. Each message shall be in a fixed position for at least 7.5 seconds
 7. Digital billboards shall not exceed 300 square feet.
 8. Digital billboards shall provide a minimum of five hours of public service announcements per month.
 9. Digital billboards are prohibited from scrolling, flashing, animation or the appearance of movement.
- (16) Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided there is only one sign not to exceed five square feet for each business and the sign is at least eight feet above ground level.
- (17) "Special Sale" or poster signs are permitted to be posted in store windows in the business district.
- (18) Electronic message centers shall be permitted in the following zoning districts subject to all applicable requirements prescribed by the zoning district in which the subject property is located and subject to the following:
- a. In C and I zones such signs may display animation so long as flashing is prohibited.

- b. In M1, M2, M#, and B zones such signs shall display static images for a period of at least one second before transitioning to another static image. The use of frame effects is permitted so long as flashing and animation are prohibited.
- c. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- d. No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area measured as follows:

The square root of the product of the sign area and one-hundred.

$$\text{Measurement distance} = \sqrt{(12 \text{ sq. ft.} \times 100)} = 34.6$$

(Code 1993, § 17.52; Ord. No. 2013-09-04-D, § 1, 9-10-2013; Ord. No. 2014-09-10-D, §§ 3—6, 9-9-2014)

Sec. 52-153. - Nonconforming signs to be removed.

All signs or similar advertising structures that do not conform to the regulations of this chapter shall be removed by the person owning such nonconforming signs or the owners of property on which such signs are located within ten years from the date of the passage of the ordinance from which this chapter is derived. Should the owner of a nonconforming sign or the owner of property on which a nonconforming sign is located fail to remove such a sign within ten years, the building inspector shall, following 60 days' written notice to the owner of the sign and the owner of the property on which the sign is located, cause the sign to be removed at the expense of the owner of the sign.

(Code 1993, § 17.53)

Sec. 52-154. - Bond.

Before a permit is granted, every applicant for a permit for a sign, awning, canopy or marquee shall execute a surety bond in a sum to be fixed by the director of public works, not to exceed \$25,000.00, of a form and type approved by the city attorney, indemnifying the city by reason of the erection, construction or maintenance of such sign, awning, canopy or marquee. A liability insurance policy issued by an insurance company authorized to do business in the state and conforming to the requirements of this section may be permitted by the city attorney in lieu of a bond.

(Code 1993, § 17.54)

Secs. 52-155—52-176. - Reserved.

City of Tomah

Building and Inspections Dept.
819 Superior Ave.
Tomah, WI, 54660

07-005

Gateway to Cranberry Country
The City of Tomah
Where The I Divides

Sign Permit

Permit Number: SG2007-1

Page 1 of 2

Printed: 1/5/2007

Applicant

Name: Deer Creek Properties, LLC
Address: 917 Oak St.
Tomah, WI 54660

Approval Date:

Phone:

Parcel

Parcel Number: 28627121010

Zoning:

Address: 820 Superior Ave. N.

Section: **Township:**

Range:

Addition:

Block:

Lot(s):

Legal Description:

Owners

Name: Deer Creek Properties, LLC
Address: 917 Oak St.
Tomah, WI 54660

Contractors

Contractor Type: Sign Erector

Name: LaCrosse Sign Company
Address: 1450 Oak Forest Drive
Onalaska, WI 54650

Phone: 781-1450

Fees and Receipts:

Number	Description	Amount
FEE2007-10	Sign/Canopy	\$25.00
Total Fees:		\$25.00
RCPT2007-5		\$25.00
Total Receipts:		\$25.00

Conditions

Date: 1/5/2007

Status: Approved

Code:

Condition Description:

Condition Comments:

8' x 16' Pole Sign

Other Fields:

8' x 16' Pole Sign

Electric load of sign:

B Business District

\$0.00

Bus. / Pub. Frontage: 0

Square Footage Allowed: 0

Current Sign Area: 0

Proposed Sign Area: 128

Total Area: 0

Total area remaining: 0

Sign Height 14

Current Signs:

Proposed Signs:

8' x 16' Pole Sign

CITY OF TOMAH
819 Superior Avenue
Tomah, WI 54660
(608) 374-7429



APPLICATION FOR SIGN PERMIT

DATE 12-12, 20 06

LaCrosse Sign Co.
(Applicant's name)

1450 Oak Forest Dr. - Onalaska, WI 54650
(Applicant's mailing address)

608-781-1450 608-781-1451
(Phone / Fax number)

Deer Creek Dental Clinic - 820 N. Superior Ave.
(Address / Location of proposed sign)

Does hereby apply for permission to place a sign, on the described premises, to comply with City Ordinance #17.50. The fee of \$ 25.00 to be paid at the time of application.

Attached to this application is a complete drawing of the proposed sign, including location on premises, distance from lot lines and sign dimensions.

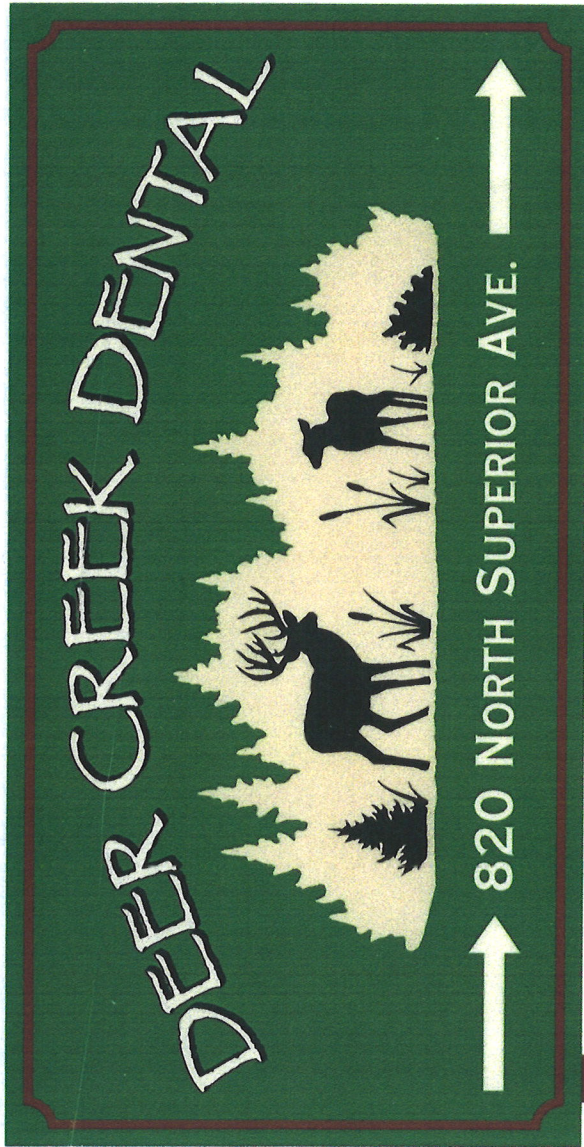
Thomas Lane
(Signature of applicant)

(This section for office use only)

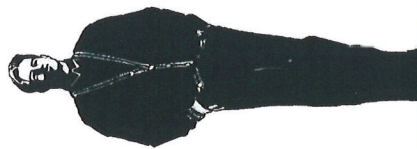
PERMIT: **GRANTED / DENIED**

Shane R.
Shane Rolff, Building Inspector

1-5-07, 2007
Date



8' x 16' Billboard 6' above grade



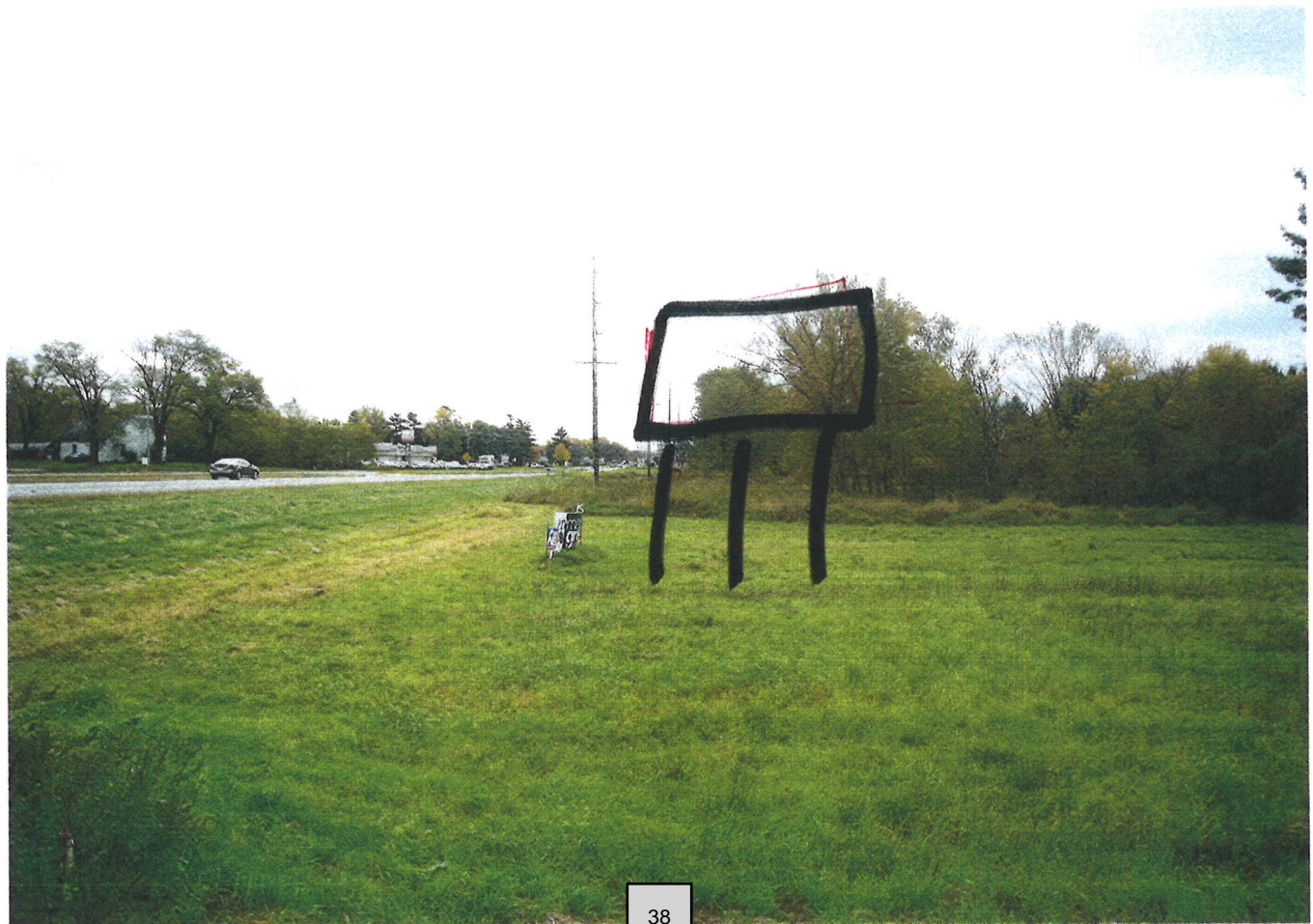
© 11-17-06 FF JF SCALE: 3/8" = 1'-0"

*COLORS ON SKETCH ARE ONLY A REPRESENTATION, ACTUAL COLOR OF FINISHED PRODUCT MAY DIFFER

* DEER CREEK 10-06 (19891)

APPROVED BY: *[Signature]*

This artwork is copyrighted and may not be otherwise used without permission. It is the property of La Crosse Sign Co., inc., and must be returned to them.



La Crosse Sign Co
1450 Oak Forest Dr.
Onalaska, WI 54650
Ph: 608-781-1450
Fax: 608 -781-1451

January 2, 2007
City of Tomah, WI
Inspection Dept

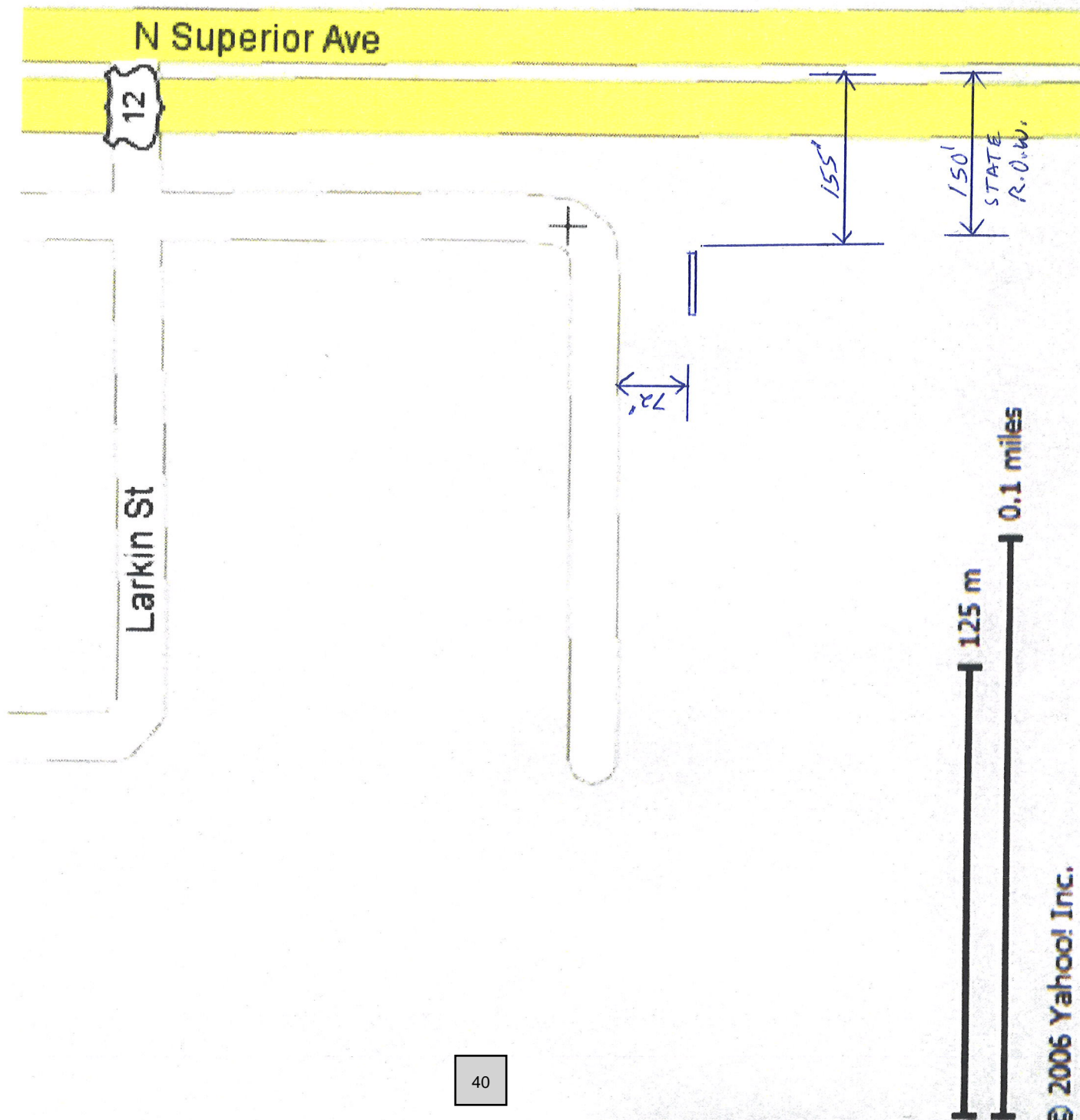
Shane,
Enclosed is the site plan that you requested for the ground sign permit @ Deer Creek Dental

If all is in order please mail us permit or if you have futher questions or concerns please
call Tom Crane @ 608-781-1450.

Thanks,
Tom Crane
La Crosse Sign Co.

SIGN PERMITS

Deek Creek Dental Sign
Site plan for permit



CERTIFIED SURVEY MAP NO. _____
ALL OF

Lot 1, C.S.M., V. 12, P. 184, D.N. 477779;
Located in SW 1/4 - SE 1/4, Section 28, T18N-R1W;
City of Tomah, Monroe County, Wisconsin;

City of Tomah Approval
Resolved, this Certified Survey Map is hereby approved by the
City of Tomah, Monroe Co., WI.

U.S. Highway "12"

Width
Varies

Frontage Road

Mayor

Date

City Clerk

Date

SW-SE

Section 28

T18N-R1W

Grandview Street

60'

Parcel "K"

C.S.M.

V. 6 P. 013

Harrison Mon.

Section 28

Parcel "J"

T18N-R1W

Parcel "I"

C.S.M.

V. 6

Parcel "H"

C.S.M.

V. 6

Parcel "G"

P. 012

Parcel "F"

D.N. 405385

Parcel "E"

Parcel "D"

C.S.M. V. 6

Parcel "C"

P. 011

Parcel "B"

D.N. 405384

Parcel "A"

C.S.M.

V. 6

Parcel "A"

C.S.M.

V. 6

Parcel "A"

P. 010

Parcel "A"

N 83°16'48" W

19/35

D.N. 405383

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

60'

Bearing Basis: The Monroe County Coordinate System.
Referenced to the (WCCS) NAD 83 (2011) Adjustment:
Referenced to the East line of the SE 1/4,
Section 28, T18N-R1W: N 00°42'08" W

SURVEYOR'S CERTIFICATE

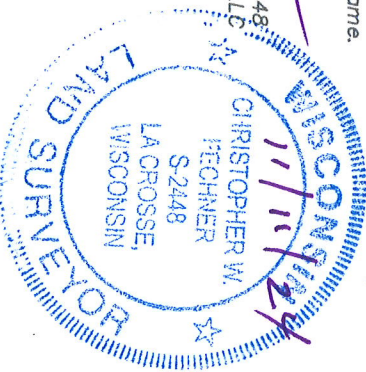
I, Christopher W. Fechner, Professional Land Surveyor, do hereby
certify that I have surveyed and mapped this Certified Survey Map
being all of Lot 1, Certified Survey Map, Volume 12, Page 184,
Document Number 477779, located in the SW 1/4 of the SE 1/4,
Section 28, T18N-R1W, City of Tomah, Monroe County, Wisconsin.
Subject to any easements, covenants and restrictions of record.

That I have made such survey, map and division of land at the
direction of Heeler Park Apartments, LLC owner of said land.
That such map is a correct representation of the exterior
boundaries of the land surveyed and subdivision thereof made.
That I have fully complied with the provisions of s.236.34,
Wisconsin Statutes, Chapter 35 of the Monroe County Code of
Ordinances and with the subdivision ordinances of the City of Tomah
in surveying and mapping the same.

Christopher W. Fechner PLS #2448

Coulee Region Land Surveyors, LLC
917 S. 4th Street
La Crosse, WI 54601
608-784-1614

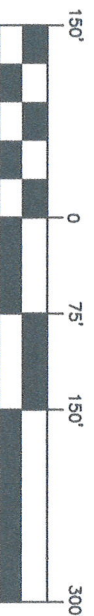
Owner:
C/O Leigh Bardeen
Tomah Rentals
Heeler Park Apartments, LLC
PO Box 184
Tomah, WI 54660



LEGEND

- = Found 1" Iron Pipe
(unless stated otherwise)
- = Set 3/4" x 20" Rebar
(1.50 lb./lin. ft.)
- () = Recorded dimensions
- ◆ = Found County marker
- = Boundary of this survey
- - - = Centerline
- · - · = Fence line

Graphic Scale



MINUTES FOR PLANNING COMMISSION

A Planning Commission was held on **Thursday, April 03, 2025 at 6:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

Join Zoom Meeting

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmJLVFEFb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,*206751# US (Chicago)

CALL TO ORDER

- Meeting called to order by the Commission Chair, Mayor Paul Dwyer, at 6:30pm.

Roll Call

1. Mayor Paul Dwyer: Present
2. Alderperson Scholze: Present
3. Alderperson Glynn: Present
4. Citizen Bryan Meyer: Present
5. Citizen Brian Rice: Present
6. Citizen Eric Prise: Present
7. Citizen Tina Thompson: Not Present

Chairperson States Rules of Order

- Mayor Paul Dwyer stated that the City Council had just received training on the rules of order and reminded members present to adhere to said rules.

ANYONE DESIRING TO APPEAR TO BEFORE THE PLANNING COMMISSION

No action will be taken by the Planning Commission under this agenda item. Members of the public will adhere to the rules of order stated by the Chairperson.

1. Mr. Don Roscovius addressed the Commission regarding an issue he is having regarding compliance with a sign on his property at 205 Arthur St. The sign was installed in 2007; however, in the public right of way in violation of local ordinance. However, Director Morales was able to working with LaCrosse Sign Company and retrieved a sign permit that the City of Tomah had issued at the time of installation. Mr. Roscovius would like the City Plan Commission to decide on whether or not he can keep the sign.

TRAINING

A. Vandewalle & Associates Planning Commission Training

- Mr. Ben Rohr of Vandewalle & Associates delivered a virtual presentation on the duties, responsibilities, and authorities of the City Planning Commission under Wisconsin State Statutes.

B. Review of Wisconsin State Statute 62.23

- Director Morales asked the members if they had any questions regarding Wisconsin State Statute 62.23; there were none.

C. Review of Municipal Ordinance Chapter 2: Administration, Division 4: City Plan Commission

- Director Morales asked the member if they had any questions regarding the City of Tomah ordinance established the City Plan Commission; Mr. Bryan Meyer asked two questions regarding Certified Survey Maps. It was determined that the City Plan Commission retained the authority to approved CSMs.

APPROVAL

A. March Meeting Minutes

- Motion to approve the March Meeting Minutes: Mr. Price
- Second: Mr. Meyer
- Discussion: None
- Vote:
 - Mayor Paul Dwyer: Yay
 - Alderperson Scholze: Yay
 - Alderperson Glynn: Yay
 - Citizen Bryan Meyer: Yay
 - Citizen Brian Rice: Yay
 - Citizen Eric Prise: Yay
 - Citizen Tina Thompson: Not Present

B. Site Plan Review: 1100 Superior Avenue

- Motion to approve the site plan: Mr. Prise
- Second: Mr. Rice
- Discussion: Director Morales reiterated that the site plan for said property met all checklist requirements. Alderperson Scholze asked if the Downtown Design Standards levied any additional requirements for the site plan. Director Morales answered that the site plan was compliant with DDS. The property owner and contractor for the project were both in attendance to answer questions; they were not summoned.
- Vote:
 - Mayor Paul Dwyer: Yay
 - Alderperson Scholze: Yay
 - Alderperson Glynn: Yay
 - Citizen Bryan Meyer: Yay
 - Citizen Brian Rice: Yay
 - Citizen Eric Prise: Yay
 - Citizen Tina Thompson: Not Present

DISCUSSION

A. April Reorganization

- Director Morales gave amplifying information regarding the memorandum in the agenda packet and asked if there were any additional questions; there were none.

B. Short Term Vacation Rentals

- Director Morales reiterated that the number one challenge facing the City is housing, and reiterated the comments from the memorandum in the agenda packet. Mr. Rohr explained the reasoning behind the two options for draft ordinances. Mr. Prise gave historical context on how long the City has dealt with this issue. Alderperson Scholze pointed out the complicated nature of this issue and its relation to tourism. Several members asked Director Morales and Mr. Rohr if there were other examples closer to Tomah for a draft ordinance. More research is needed. Members generally agreed that further discussion on an ordinance is prudent.

C. Department of Economic Development and Zoning Monthly Update

- Director Morales gave brief updates regarding Operation Welcome Home, Operation Phoenix, and Operation Clean Tomah. He stated that there has not yet been a significant increase in permit applications, but that the spring and summer building season is approaching.

D. Downtown Master Plan Status Update

- Director Morales and Mr. Rohr gave an update regarding the Downtown Master Plan. Mr. Prise asked what the way forward is with red items. Mr. Rohr explained that one of wins the City has achieved is the Façade Improvement Grant Program, and that traction had been gained on several projects.

FUTURE AGENDA ITEMS

Department of Economic Development and Zoning Monthly Report

- There was a general consensus for this item next month.

Downtown Master Plan Update

- There was a general consensus for this item next month.

Operation Welcome Home - Project Habitat For Humanity

- Director Morales elaborated on the work that has been done for Operation Welcome Home and that it is the appropriate time to invite Habitat For Humanity to give a presentation on doing a project in Tomah. There was a general consensus for this item next month.

Mr. Prise requested that Mr. Roscovius's sign issue be added to the agenda for next month.

- There was a general consensus for this item next month.

FUTURE MEETING DATE

1 May 2025 at 5:30pm in the City Council Chambers

ADJOURN

- Motion to adjourn the meeting: Mr. Prise
- Second: Alderperson Scholze
- Discussion: None

- Vote:
 - Mayor Paul Dwyer: Yay
 - Alderperson Scholze: Yay
 - Alderperson Glynn: Yay
 - Citizen Bryan Meyer: Yay
 - Citizen Brian Rice: Yay
 - Citizen Eric Prise: Yay
 - Citizen Tina Thompson: Not Present
- The meeting was adjourned at 7:51pm.



30 April 2025

From: Director of Economic Development and Zoning
To: City Plan Commission
Subject: DIRECTOR'S MEMORANDUM ICO CITIZEN REQUEST TO ALLOW CHICKENS WITHIN CITY LIMITS

References: None.

Enclosures: (1) Letter from Citizen Noell Hudnut dtd 12 March 2025 (Postmark)
(2) City of Tomah Municipal Code Chapter 8-61: Housing of farm and exotic animals
(3) Common Council Meeting Minutes dtd 12 March 2013
(4) Common Council Meeting Minutes dtd 14 January 2014
(5) Common Council Meeting Minutes dtd 11 February 2014

Aldersperson Dean Peterson and Citizen Noell Hudnut brought forward citizen concerns about the prohibition on chickens within City limits. See enclosures for additional information and context.

Nicholas M. Morales
Director of Economic Development and Zoning
Chairperson of the Senior Executive Team

Cc:

Noell Hudnut
511 N Glendale Ave.
Tomah, WI 54660
March 7, 2025

Tomah City Council
819 Superior Ave.
Tomah, WI 54660

Dear Members of the Tomah City Council,

I hope this letter finds you well. I am writing to express my concern regarding the current restrictions on keeping chickens within the town limits of Tomah. As a resident who values sustainable living and local food production, I believe that allowing residents to keep a limited number of chickens would bring numerous benefits to our community.

Firstly, raising chickens can significantly contribute to local food security. Fresh eggs provide a reliable source of protein and essential nutrients, which can be especially valuable for families looking to supplement their diets with healthy, homegrown options. Additionally, chickens can help reduce household waste by consuming kitchen scraps, thereby promoting a more sustainable lifestyle.

Moreover, many neighboring towns have successfully integrated backyard chickens into their communities without any significant issues. These towns have implemented reasonable regulations to ensure that chickens are kept in a manner that is respectful to neighbors and the environment. For example, limiting the number of chickens per household, prohibiting roosters, and requiring proper enclosures can effectively address concerns related to noise, odor, and potential health risks.

I kindly request that the Tomah City Council consider revisiting the current restrictions on keeping chickens and explore the possibility of adopting a more flexible and accommodating policy. By doing so, we can join the growing number of communities that support sustainable living practices and provide residents with the opportunity to enjoy the benefits of raising chickens.

Thank you for your time and consideration. I look forward to the possibility of discussing this matter further and working together to help Tomah become more sustainable and resilient.

Sincerely,
Noell Hudnut



No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. This section shall not apply to guide dogs or other medical service dogs or animals when in service.

(Code 1993, § 11.04(2))

Sec. 8-61. - Housing of farm and exotic animals prohibited.

- (a) *Prohibited.* No farm or exotic animals shall be housed, quartered, stabled, pastured, kept, or in any manner maintained within the city limits except temporarily during special events or as otherwise specifically approved by the city council. The raising of livestock is permitted in the A-1 agricultural district.
- (b) *Applicability.* The animals prohibited by this section include, but are not limited to, horses, ponies, mules, cows, sheep, goats, llamas, pigs (including potbellied pigs), chickens and roosters, geese, ducks, peacocks, ostriches, and any other farm or exotic animals. The animals prohibited by this section also include any animal, other than domestic dogs and cats, that in wild state are carnivorous or that, because of their nature or physical makeup, are capable of inflicting physical harm on human beings or property, including, but not limited to, animals that belong to the cat family, snakes (either poisonous or that otherwise present a risk of physical harm to human beings as a result of their nature or physical makeup, including constrictors), bears, wolves, wolverines, badgers, lions, tigers and any hybrids of the same.
- (c) *Exception.* This section shall not apply to animals that are housed, quartered, stabled, pastured, kept, or in any manner maintained within the city limits as of the date of the adoption of the ordinance from which this section is derived by the city council; provided, however, that the exception granted herein shall terminate immediately upon the occurrence of any of the following:
 - (1) Transfer of ownership of the real property, by sale or otherwise, of the property upon which the animal is housed;
 - (2) Transfer of ownership of the animal that is subject to this exception, whether by sale or otherwise;
 - (3) Death of the animals existing on the date of the adoption of the ordinance from which this section is derived and subject to this exception; and
 - (4) Acquisition by the owner of an animal subject to this exception of one or more additional prohibited animals.

The application of this exception to a specific property due to preexisting use shall not be construed so as to authorize the acquisition of additional prohibited animals but shall permit continued use only until the property or animal is sold or the animal dies. Violation of this section

The **COMMON COUNCIL** of the City of Tomah met in **REGULAR SESSION** March 12, 2013 at 6:30 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with Le Roy Kelsey, Luke Bohlen, Ted Schleicher, Pam Buchda, Nellie Pater, Dennis Greeno, Matthew Boyea, and Larry Siekert present. Absent: None. Also in attendance: Asst. City Attorney Penny Berry and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Minutes: Motion by Buchda, second by Kelsey to approve the February 8, 2013 Regular Council Minutes. Motion passed without negative vote.

Motion by Buchda, second by Greeno to approve the February 20, 2013 Special Council Minutes. Motion passed without negative vote.

Motion by Buchda, second by Bohlen to approve the February 23, 2013 Special Council Minutes. Motion passed without negative vote.

Mayor's Report. 1. **Update from Ft. McCoy.** The economic impact of Ft. McCoy to the area is very significant. The Ft. McCoy mission requires partnership with surrounding communities. Col. Nott and Sgt. Major Bissonette from Ft. McCoy provided an update on what's happening at Ft. McCoy. Over 25,000 soldiers are anticipated to train at Ft. McCoy in 2013. 2. **Update on Build America Bonds.** The City may not receive all of the discounts due because of the federal funding cuts occurring within the legislative Sequestration at this time. 3. **League of WI Municipalities Insurance Policyholder Conference.** The annual conference will be held April 11-12, 2013. 4. **Lake Committee** – The DNR advised that the Tomah Lake Committee is the winner of the 2013 Lake Stewardship Program and will be recognized at the annual convention in Green Bay. Pam Buchda provided an update on the Long Range Plan Committee report. The first round of the survey for the Imagine Tomah questionnaire is complete. A follow-up survey will go out for the top 40 comments so citizens can select the top 20 items.

City Clerk Monthly Report:

Election Tally Report for February 19, 2013 Spring Primary Election. Motion by Buchda, second by Schleicher to accept the Election Tally Report for the February 19, 2013 Spring Primary Election as presented. Motion passed without negative vote.

The Spring Election will be held on Tues., April 2nd in the Fire Station for State Superintendent of Public Instruction, Justice of the Supreme Court, Court of Appeals Judge District 4, Circuit Court Judge Branch 1, aldermanic offices in Districts #1, 3, 5 and 7, and Tomah School Board members.

2013 Board of Review training has been scheduled, however, the Board of Review has not been scheduled at this time.

Reminder of Reorganizational Council Meeting on April 16, 2013. Motion by Greeno, second by Boyea to hold the meeting at 5:30 p.m.

Public Works & Utilities – Water, Sewer, Public Works & Lake Updates. Public Works & Utilities Director Ken Patterson provided a monthly written report. Well 12 is back on line after some recent repair. Well 6 is currently down and staff is working on repairs.

Library Report. Library Director Irma Keller advised that the Library has several story times for children scheduled each week. Thursday on March 14th at 6 p.m. is story time for adults.

Convention & Visitors Bureau/Chamber of Commerce. Ex. Dir. Chris Hanson submitted a written report and advised that 4th quarter room tax is up 5.04%. The Lions Club donated \$500 toward the LED sign. Approximately \$5,500 is still needed. Business After 5 will be held on Wed., March 20th at the First Bank. The Chamber's first ever Business A.M. meeting will be held on Wed., March 27th at 7:30 a.m.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a written monthly report. Hopefully there will be enough funding to remodel 2-4 homes this summer through the Community Dev. Block Grant program. The family has to be income qualified to receive a loan and it's based on family size. Home repairs can be done with the funds. Equity must be available in the home to cover the loan that is being made. These funds are used to rehab personal homes. The Housing Authority may not receive as much funding due to the Sequestration that is occurring through the Legislative process. Other revenue sources will be researched. The Sequestration also affects the housing voucher program. There are 60 units provided for the homeless veterans which may need to be cut down to 50 units because the funding is being cut. The Manor is not affected by this.

Senior & Disabled Services Report. Sr. & Disabled Services Director Delia Duncan provided a verbal report.

Monthly Ambulance Department Report. Ambulance Director Jody Allen provided a monthly report. The Ambulance Dept. received their first grant of close to \$800 towards the Paramedic Program Upgrade.

Approval of Treasurer's Cash and Investment Reports for February 2013. The reports will be provided for approval at the April meeting.

Bartender Licenses.

Motion by Greeno, second by Schleicher to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses were approved as follows: Jessica M. Nelson, Henrietta R. Schaller, and Lisa M. Schroeder.

Semi-Annual Fire Department Fund Audit. The City Treasurer is required to audit the Fire Dept. funds on a semi-annual basis. This has been done and the books have been found to be in good order. The cash balance as of 12/31/12 is \$10,339.44.

Motion by Greeno, second by Buchda to accept the semi-annual Fire Department fund audit report as presented. Motion passed without negative vote.

Authorization and financing of 2013 Budgeted Capital Items. The following items were approved during the 2013 Budget process: \$400,000 Lake Tomah Dam Bridge, \$58,000 Airport Taxiway; \$150,000 Generator; \$150,000 Back Hoe; and \$592,000 Streets/Water/Sewer. The City is looking at funding these projects with a general obligation bond or loan in the amount of \$1,350,000. A 10 year bond issue would be at approximately 2.9% interest for \$1,350,000 giving an annual payment of about \$156,000. The engineering hasn't been completed yet for the dam bridge, so the amount is an estimate. The Public Works & Utilities Commission is looking at repairs on Wisconsin Street, Milwaukee Street and E. Monroe Street.

Motion by Greeno, second by Kelsey to authorize the Mayor, City Clerk and department heads to research financing of the 2013 budgeted capital items not to exceed an interest rate of 2.9% and authorize the engineering study to go forward. Motion passes without negative vote.

Addition to the Multi-Purpose Building/Ice Arena and Refinance Current Debt (Restrooms/Locker Rooms/Concession Addition) at Recreation Park. The Multi-Purpose building was constructed in 2005 and financed with a \$900,000 20-year, 4.5% state loan and a substantial donation from the Tomah Youth Hockey Assoc. Because of budget constraints, no locker rooms/showers/restrooms/or concession area was included. The \$900,000 debt is paid for with room tax and annual debt payments are \$73,012. If the room tax does not cover it, by contract, Tomah Youth Hockey is to make up the difference. Because of the contract with Youth Hockey, we could not do a tax exempt bond issue. Options include not doing the addition and leaving the debt as is; or we could not do the project and refinance which would give an approximate savings of \$68,732 over the life of the loan. The other option would be to authorize the new addition at an approximate cost of \$350,000. The City would work on final funding options in conjunction with the Convention & Visitors Bureau.

Motion by Bohlen, second by Schleicher to authorize the Mayor, Convention & Visitors Bureau, and the Parks and Recreation Director to proceed with research including meeting with the CVB and putting together final funding options for the project. Motion passed without negative vote.

2013 Budget Amendment to Account for Expenditures to be Paid for Through the 2012 Carry Forward of Fund Balance for the Fire Department (Authorize \$18,000 from Acct. #1-49300 Fund Balance Applied for Expenses of \$9,400 in Acct. #1-52200-340 Fire Dept. Operating Supplies and \$8,600 in Acct. #1-52200-335 Fire Dept. Training). The Fire Department is asking to increase the Fire Department's expense for operating supplies and training with the 2012 carry forward of fund balance. They are buying new coats for the department as well as a new Class II Containment with fill station. An extensive amount of training is also needed for a Hazmat Operations Class, Certifications, Confined Space Training, Fire Instructor Certification and Fire Officer training.

Motion by Bohlen, second by Buchda to authorize the expenditure of \$9,400 in Acct. #1-52200-340 Fire Dept. Operating Supplies for the purchase of coats and the Class II Containment with fill station and \$8,600 in Account #1-52200-335 Fire Department Training for department training. Motion passed without negative vote. Boyea abstained.

2013 Budget Amendment – To Accept Donation of \$3,000 from Jesse Parker Races, Inc. in Account #G-48502 and Authorize the Expenditure of \$3,000 to Purchase Recreational Equipment. Scott Nicol appeared before the Council regarding the "Remembering Jesse Parker,

Inc. Awards." The City is receiving \$3,000 for fitness equipment. Race contributions totaled \$33,850. June 29th will be the next event.

Motion by Bohlen, second by Buchda to accept the donation of \$3,000 from the Jesse Parker Races, Inc. in Account #G-48502 Donations and authorize the expenditure of \$3,000 in Account G55300-340 Recreation Supplies to purchase recreational equipment for youth and special recreation activities and events. Motion passed without negative vote. Boyea Abstained.

2013 Budget Amendment – To accept donation of \$250 from Tomah Youth Softball in Account G-48502 and authorize the expenditure of \$250 from Account G-55300-340 Recreation Supplies for funding of the field prep equipment.

Motion by Buchda, second by Siekert to accept the donation of \$250 in Acct. G-48502 Donations from the Tomah Youth Softball Assoc. and authorize the expenditure of \$250 from Account G-55300-340 Recreation Supplies to provide support by funding the field prep equipment. Motion passed without negative vote. Boyea Abstained.

Special Beer Permit – MC Support Services, LLC for the Budweiser Nationals Tractor Pull, Recreation Park, June 19 – June 23, 2013. MC Support Services, LLC is requesting that the following locations be licensed during the Tractor Pull: Multi-Purpose Building-Hospitality, Fenced in Beer Garden, VIP Viewing Stand, Puller Hospitality area-trackside (fenced) and the livestock building (fenced in with security). Mary Maas advised that a truck show will be held in conjunction with the Tractor Pull and larger crowds are expected. Mary Maas advised that they would offer the beer tent to the Veterans Assoc. before any other nonprofit organization. There will be a lot more vendors this year because of the truck show. Closing time is scheduled for midnight.

Motion by Buchda, second by Kelsey to approve the Special Beer Permit for MC Support Services, LLC for the Budweiser Nationals Tractor Pull at Recreation Park from June 19, 2013 to June 23, 2013 as designated with closing at midnight. Motion passed with two negative votes (Schleicher and Boyea).

Special Beer Permit – MC Support Services LLC for the Monroe County Fair, Recreation Park, July 24-July 28, 2013. MC Support Services, LLC is requesting the following areas be licensed during the Monroe County Fair: Fenced in Beer Garden and the white fenced in tent on the Midway with hours of operation until 1 a.m.

Motion by Buchda, second by Greeno to approve the Special Beer Permit for MC Support Services LLC for the Monroe County Fair in the fenced in beer garden and the white fenced in tent on the Midway from July 24-July28, 2013 with closing at 1 a.m. instead of midnight. Motion passed without negative vote.

Discussion of Allowing Chickens in the City Limits. Current City Ordinance does not allow any chickens in the City limits. Mandy Reiman of 1517 Lakeview Drive appeared before the Committee of the Whole requesting they be allowed to raise chickens. La Crosse and Sparta allow chickens within their City limits. Most communities allow 3-5 hens and very few allow roosters. If the change is approved, research should be done to include items such as a permit, neighbor approval, housing, enforcement, etc. Without appropriate budgeting and staff, it can't be controlled in a responsible way. This issue needs to be explored carefully and we need to learn the pros and cons of keeping chickens in the city lot setting.

It is requested that this item be brought back to the Committee of the Whole in one month. Further research will be conducted as well as a chance to receive citizen input. Citizens should contact City Hall or their alderperson regarding pros and cons for this issue.

Pay Scale for Part Time Employees & Wage Rates for New/Future Employees. There has been a request to lower the wage for part time employees and all new employees – both full and part time.

Motion by Siekert, second by Kelsey to refer this to the new City Administrator to analyze and make a recommendation. Motion passed without negative vote.

Residency Requirements for Future City Employees. The only requirement now, by contract, is the City Administrator must live in the City limits. Other employees can live anywhere in the State.

Motion by Kelsey, second by Siekert to table this to wait and see what the Governor's Budget Bill does regarding the proposal to eliminate all residency requirements with the exception of the City Administrator. Motion passed without negative vote.

Information Related to an Animal Injury. In January, officers took a pit bull to the Tomah Veterinary Clinic which had been injured by a train. The owner of the dog was located however no funds were available to give the dog medical treatment. The Vet Clinic is asking that the City of Tomah pay half of the vet bills for this dog as the dog was treated at the request of the police

department. Alderperson Boyea requested that the full amount be paid due to the history the city has had with the Vet Clinic.

Motion by Kelsey, second by Greeno to authorize payment of one-half of the Tomah Vet Clinic bill in the amount of \$262. Motion dies. Unanimously opposed.

Motion by Boyea, second by Greeno to authorize the full payment of the \$525.86 bill for the Vet clinic for the bill. Motion passed without negative vote.

Alcohol License Review Committee / Bring Back the Claims/Accounts/License Committee. Police Chief Revels discussed the possible creation of a permanent alcohol license review committee as well as the overall process for review and granting of licenses. If there is a decision to move forward with the creation of this committee, Chief Revels is asking for an opportunity to review with the committee the current ordinances. It is requested that all liquor/beer and bartender licenses be reviewed by the alcohol license review committee. This item is requested to be tabled until the May meeting which will give Chief Revels time to develop the ordinance.

Motion by Schleicher, second by Greeno to move forward with the development of an alcohol license review committee with further consideration done at the May meetings. Motion passed without negative vote.

Ordinance Amending Section 1-14(b) and (c) Regarding Municipal Code Penalties. This ordinance amendment allows for changing the maximum penalties for municipal violations from \$500 to \$1,000 for a first offense. It also allows for the increase of a second offense fine to go from \$1,000 to \$1,500. This tool of the higher forfeiture is a powerful tool and deterrent in disorderly conduct types of behavior related to alcohol in the downtown area which is where these higher forfeitures have been applied. Mayor Rusch provided a summary of revenues during recent years for Municipal Court violations.

Motion by Schleicher, second by Kelsey to waive the first verbatim reading of the ordinance amending Section 1-14(b) and (c) regarding municipal code penalties as presented. Motion passed with one negative vote (Boyea). Second reading & adoption will be on the April agenda.

Ordinance Amending Section 28-19 of the Municipal Code Regarding Offenses Against Peace and Good Order Inserting 9-450.11(7) Regarding State Laws Subject to Forfeiture. This ordinance amendment adds State Statute 450.11(7) to the Municipal Code regarding possession of prescription drugs – prohibited acts. This change would allow for the Tomah Police Dept. to issue a municipal citation rather than refer it to Circuit Court with criminal charges. Alderperson Boyea advised he is opposed to having our law enforcement follow this.

Motion by Greeno, second by Pater to waive the first verbatim reading of the ordinance amending Section 28-19 of the Municipal Code Regarding Offenses Against Peace and Good Order by Inserting 9-450.11(7) Regarding Possession of Prescription Drugs-Prohibited Acts as presented. Motion passed with one negative vote (Boyea). Second reading & adoption will be on April agenda.

Resolution Authorizing a Change in the 2013 City of Tomah Position Count by the Creation of Three Regular Part Time Police Officer Positions. This request is being made because it is becoming increasingly difficult to complete the work of policing the community with our current staffing levels. Having regular part time officers available on an as-needed basis will provide a greater amount of scheduling flexibility and reduce the cost related to the need for shift coverage. Many years ago, the police department utilized part time officers. This practice has not been done for a variety of reasons in recent years. The intent is to use funds already allocated in the overtime budget to pay the part time officers as they will be working those same hours as a regular officer would be working at a time and one-half rate. During the upcoming budget process, this will be re-evaluated. These officers would be considered part time, would have irregular hours on an as needed basis, and are expected to work less than the number of hours that would qualify them for additional benefits. Hours will be monitored through payroll.

Motion by Bohlen, second by Buchda to approve **Resolution No. 2013-03-12-03** authorizing a change in the 2013 position count by the creation of three part time police officer positions. Motion passed with one negative vote (Boyea).

RESOLUTION NO. 2013-03-12-03

**A RESOLUTION AUTHORIZING A CHANGE IN THE 2013 CITY OF TOMAH
POSITION COUNT BY THE CREATION OF THREE REGULAR
PART TIME POLICE OFFICER POSITIONS**

WHEREAS, the Common Council of the City of Tomah hereby authorizes a change in the 2013 City of Tomah position count by the creation of three regular part time Police Officers who would work irregular hours on an as needed basis, and are expected to work less than the number of hours that would qualify them for additional benefits, and
WHEREAS, it is in the best interest of the City to create the regular part time Police Officer to be responsible for the general policing duties for the City of Tomah, and

WHEREAS, the Common Council of the City of Tomah establishes three regular part time Police Officers as an hourly non-exempt position that includes all applicable benefits afforded by City as outlined in the Personnel Manual, and WHEREAS, this individual will have a varied work schedule which is assigned by the Chief of Police or his/her designee as necessary to provide for the needs of the department. Assignment to this position is subject to a six month probationary period. The Common Council establishes the initial rates of pay at \$12.00 PER HOUR for training time and \$16.00 PER HOUR for all other work performed. This position creation will be effective April 1, 2013.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Tomah Common Council does hereby authorize a change in the 2013 City of Tomah Position Count by the creation of three regular part time Police Officers to be responsible for general policing duties for the City of Tomah, as described above.

Dated this 12th day of March, 2013.

John J. Rusch, Mayor ATTEST: JoAnn M. Cram, City Clerk

Resolution Authorizing Payment of Monthly Bills. Motion by Buchda, second by Kelsey to approve **Resolution No. 2013-03-12-04 Authorizing Payment of Monthly Bills** in the amount of \$3,660,939.11. Motion passed without negative vote.

**RESOLUTION NO. 2013-03-12-04
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	\$3,264,743.41	Check #'s 110770-110782 & 111027-111066
2.	Payroll	\$ 267,067.91	Direct Deposit #'s 34051-34338
3.	Wire Transfers	\$ 19,370.43	
4.	Invoices	\$ 98,954.83	Check #'s 111078 - 111191
5.	Vouchers Payable	<u>\$ 10,802.53</u>	
		\$3,660,939.11	

John J. Rusch, Mayor ATTEST: JoAnn M. Cram, City Clerk

Ordinance Amending Section 10.95 of the Municipal Code Regarding Revised Wisconsin Dept. of Safety & Professional Services (DSPS) Building Codes (2nd Reading & Adoption)

Motion by Pater, second by Kelsey to waive the second verbatim reading of the ordinance amending Section 10.95 of the Municipal Code Regarding Revised Wisconsin Dept. of Safety & Professional Services (DSPS) Building Codes. Motion passed without negative vote.

Motion by Siekert, second by Buchda to adopt **Ordinance No. 2013-01-01-D** amending Section 10.95 of the Municipal Code Regarding Revised Wisconsin Dept. of Safety & Professional Services (DSPS) Building Codes. Motion passed without negative vote.

Review of Proposed Revisions to the City of Tomah Personnel Policy Manual. A draft of the proposed revisions for the City of Tomah Personnel Manual was provided to Council members and department heads for review.

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

Discussion of Moving Item 7-B "Anyone Desiring to Appear Before the City Council" to the Beginning of the Meeting. It was suggested that if we do this, a sign-up sheet should be placed at the door which can be given to the Mayor prior to the start of the meeting with ability to restrict the time the citizen can speak. Pros and cons were provided for both views. A show of hands revealed that half of the council would like it changed to the beginning of the meeting and half wanted it at the end. Mayor Rusch determined it would be moved to the beginning of the meeting.

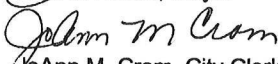
Adjourn to Closed Session. Motion by Boyea, second by Greeno to adjourn to closed session pursuant to State Statute 19.85(1)(c), (e), and (g) to confer with legal counsel with respect to Union Negotiations, Negotiation of Wage and Benefit Package/City Administrator Contract, Negotiation of the Purchase of Public Property and Status of Pending Litigation. Motion passed without negative vote. Meeting adjourned to closed session at 8:25 p.m.

Meeting reconvened to open session at 9:28 p.m.

Motion by Boyea, second by Pater to authorize the appointment of Roger Gorius as City Administrator to start employment effective April 15, 2013 and authorize the City Attorney's office to draft the employment contract and approve the wage and benefit package as discussed. Motion passed without negative vote.

Motion by Boyea, second by Pater to adjourn. Motion passed without negative vote. Meeting adjourned at 9:30 p.m.

Approved:  John J. Rusch, Mayor

Attest:  JoAnn M. Cram, City Clerk
To Be Approved 4/9/2013

The **COMMON COUNCIL** of the City of Tomah met in **REGULAR SESSION** January 14, 2014 at 6:00 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with Le Roy Kelsey, Luke Bohlen, Ted Schleicher, Pam Buchda, Eric Prise (arrived at 6:08 p.m.), Dennis Greeno, Nellie Pater, and Larry Siekert present. Absent: None. Also in attendance: City Administrator Roger Gorius, Asst. City Attorney P. Berry and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Greeno, second by Buchda to adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to Confer with Legal Counsel with Respect to Personnel Issues, Establish Wage and Benefit Package for Police Chief and Public Works & Utilities Director, Non-Represented Wages, Establish Wage for Water Utility Supervisor, and AFSCME Union Negotiations. Motion passed without negative vote. Meeting adjourned to closed session at 6:01 p.m. Meeting reconvened to open session at 6:38 p.m.

Public Hearing – Amendment of the 2013 Comprehensive Plan of the City of Tomah Regarding Future Land Use Map of the City of Tomah. The City of Tomah Planning Commission has reviewed the proposed Future Land Use Map and are recommending that Parcel #'s 042-00174-0000, 042-00163-0000, and 042-00163-2000 be changed from Planned Neighborhood to Public and Institutional and that Parcel # 286-02650-5502 be changed from Park and Recreation to Public and Institutional. The Comprehensive Plan may be used as a guide for approving or disapproving actions affecting the growth, development, conservation, and recreation within the jurisdiction of the City of Tomah and its extraterritorial plat review area. Mayor Rusch declared the public hearing open at 6:38 p.m. Mayor Rusch and City Administrator Gorius addressed the Council. No questions. No one else wished to appear. Mayor Rusch declared the public hearing closed at 6:40 p.m.

Ordinance Amending the Comprehensive Plan of the City of Tomah, WI

Motion by Greeno, second by Kelsey to waive the first verbatim reading of the ordinance amending the Comprehensive Plan for the City of Tomah changing parcel #'s 042-00174-0000, 042-00163-0000, and 042-00163-2000 from Planned Neighborhood to Public and Institutional and that Parcel # 286-02650-5502 be changed from Park and Recreation to Public and Institutional as recommended by the Planning Commission. Motion passed without negative vote.

Motion by Buchda, second by Siekert to waive the second verbatim reading of the ordinance amending the Comprehensive Plan for the City of Tomah changing parcel #'s 042-00174-0000, 042-00163-0000, and 042-00163-2000 from Planned Neighborhood to Public and Institutional and that Parcel # 286-02650-5502 be changed from Park and Recreation to Public and Institutional. Motion passed without negative vote.

Motion by Siekert, second by Prise to adopt **Ordinance No. 2014-01-01-D** amending the Comprehensive Plan for the City of Tomah changing parcel #'s 042-00174-0000, 042-00163-0000, and 042-00163-2000 from Planned Neighborhood to Public and Institutional and that Parcel # 286-02650-5502 be changed from Park and Recreation to Public and Institutional. Motion passed without negative vote.

ORDINANCE NO. 2014-01-01-D AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF TOMAH, WISCONSIN

The City Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:

SECTION 1. Pursuant to section 62.23(2) and (3) of the Wisconsin Statutes, the City of Tomah is authorized to prepare, adopt, and amend a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2. The City Council has found it necessary to make certain amendments to the Future Land Use Map of the City of Tomah Comprehensive Plan 2013-2033, originally adopted September 10, 2013.

SECTION 3. The City of Tomah Planning Commission has reviewed and recommended by resolution amendments to the Comprehensive Plan at a regular monthly meeting.

SECTION 4. The City Council has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 5. The Comprehensive Plan may be used as the basis for, among other things, official mapping, local subdivision regulations, general zoning ordinances, shoreland/wetland zoning, and as a guide for approving or disapproving actions affecting growth, development, conservation, and recreation within the jurisdiction of the City of Tomah and its extraterritorial plat review area.

SECTION 6. The City Council of the City of Tomah, Wisconsin, does, by enactment of this ordinance, formally amend the document entitled, "City of Tomah, WI, Comprehensive Plan 2013-2033," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION 7. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication as required by law.

Adopted this 14th day of January, 2014

Minutes: Motion by Buchda, second by Greeno to approve the December 10, 2013 Regular Council Minutes. Motion passed without negative vote.

Mayor's Report: Mayor Rusch asked for a moment of silence in memory of Melvin Westpfahl who passed away this week.

Distinguished Service Resolution – Ron Williams. Motion by Buchda, second by Bohlen to approve **Resolution No. 2014-01-14-01 Distinguished Service Resolution** for Ron Williams who has retired December 30, 2013. Motion passed without negative vote.

Change or Elimination of Long Range Planning Committee. The Committee was recommended by former Mayor Ed Thompson to plan for 50 years into the future. Current problems include lack of quorum and difficulty in coming up with specific items to work on. It is requested that the Council review this committee and look at eliminating the committee as a standing committee and replacing it with a sub-committee of the Planning Commission with a maximum of 5 members with meetings scheduled on a needs only basis. **Report on Pending Court Case.** Mayor Rusch appeared at Monroe County Courthouse on Monday to hear the ruling on the Old Dominion/Restwell court case. There were three parts to the ruling. 1. The Court ruled that the annexation was done legally and stands. 2. The Court ruled that the zoning issue should have had a public hearing and the City will be required to do the zoning process again complete with a public hearing. 3. The Court ruled that there was no discrimination found. The Court allowed a 90 day stay as requested by Darryl Stewart and his attorney. The case was rescheduled for final hearing in May.

City Administrator Report: Phosphate Study. The Public Works & Utilities Commission received a report regarding a regional phosphate study. The overall aim is to get as many communities to contribute to the study and provide minimal funding. Regulations pertaining to phosphate levels will continue to become more stringent. **E-3 Energy Usage Grant.** The City has been awarded a maximum E-3 coalition energy usage grant to proceed with the plan. This process will begin in February to identify areas of energy concern and costs in our buildings, fleet vehicle use, public lighting and various other areas that would enable us to update and utilize updates to reduce our overall utility costs. **Milwaukee/Wisconsin Street Project.** Further study and input will be requested in February regarding final design of the Milwaukee Street project. **Status of Tomah Food Court.** Permits were issued for the project and the court will house a Dunkin Doughnuts and a Papa Murphy's Pizza place with room for a third chain which has not been disclosed. **GO Refunding.** The City completed the refinancing of the two loans dealing with the Hollister Street project (formerly Build America Bonds) and will see an expected savings of \$686,881 or over \$300,000 more than we anticipated. **Administrator's Absence.** City Admin. Gorius will be out on leave from Jan. 21-24. **Information Video.** There will be an information video that will be tagged onto our website showing highlights of the City of Tomah. The film shoot is set for June 11th.

City Clerk Monthly Report: Election Update. The City will hold a primary election on Feb. 18th for Mayor. The Spring election is scheduled for April 1st.

Public Works Director – Water, Sewer, Public Works & Lake Updates. A written report was provided.

Library Report. Library Director Irma Keller advised they continue to work with the state on literacy for children. The library accepts donations of books, videos, movies, etc.

Convention & Visitors Bureau/Chamber of Commerce. Chris Hanson, Executive Director reported that Business After 5 is at Kelsey's Class Act on Jan. 15th. The Chamber's Annual Banquet is Monday, February 24th. Convention & Visitors Bureau – 3rd quarter room tax was up 7.81% from the prior year. Room tax is now being collected monthly. The group that is working on a new building for the CVB/Chamber interviewed and selected Brickl Bros. to assist with this process. A potential site plan will be discussed the end of January.

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

Senior & Disabled Services Report. Dir. Delia Duncan provided a written report which was presented by City Admin. Gorius.

Approval of Treasurer's Cash and Investment Reports for December.

Motion by Kelsey, second by Pater to approve the December Treasurer's Cash and Investment reports. Motion passed without negative vote.

Approval of Standard Operating Guidelines for the Tomah Fire Department. Chief Decorah and the Police and Fire Commission have been working on updating the Standard Operating Guidelines which were distributed for review at the December meeting.

Motion by Greeno, second by Prise to approve the Standard Operating Guidelines as prepared by Fire Chief Decorah and approved by the Police and Fire Commission. Motion passed without negative vote.

Bartender Licenses.

Motion by Greeno, second by Siekert to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses were approved as follows: Brittany D. Aslin, Rhonda A. Burch, Melissa J. Dockerty, Ashley A. Johnson, Eve D. Julson, Josh A. Larsen, and Lisa M. Lincoln.

Resolution Declaring the Tomah Area Community Theatre Tax Exempt. The Tomah Area Community Theatre has requested that the city support a tax exempt status. There are five criteria per state statute for tax exempt status, however, the Tomah Area Community Theatre does not meet the criteria. The impact to the City would be a loss in revenue of under \$3,000 per year. The ACT continues to work with Senator Lassa's office to get it to the State legislative level for a change in the statutes. A letter of support is requested from the city. The portion of the building that is rented would not be eligible for tax exemption.

Motion by Buchda, second by Prise to approve **Resolution No. 2013-01-14-02** Requesting Support of Tomah Area Community Theatre Pursuing Tax Exemption Status with the exception of the portion of the building that is rented out. Motion passed with one negative vote (Schleicher).

RESOLUTION NO. 2014-01-14-02

RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF TOMAH, WI IN SUPPORT OF THE TOMAH AREA COMMUNITY THEATRE PURSUING TAX EXEMPTION STATUS

WHEREAS, the Tomah Area Community Theatre is a Wisconsin, not for profit organization, established for the benefit of the community and is pursuing a designation as a tax exempt corporation under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, through contributions, volunteers and modest ticket fees, the Tomah Community Theatre provides special cultural enrichment to our community and exemplifies community commitment to the arts; and

WHEREAS, the Common Council of the City of Tomah, in recognition of the benefits the Theatre provides the community wishes to insure the theaters ability to continue said benefits, supports that the Theatre be made exempt from local property taxes; and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah this 14th day of January 2014, that the Council does hereby support that the Tomah Area Community Theatre be granted a tax free status.

John J. Rusch, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Ordinance Amending Alcohol Beverages Code Section 4-99 – Guidelines of Outdoor Facilities – Hours of Operation. The Planning Commission is recommending that the hours of operation for outdoor facilities be amended. Currently the ordinance states the operating hours are between 8 a.m. and 11 p.m. The amended language changes the specific hours to "as designated per Wisconsin State Statutes for Class B Alcohol Beverage Licenses" which would allow the use of the outdoor facility to be the same as the hours of operation of the establishment.

Motion by Siekert, second by Buchda to waive the first verbatim reading of the ordinance amending Alcohol Beverages Code Section 4-99 regarding Guidelines of Outdoor Facilities changing the language as presented. Motion passed without negative vote. Kelsey abstained.

Discussion of Allowing Chickens in the City Limits. A request has been made from a citizen who would like to raise chickens in the City. Several citizens have commented to various council members that they are not in favor of chickens in the City due to various reasons. It was the recommendation of the Committee of the Whole that City Admin. Gorius and Bldg. Insp. Rolff draft a sample ordinance regulating chickens in the city limits with review and further discussion in February. This would allow the City to look at a written proposal and determine if it would be feasible to regulate chickens.

Special Beer Permit – Rotary Club of Tomah – Feb. 1, 2014 at Recreation Park for Freeze Fest. Motion by Pater, second by Greeno to approve the Special Beer Permit for the Tomah Rotary Club of Tomah for February 1, 2014 at Recreation Park for Freeze Fest in the Recreation Building. Motion passed without negative vote.

Special Beer Permit – Tomah Rotary Club for "Beer and Sausage Fest" Event at Recreation Park on May 3, 2014. Motion by Pater, second by Siekert to approve the Special Beer Permit for the Tomah Rotary Club for the "Beer and Sausage Fest" event at Recreation Park in the Recreation Bldg. and Farm Progress Bldg. on May 3, 2014. Motion passed without negative vote.

2014 Budget Amendment – Recognizing \$738,000 in Fund Balance Applied Acct. and Authorizing Expenditures out of Capital Projects – Recreation Park-Buildings Acct. for the Multi-Purpose Ice Arena Expansion Project. The Multi-Purpose Ice Arena expansion project at Recreation Park was inadvertently not included in the 2014 budget process. The revenue has been received in the form of 2 State Trust Fund Loans in the amounts of \$400,000 and \$338,000 and the project was subsequently started in late 2013. The loan revenue needs to be recognized and the expenditures authorized in the budget.

Motion by Prise, second by Kelsey to approve the 2014 Budget Amendment recognizing \$738,000 in Fund Balance Applied Acct. #8-49300 and authorizing expenditures from capital projects – Recreation Park – Buildings Acct. #8-57621-830 for costs relating to the Multi-Purpose Ice Arena Expansion Project at Recreation Park. Motion passed without negative vote.

2014 Budget Amendment – Carry Forward \$387.22 from 2013 Other Parks G-55200-340 Donations for Forest Advisory Board and Accept \$3,000 Grant Donation from American Transmission Company Tree Planting Program and Authorize Expenditures of \$3,387.22 from Other Parks-Supplies Grants Acct. G-55200-340. A donation of \$3,000 was received from the American Transmission Company tree planting program grant. It is requested that \$387.22 be carried forward from 2013 to 2014 and expenditures up to \$3,387.22 be authorized.

Motion by Prise, second by Greeno to recognize the \$3,000 donation from the American Transmission Company Tree Planting Program in Acct. #G-45802, carry forward \$387.22 from 2013 Acct. #G-55200-340 and authorize expenditures of \$3,387.22 from the Other Parks-Supplies Grants Acct. #G-55200-340. Motion passed without negative vote.

Summary of the Shared Ride Taxi Service. City Treasurer Rusch presented a summary of the shared ride taxi service activity for 2013. The Shared Ride Taxi Service provided 26,350 trips for 27,378 passengers. Actual out of pocket expense for the City after fares, Federal and State funding is \$15,740.32. In 2013 we also purchased a new vehicle for the service at a cost to the City of \$4,101.90. This is for information only.

2014-2018 Capital Improvement Plan. City Department heads provided the 2014-2018 capital improvement plan for Council review.

Motion by Kelsey, second by Prise to approve the 2014-2018 Capital Improvement Plan as submitted. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills. Motion by Kelsey, seconded by Bohlen to approve **Resolution No. 2014-01-14-03 Authorizing Payment of Monthly Bills** in the amount of \$742,172.85. Motion passed without negative vote.

**RESOLUTION NO. 2014-01-14-03
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	\$ 92,972.12	Check #'s 112530-112534 & 112678-112702
2.	Payroll	\$ 278,770.10	Direct Deposit #'s 37312-37588
3.	Wire Transfers	\$ 20,336.35	
4.	Invoices	\$ 25,086.22	Check #'s 112721-112870
5.	Vouchers Payable 2013	<u>\$ 325,008.06</u>	
		<u>\$ 742,172.85</u>	

John J. Rusch, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Petition for Annexation by Norman V. Randall and Evelyn I. Randall Revocable Trust U/A Dated Dec. 3, 1993 and City of Tomah on Parcels Located in the SE ¼-SE ¼, Section 8, SW ¼ - SW ¼, Section 9, NW ¼ - NW ¼, Section 16 and in the NE ¼ - NE ¼, Section 17, T17N-R1W, Monroe County, Wisconsin to be Zoned Temporarily as I-Institutional District. A petition was presented at the December Planning Commission meeting requesting annexation of parcels of property owned by Norman and Evelyn Randall and the City of Tomah. The request also stipulated that the annexation shall not be effective until consummation of a contemplated transaction with Tomah Memorial Hospital, Inc. The Planning Commission is recommending approval of the annexation and temporary zoning of I-Institutional District. This parcel will be known as Ward 19 and will be in Aldermanic District #8. Andrew Bremer of MSA has assisted the City in this annexation process.

Motion by Buchda, second by Kelsey to accept the Petition for Annexation from Norman V. Randall and Evelyn I. Randall Revocable Trust U/A Dated Dec. 3, 1993 and the City of Tomah on Parcels Located in the SE ¼ - SE ¼, Section 8, SW ¼ - SW ¼, Section 9, NW ¼ - NW ¼, Section 16 and in the NE ¼ - NE ¼, Section 17, T17N-R1W, Monroe County to be zoned temporarily as I-Institutional District. Motion passed without negative vote (Prise abstained).

Ordinance Annexing a Parcel of Land Located in the SE ¼-SE ¼, Section 8, SW ¼ - SW ¼, Section 9, NW ¼ - NW ¼, Section 16 and in the NE ¼ - NE ¼, Section 17, T17N-R1W, Monroe County, Wisconsin to be Zoned Temporarily as I-Institutional District (1st & 2nd Reading & Adoption) (Randall and City of Tomah properties)

Motion by Buchda, second by Siekert to waive the first verbatim reading of the ordinance annexing a parcel of land located in the SE ¼ - SE ¼, Section 8, SW ¼ - SW ¼, Section 9, NW ¼ - NW ¼, Section 16 and in the NE ¼ - NE ¼, Section 17, T17N-R1W, Monroe County to be zoned temporarily as I-Institutional District to be effective upon consummation of the contemplated transaction with Tomah Memorial Hospital. Motion passed without negative vote (Prise Abstained).

Motion by Buchda, second by Kelsey to waive the second verbatim reading of the ordinance annexing a parcel of land located in the SE ¼ - SE ¼, Section 8, SW ¼ - SW ¼, Section 9, NW ¼ - NW ¼, Section 16 and in the NE ¼ - NE ¼, Section 17, T17N-R1W, Monroe County to be zoned temporarily as I-Institutional District to be effective upon consummation of the contemplated transaction with Tomah Memorial Hospital. Motion passed without negative vote (Prise Abstained).

Motion by Buchda, second by Greeno to Adopt **Ordinance No. 2014-01-02-D** annexing a parcel of land located in the SE ¼ - SE ¼, Section 8, SW ¼ - SW ¼, Section 9, NW ¼ - NW ¼, Section 16 and in the NE ¼ - NE ¼, Section 17, T17N-R1W, Monroe County to be zoned temporarily as I-Institutional District to be effective upon consummation of the contemplated transaction with Tomah Memorial Hospital. Motion passed without negative vote (Prise Abstained).

ORDINANCE NO. 2014-01-02-D

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF TOMAH, WISCONSIN

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

SECTION 1. TERRITORY ANNEXED. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the City Clerk on the 19th day of December, 2013, signed by a number of electors residing in the territory equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election and the owners of at least ½ of the land in area in the territory, the following described territory in the Town of Tomah, Monroe County, Wisconsin, is annexed to the City of Tomah, Wisconsin:

A parcel of land located in the SE1/4-SE1/4, Section 8, SW1/4-SW1/4, Section 9, NW1/4-NW1/4, Section 16 and in the NE1/4-NE1/4, Section 17, T17N-R1W, Monroe County, Wisconsin described as follows:

Commencing at the Southwest corner of said Section 9; thence Easterly along the south line of said SW1/4-SW1/4, a distance of 122.82 feet to the Southwest corner of Lot 1 of Vol. 8 Certified Survey Maps, Page 197, being the Point of Beginning; thence Southerly along the west line of said Lot 1 extended a distance of 33 feet to the south right-of-way line of Gopher Ave.; thence Westerly along said south line, to the intersection with the West line of the East 12 acres of said SE1/4-SE1/4 extended southerly; thence Northerly along said west line and the extension thereof, to the northerly right-of-way line of Goose Ave.; thence Northeasterly along said northerly line, to the intersection with the north line of the South 32 acres of said SW1/4-SW1/4; thence Easterly along said north line, to the Northeast corner of said South 32 Acres, same being the Southeast corner of Vol. 33 Records, Page 769; thence Southerly along the east line of said SW1/4-SW1/4, to the Southeast corner of said SW1/4-SW1/4; thence Southerly along the east line of said NW1/4-NW1/4, to the south right-of-way line of said Gopher Ave.; thence Westerly along said south right-of-way line to the intersection with the east line of said Lot 1 extended; thence Northerly to the Northeast corner of said Lot 1; thence Westerly to the Northwest corner of said Lot 1; thence Southerly to the Southwest corner of said Lot 1 and the Point of Beginning.

SECTION 2. EFFECT OF ANNEXATION. From and after the date of this ordinance the territory described in Section 1 shall be a part of the City of Tomah for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Tomah.

SECTION 3. TEMPORARY ZONING CLASSIFICATION. Upon recommendation of the Planning Commission, the territory annexed to the City of Tomah by this ordinance is temporarily zoned to the Institutional Zoning District, pursuant to sec. 66.0217(8)(a) of the Wisconsin Statutes. The Planning Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the City Council not later than one year from the effective date of this ordinance, pursuant to sec. 52-32(3) of the Municipal Code of Ordinances.

SECTION 4. WARD DESIGNATION. The territory described in Section 1 of this ordinance is hereby made creating the 19th ward in the Eighth (8th) Aldermanic District of the City of Tomah, subject to the ordinances, rules and regulations of the City of Tomah. The population at the time of annexation to the City of Tomah was three (3) population.

SECTION 5. SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. PAYMENT TO THE TOWN OF TOMAH. Pursuant to Wis. Stat. sec. 66.0217(14) the City Council agrees to pay annually to the Town of Tomah, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. sec. 70.65 in 2014.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect upon passage and publication as provided by law.

John Rusch, City of Tomah Mayor

Attest: JoAnn Cram, City of Tomah Clerk

Ratification and Authorization to Sign the 2014 AFSCME, AFL-CIO Local 180 Union Contract
The City and AFSCME AFL-CIO Local have agreed on a 40 cent across the board increase effective July 1, 2014 for the 2014 contract.

Motion by Buchda, second by Kelsey to ratify the 2014 AFSCME AFL-CIO Local 180 Union Contract providing for a 40 cent across the board salary increase to all union employees and authorize the Mayor and City Administrator to sign the contract. Motion passed without negative vote.

Establish Wage for Water Utility Supervisor. Ron Williams retired as Supervisor of the Tomah Water Dept. effective Dec. 30, 2013. Candidates for the position were reviewed and Mark Rezin was subsequently selected to replace Ron. It is requested that the salary be established at Range 16, Step 6 or \$53,833 effective Dec. 13, 2013 when Mr. Rezin assumed the duties of the position. This represents a cost reduction in salary of \$5,593 from what Ron was making.

Motion by Greeno, second by Buchda to establish the wage for Mark Rezin, the new Water Utility Supervisor at Range 16, Step 6 or \$53,833 per the City's wage scale effective December 13, 2013. Motion passed without negative vote.

Establish Wage and Benefit Package for Public Works & Utilities Director. Upon the retirement of Public Works & Utilities Director Ken Patterson, a search began for his replacement. The selection committee interviewed four candidates and are recommending Kirk Arity for the position. It is requested that the starting salary be established at Range 22, Step 7 or \$73,612 and that he be awarded 10 days of vacation and 10 days of sick leave with all other benefits consistent with other supervisory personnel.

Motion by Buchda, second by Siekert to appoint Kirk Arity as Public Works & Utilities Director and establish the wage at \$73,612 (Range 22, Step 7) and award 10 days of vacation and 10 days of sick leave with all other benefits as established in the City of Tomah Personnel Manual. Motion passed without negative vote.

Establish Wage and Benefit Package for Police Chief. The Police and Fire Commission met on January 13th and are appointing Mark Nicholson as the new City of Tomah Police Chief. The Council had previously approved \$73,323 (Range 23, Step 5) with 10 days of vacation and 10 days of sick leave for a prior offer to another candidate. It is requested that language be drawn up that stipulates this is specific to this position and not transferable to other positions and that the offer of employment not exceed the afore agreed to wage and benefit package of \$73,323 annually with 10 days of vacation and 10 days sick leave. The candidate, this package was offered, has declined the offer. The Police and Fire Commission is recommending that Lt. Mark Nicholson be appointed Police Chief with starting wage established at Range 23, Step 3 or \$69,413 with benefits in accordance with his years of employment for the City. The lower salary represents the PFC concern that Lt. Nicholson does not possess the 4 year degree in criminal justice or a related field that is preferred. The offer is contingent on Lt. Nicholson obtaining his 4 year degree in criminal justice or a related field in a 5 year period of time. A salary cap is requested at Step 8 should Mr. Nicholson not have received the degree after 5 years. The Police and Fire Commission is requesting a one year probationary period.


Motion by Siekert, second by Pater to recommend the Common Council accept the appointment of Mark Nicholson as the City of Tomah Police Chief and establish the wage at Range 23, Step 3 or \$69,413, request that a Bachelor's Degree be obtained in criminal justice or a related field within a 5 year period, authorize 75% reimbursement for education costs toward the degree, with a cap at Range 23, Step 8 if the degree is not received in the 5 year time period with benefits consistent with the City of Tomah Personnel Manual. Motion passed without negative vote.

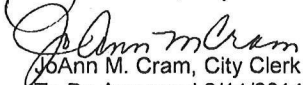
Establish 2014 Wages for Non-Represented Employees. In accordance to contract, the City negotiated with AFSCME to increase the wage by 40 cents per hour across the board effective 7/1/2014. City Admin. Gorius is recommending that the Council allow for the same increase of 40 cents an hour across the board to all full time and permanent part time non-represented employees of the City of Tomah.

Motion by Buchda, second by Pater to authorize an increase in wages of .40 cents per hour for all full time and permanent part time non-represented employees of the City of Tomah effective 7/1/2014. Motion passed without negative vote.

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

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

Approved:  John J. Rusch, Mayor

Attest:  JoAnn M. Cram, City Clerk
To Be Approved 2/11/2014

The **COMMON COUNCIL** of the City of Tomah met in **REGULAR SESSION** February 11, 2014 at 6:30 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with Le Roy Kelsey, Luke Bohlen, Ted Schleicher, Pam Buchda, Eric Prise, Dennis Greeno, Nellie Pater, and Larry Siekert present. Absent: None. Also in attendance: City Administrator Roger Gorius, City Attorney R. Radcliffe, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Minutes: Motion by Buchda, second by Kelsey to approve the January 14, 2014 Regular Council Minutes. Motion passed without negative vote.

Water System Update. City Administrator Gorius provided a water system update due to the extreme cold conditions we have been experiencing. There have been numerous frozen laterals and the water utility is doing everything they can to monitor and predict where possible freeze-ups may occur. Several areas of the city have been asked to run their water with bills being estimated for those locations. There are several hundred locations currently continuously running water to keep the water lines from freezing. Water utility staff will continue to monitor the conditions and provide immediate notification if extraordinary measures are needed. Questions and concerns will be addressed by city officials.

Mayor's Report: Change or Elimination of Long Range Planning Committee. Mayor Rusch advised that a Long Range Planning Committee was held last week. For the time being, this issue is pending and it is hoped that attendance is better in the future.

City Administrator Report: 1. Report on Rail Crossing. Temporary repairs were made to the rail crossing on Superior Avenue last fall. Tomah has experienced a winter of extreme temperature swings and extended subzero weather. This has resulted in a breakdown at the crossing. We have been advised that the railroad will be addressing the problem. **2. Dog Park Update.** As the weather gets better in the spring, City Admin. Gorius intends to move forward on this project. He is currently researching wetland requirements and compatible fencing that will be required. A local business has expressed interest in funding the project. **3. Update on Multi-Purpose Building.** The final construction phase is beginning. The floor has been poured and interior construction of the walls is progressing well. There has been lengthy discussion over the sign which displays the center's name and for an additional cost of approximately \$1,500, the sign will be lighted. **4. Freezer Storage Facility.** A freezer storage facility is in the process of researching the purchasing of land near the Heartland Lubricant and Chemical Plant off of County Road CA. This freezer facility would house cranberries. **5. CVB Meeting.** Primary discussion at the meeting was land acquisition for the proposed CVB center. It was the consensus of the CVB Board that any land purchase would require the City to provide its financial backing and bond for the project. Information only at this time. **6. Business Development.** Currently, we are working on the food court development which will house a Dunkin' Doughnuts, Papa Murphy's Pizza and an unknown third franchise chain or local business. The empty Norbco property on Hwy. 16 has been purchased by Martin Warehousing out of Wilton. Darren Price has purchased the Mockler Jeweler building and is beginning the process of opening a BP Smokehouse restaurant.

City Clerk Monthly Report: Election Update. The City will hold a primary election on Feb. 18th for Mayor. The Spring election is scheduled for April 1st.

Public Works Director – Water, Sewer, Public Works & Lake Updates. A written report was provided. Director of Public Works & Utilities Kirk Arity advised that the City Engineer has been contacted and they will continue to monitor the issues with water caused by the extreme cold weather. The cold weather is also affecting operations at the wastewater treatment plant. They are working on the sign and setting up the dedication ceremony for the new handicap peer at the lake.

Library Report. Library Director Irma Keller advised that the Library has the ability to check out E-Books for Kindle or Nook which are free. The interactive panels have been installed at the library to entertain patrons and promote literacy.

Convention & Visitors Bureau/Chamber of Commerce. No report.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a written report and advised that they have submitted an application to the Department of HUD to convert the housing at Lakeside to the housing voucher program. This will be funded with the operating reserves that they currently have. Ms. Muehlenkamp provided annual statistics on various programs. The programs are operating well and all year end reporting is done and the annual audit will be conducted in mid-March. There isn't a lot of activity regarding rehabs on community homes at this time.

Senior & Disabled Services Report. No report.

Approval of Treasurer's Cash and Investment Reports for January.

Motion by Greeno, second by Prise to approve the January Treasurer's January Investment report. Motion passed without negative vote. The cash report will be available in March.

Bartender Licenses.

Motion by Pater, second by Greeno to approve the bartender's licenses as listed. Motion passed without negative vote. Bartender licenses were approved as follows: Lori A. Crouch, Tiffany L. Pergande, Kathryn L. Schneider, Caleb A. Voltz, Jennifer M. Walters, and Kasmara L. Whittaker.

Special Beer Permit – St. Mary's Parish on March 1, 2014 for the Mardi Gras Dance at 315 W. Monroe Street.

Motion by Pater, second by Siekert to approve the Special Beer Permit for St. Mary's Parish on March 1, 2014 for the Mardi Gras Dance at 315 W. Monroe Street. Motion passed without negative vote.

Special Beer Permit – Families First of Monroe County on March 15, 2014 for the Annual Trivia Night in the Recreation Building at Recreation Park.

Motion by Pater, second by Buchda to approve the Special Beer Permit for Families First of Monroe County for the Annual Trivia Night in the Recreation Building at Recreation Park on March 15, 2014. Motion passed without negative vote.

Special Beer Permit – Tomah Warrens Sportsman's Alliance on March 22, 2014 for the National Wild Turkey Federation Banquet in the Recreation Building at Recreation Park.

Motion by Kelsey, second by Bohlen to approve the Special Beer Permit for the Tomah Warrens Sportsman's Alliance on March 22, 2014 for the National Wild Turkey Federation Banquet in the Recreation Building at Recreation Park. Motion passed without negative vote.

Special Beer Permit – Tomah Fire Department for ABATE of Wisconsin Motorcycle Show and Swap Meet at Recreation Park – April 26, 2014.

Motion by Kelsey, second by Buchda to approve the Special Beer Permit for the Tomah Fire Department for the ABATE of Wisconsin Motorcycle Show and Swap Meet at Recreation Park on April 26, 2014. Motion passed without negative vote.

Discussion of Draft Ordinance Relating to Allowing the Keeping of Chickens in the City of Tomah. A draft ordinance was reviewed by the Committee of the Whole relating to the possibility of keeping chickens in the City limits. The ordinance is somewhat restrictive and it was felt it would be difficult for citizens to meet the criteria laid out as proposed. After a lengthy discussion, a motion to approve the draft ordinance was made and the motion did not pass with a vote of 3 in favor and 5 against. Therefore, no further action is required at this time.

Resolution Abolishing ¾ Time Library Aide and Creating Full Time Library Assistant – Children's Department. Since 2008, the Library has been without an employee designated to be responsible for the Children's Department. Creating a full-time Library Assistant for the Children's Department will enable the Library to increase programming aimed at increasing literacy in our community. The ¾ aid position had a wage of \$21,886 per year and the Library Assistant wage would start at \$32,364. The Library Assistant position is on a 5-year scale and requires a Bachelor's Degree with a Minor in Library Science. No additional funds are required as the Library budget will absorb the additional costs of the position within the funds they have been allotted.

Motion by Bohlen, second by Buchda to approve **Resolution No. 2014-02-11-04** Abolishing the Three-Quarter Time Library Aide Position and Creating a Full Time Library Assistant-Children's Department as presented. Motion passed without negative vote.

**RESOLUTION NO. 2014-02-11-04
A RESOLUTION AUTHORIZING A CHANGE IN THE 2014 CITY OF TOMAH POSITION COUNT BY THE
ABOLISHMENT OF THE THREE QUARTER TIME LIBRARY AIDE POSITION AND THE CREATION OF ONE FULL
TIME LIBRARY ASSISTANT – CHILDREN'S DEPARTMENT FOR THE TOMAH PUBLIC LIBRARY**

WHEREAS, the Common Council of the City of Tomah hereby authorizes a change in the 2014 City of Tomah position count by the abolishment of the three-quarter time Library Aide position effective approximately January 24, 2014, and
WHEREAS, the Common Council of the City of Tomah hereby authorizes the creation of one additional full time Library Assistant, who will be responsible for the Children's Department, and
WHEREAS, the Common Council of the City of Tomah establishes the Library Assistant as a full time position that includes all benefits afforded City employees as outlined per the AFSCME Union Contract and the City of Tomah Personnel Manual and this individual will be required to work a varied and flexible schedule to provide of the needs of the department with the schedule determined by the Library Director, and
NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Tomah Common Council does hereby authorize a change in the 2014 City of Tomah Position Count by the abolishment of the three-quarter time Library Aide position and hereby authorizes the creation of one additional full Time Library Assistant – Children's Department in the Tomah Public Library as described above. Dated this 11th day of February 2014.

John Rusch, Mayor

ATTEST: JoAnn M. Cram, City Clerk

Approval of Job Description for Library Assistant – Children's Department. With the passing of the previous stated resolution, a job description needs to be approved for the full time Library Assistant in the Children's Department.

Motion by Bohlen, second by Buchda to approve the job description for the position of Library Assistant in the Children's Department as presented. Motion passed without negative vote.

Semi-Annual Fire Department Fund Audit. The City Treasurer has audited the Fire Dept. funds and the books have been found in good order. The cash balance is higher than usual due to the fire department's fundraising activities for the new command vehicle.

Motion by Schleicher, second by Buchda to approve the Fire Department's Semi-Annual Audit Report as presented. Motion passed without negative vote.

Act on Request to Allow Beer and Wine in Gillett Park During Music in the Park Events. It has been requested to again allow beer and wine in Gillett Park during the sponsored American Music in the Park events. The current ordinance does not allow any alcohol in Gillett Park. Last year, the Council allowed this activity during the dates of the scheduled events and no problems or issues during the events arose regarding the consumption of beer and wine. The Parks & Recreation Commission has recommended to allow beer and wine in Gillett Park one-half hour before, during, and one-half hour after the Music in the Park events. No glass containers will be allowed. It is requested that this be approved for 2014 and for future years unless there is a change in the event or problems occur that would warrant revisiting the issue.

Motion by Schleicher, second by Kelsey to approve the request to allow beer and wine in Gillett Park during the Music in the Park Events in 2014 as specified and for future years unless there is a change in the event or problems occur that would warrant revisiting the issue. Motion passed with one negative vote (Bohlen).

Ordinance Amending Alcohol Beverages Code Section 4-99 – Guidelines of Outdoor Facilities – Hours of Operation. The Planning Commission is recommending that the hours of operation for outdoor facilities be amended. Currently the ordinance states the operating hours are between 8 a.m. and 11 p.m. The amended language changes the specific hours to "as designated per Wisconsin State Statutes for Class B Alcohol Beverage Licenses" which would allow the use of the outdoor facility to be the same as the hours of operation of the establishment.

Motion by Greeno, second by Buchda to waive the second verbatim reading of the ordinance amending Alcohol Beverages Code Section 4-99 regarding Guidelines of Outdoor Facilities changing the language as presented. Motion passed without negative vote. Kelsey abstained.

Motion by Greeno, second by Prise to adopt **Ordinance No. 2014-02-03-D** amending Alcohol Beverages Code Section 4-99 regarding Guidelines of Outdoor Facilities changing the language as presented. Motion passed without negative vote. Kelsey abstained.

ORDINANCE NO. 2014-02-03-D

**ORDINANCE AMENDING SECTION 4-99. (10) GUIDELINES FOR OUTDOOR FACILITIES –
HOURS OF OPERATION - CITY OF TOMAH MUNICIPAL CODE**

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

SECTION ONE: Section 4-99 (10) is hereby amended to read as follows:

(10) *Hours of operation.* An outdoor facility shall only be operated during the hours as designated per Wisconsin State Statute for Class B Alcohol Beverage Licenses.

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

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

John J. Rusch, Mayor

ATTEST: JoAnn M. Cram, City Clerk

READ: 01/14/2014 & 2/11/2014

PASSED: 02/11/2014

PUBLISHED: 02/20/2014

Resolution Authorizing Payment of Monthly Bills. Motion by Greeno, seconded by Kelsey to approve **Resolution No. 2014-02-11-05 Authorizing Payment of Monthly Bills** in the amount of \$788,957.30. Motion passed without negative vote.

RESOLUTION NO. 2014-02-11-05
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	\$ 344,150.22	Check #'s 112703-112720 & 112871-112907
2.	Payroll	\$ 271,661.01	Direct Deposit #'s 37589-37854
3.	Wire Transfers	\$ 19,833.23	
4.	Invoices	\$ 102,565.30	Check #'s 112909-113026
5.	Vouchers Payable 2013	\$ <u>50,747.54</u>	
		\$ 788,957.30	

John J. Rusch, Mayor

ATTEST: JoAnn M. Cram, City Clerk

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

Motion by Prise, second by Greeno to adjourn. Motion passed without negative vote. Meeting adjourned at 7:10 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To Be Approved 3/11/2014

Sidewalk Dining Proposal

By Brick Sip Haus

800 Superior Ave, Tomah



Proprietors:
Blaine and Sue Hackett
651 303-8490

Artists Rendering



Exhibit 1 Not To
Scale



Exhibit 2 Not To
Scale



Why Sidewalk Seating?

1. **Economic Benefits:** Outdoor seating will increase our capacity, enabling us to serve more customers and boost revenue. This translates to higher local tax contributions and more jobs for residents. Studies show that outdoor dining can increase restaurant sales by up to 30%, directly benefiting the local economy.
2. **Community Enhancement:** An inviting outdoor dining area will create a lively, social atmosphere, drawing more foot traffic to downtown. This will benefit neighboring businesses and strengthen our city's reputation as a destination for residents and visitors alike.
3. **Alignment with City Goals:** Outdoor seating supports Tomah's commitment to vibrant public spaces and sustainable urban planning. Our proposed setup will complement the city's aesthetic, using tasteful, eco-friendly materials and adhering to all zoning and safety regulations.

Our Plan

- **Location and Design:** We propose a compact, sidewalk seating area designed to maintain pedestrian flow. The setup will include removable furniture for flexibility and seasonal adjustments.
- **Safety and Compliance:** We will adhere to all city regulations, including permits, noise control, and sanitation standards.



Addressing Concerns

We understand concerns about space, noise, or aesthetics. Our design ensures minimal disruption and regular cleaning to maintain cleanliness.

Q: Where are you wanting your tables?

A: Tables in the front, roped in area leads them back into bar. Table signs with rules.

Q: What hours would you operate outdoors?

A: We will operate outdoors on sunny days when we are open

Q: Would drinks outside be served in glass and if so, what would be your plan for cleaning up broken glass?

A: We could devise a plastic option. Or we would shop vacuum all glass.

Q: How do you plan on making sure drinks aren't carried outside of your serving zone?

A: We would have people go out the left door and that is roped in

Q: How can you guarantee drinks aren't provided to people under 21

A: Because of the big glass window, we can see the area and the bartender would do regular checks. We will also have table signs regarding this.

Conclusion

Approving sidewalk seating for will enrich Tomah's dining culture, support local commerce, and create a more vibrant community hub. We are eager to collaborate with the Council to make this vision a reality and invite you to visit our restaurant to discuss further.

Thank you for your consideration. I look forward to your support and am happy to answer any questions.



30 April 2025

From: Director of Economic Development and Zoning
To: City Plan Commission

Subject: DIRECTOR'S MEMORANDUM ICO CITIZEN REQUEST TO
OUTDOOR DINING IN DOWNTOWN

References: None.

Enclosures: (1) Citizen Blaine Hackett PowerPoint Presentation
(2) City of Tomah Municipal Code Chapter 38, Article II: Sidewalks
(3) City of Platteville Municipal Code Chapter 4: Streets, Alleys, and
Sidewalks
(4) Village of Mount Horeb Sidewalk Café Permit Application

Citizen Blaine Hackett, owner of the Brick Sip Haus, approached the City about permitting outdoor dining in downtown. See enclosures for more information.

Downtown outdoor dining is often a sign of a vibrant and thriving city.

Nicholas M. Morales
Director of Economic Development and Zoning
Chairperson of the Senior Executive Team

Cc:

ARTICLE II. - SIDEWALKS

Sec. 38-29. - Maintenance.

All sidewalks in the city shall be maintained in good condition or repair, free from obstructions to permit passageway by pedestrians. The council may from time to time make all needful rules and regulations for carrying these provisions into effect and regulating the use of the sidewalks of the city and preventing their obstruction.

(Code 1993, § 8.02(2))

Sec. 38-30. - Snow and ice removal.

- (a) *Owners responsibility.* The owner or occupant of any lot or parcel shall promptly each day, and in no event later than 24 hours after any snowstorm, remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such lot or parcel; provided, when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. This provision does not apply to the owner or occupant of any sidewalk 25 feet or more away from the respective property line of the owner or occupant.
- (b) *City's option to clear sidewalks.* In any case where the owner, occupant or person in charge of any building or structure or unoccupied lot shall fail to clear his respective sidewalk of snow and ice as set forth above, then and in that event, the city may elect to clear said sidewalks as follows:
 - (1) Written notice shall be delivered to and left in a conspicuous place on the premises informing said person of his failure to clear said sidewalk, the city's intention to clear the same and the potential costs thereof, no less than 24 hours prior to the city's clearing said sidewalk.
 - (2) The city shall clear or cause to be cleared all snow and ice from said sidewalk, and shall charge the expenses of so doing pursuant to a fee schedule established by the city council or designated city personnel, subject to approval by the city council. The charges shall be set forth in a statement to the clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the statement shall be reported to the clerk, who shall enter the charges on the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Wis. Stats. § 66.615(3)(f).
- (c) *Deposit of snow on streets or sidewalks.*
 - (1)

No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the city, except snow removed from sidewalk areas where there are no boulevards or terraces. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

- (2) No person shall remove or deposit any snow from building rooftops into a public alley, except by specific permission of the director of public works, and if such permission is granted, the deposited snow must be moved from the alley within a reasonable length of time to be designated by the director of public works at the time permission is granted.

(Ord. No. 2010-12-04-D, § 1, 12-14-2010)

Sec. 38-31. - Sidewalk construction.

The council may from time to time establish the width, determine the material and prescribe the method of construction of standard sidewalks. The provisions of the city's building code and its zoning regulations, as well as this chapter, shall apply to the construction of sidewalks. In the event of conflict among provisions of this Code, the more stringent regulation shall prevail.

(Code 1993, § 8.02(3))

Sec. 38-32. - Unsafe and defective sidewalks.

The public works and utilities commission may order any sidewalk that is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk with the standard fixed by the council. The city shall have the sole and exclusive discretion to determine whether any sidewalk is in need of repair and/or replacement.

(Code 1993, § 8.02(4))

Sec. 38-33. - Repair; replacement.

- (a) *Residential property.* The city shall pay for the repair or replacement of sidewalks for residential property; provided, however, that the city shall not pay for, and the owner shall bear responsibility for, any repair or replacement which is the proximate result of any intentional or negligent damage by the property owner, or the property owner's tenant, lessee, assignee, employee, agent, or guest.
- (b) *Nonresidential property.* The property owner of nonresidential property shall pay for all repair or replacement of sidewalks for said property.
- (c) *Notice to owner.* If the property owner is responsible for maintenance, repairs, and replacement of sidewalks pursuant to this article, the city may, by resolution or order, direct laying, removal, replacement or repair or any sidewalk or part thereof. Notice of the directive shall be served

upon the responsible owner of each property either by personally delivering the same to the owner or his agent or, in case the owner or agent cannot be found in the city, by publishing one insertion in the official newspaper.

- (d) *Default by owner.* If the property owner, after notice has been served as provided in this section, shall neglect for a period of 20 days after notice to lay, remove, replace or repair the sidewalk, the city may cause the work to be done at the expense of the owner. The charges shall be entered in the tax roll as a special tax to be collected in the same manner as other taxes.

(Code 1993, § 8.02(5)—(7))

Sec. 38-34. - Restricted use of sidewalks.

No person shall operate a skateboard, scooter, roller skate, roller blades or bicycle on the sidewalks of Superior Ave. from Council St. to Washington St.

(Code 1993, § 7.11)

Sec. 38-35. - Street reconstruction.

All properties adjacent to street reconstruction where a city street section is being completed and when fronting upon parcels within the city limits and/or create a continuation of sidewalk to be determined by the public works commission, shall have sidewalk installed where none exists and sidewalk repaired or replaced when the existing sidewalk is deemed unsafe, defective or insufficient. The cost for newly constructed sidewalks and/or repair shall be paid pursuant to sections 38-33 and 38-122 of this Code.

(Ord. No. 2010-05-03D, § 2, 5-11-2010; Ord. No. 2022-05-12-D, § 1, 5-17-2022)

Secs. 38-36—38-56. - Reserved.

CITY OF PLATTEVILLE, WISCONSIN

CHAPTER 4, STREETS, ALLEYS AND SIDEWALKS

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CHAPTER 4

STREETS, ALLEYS AND SIDEWALKS

4.01 OBSTRUCTING STREETS. No person shall obstruct or endanger, or place, or permit anything to obstruct or endanger, the free passage or proper use of the public of any street, alley, sidewalk, crosswalk, bridge, or entrance to any church, theater, hotel, school, or public building, except as may be necessary while loading or unloading any goods, merchandise, or persons, or as is permitted under this code.

4.02 BUILDING MATERIALS ON STREETS. No person shall place any building materials on any street, alley, or sidewalk without a permit from the Director of Public Works. Any such person shall keep materials on any street or sidewalk only for such length of time as the Director of Public Works shall prescribe, and shall adopt such measures and precautions for the safety and convenience of the public and the City as the Director of Public Works may reasonably require.

4.03 PLACING SNOW AND WASTES ON STREETS. No person shall remove or cause to be removed from any private property any snow, slush or waste material of any kind into the streets or onto other public property of the City.

4.04 DAMAGING STREETS. No person shall injure or interfere with the substance of any street, alley, curb, or sidewalk, or any street sign, street lamppost, or tree in any street, or any danger lamp, or sign or signal or barrier placed for public safety, or any monument locating the line of a street, sidewalk, or public improvement.

4.05 BARBED WIRE. No person shall place any barbed wire fencing abutting on any street, alley or sidewalk in the City.

4.06 UTILITY POLES. All telephone, telegraph or electric poles in or upon the public streets or alleys of the City shall be subject to and governed by the following rules and regulations:

- (a) The City of Platteville shall have the right at any time to designate the location of all such poles and reserve the right at any time to direct any alteration in the location of such poles or posts, the height thereof and the height at and the manner in which all wire thereon shall be run, any such alteration to be made at the cost of the owner of such poles.

CHAPTER 4 Streets, Alleys and Sidewalks

- (b) Before any person shall erect any poles upon any street or alley he shall submit to the Director of Public Works the route of the proposed line or lines and as far as practicable the location of each pole and the number and location of the wires. No such pole shall be erected until first obtaining approval of the Common Council.
- (c) Whenever in the judgment of the Common Council the use of any alley for the purpose of erecting the poles is practicable said poles shall be placed upon and along said alley instead of upon and along the street next adjoining. When the poles are set in an alley they shall be located as near the said line as practicable and in such manner as not to inconvenience the public or the adjoining landowner.
- (d) Whenever poles are erected on a street they shall be placed in all cases, unless specially directed otherwise by the Common Council, on the outer edge of the sidewalk just inside of the curb and on the line dividing the lots, one from another. In no case shall they be so placed as to inconvenience the public or the adjoining property or to disturb the drainage of the streets, or interfere with or damage the trees or other public or private property unless the consent of the owner of the trees or other property and of the Common Council shall have previously been obtained.
- (e) Whenever any street on which any of the poles shall have been set shall be graded, paved or reconstructed, all such poles shall be reset if necessary so as to conform to the street as constructed.
- (f) The City of Platteville reserves the right at any time to order any or all wires in the City to be cabled or placed underground and to order poles supporting the same to be removed from the public streets.
- (g) The City of Platteville shall have the right to use without charge the upper arm of any pole erected in the City for the purpose of maintaining a wire or wires for the exclusive use of the City or any of its departments and no such pole shall be removed by the owner thereof until the Common Council or Director of Public Works shall have been reasonably notified of the contemplated removal.
- (h) All such wires herein mentioned and all other conductors of electricity must be so carried, so placed and protected as to be free from all danger of communicating fire by means of contact with other wires or conductors or in any manner injuring public or private property.
- (i) The erection of any poles or the stringing of any wires shall be deemed an acceptance by the person so erecting said poles or stringing said wires of all of the conditions and provisions contained in this section.

4.07 SIDEWALK CAFÉ PERMITS. (a) PERMIT REQUIRED. It shall be unlawful for any person to sell, or offer to sell, any food or beverage at a sidewalk café located upon

any street, alley, sidewalk, street terrace, or other public property, unless such person shall have first applied for and obtained a sidewalk café permit.

(b) **DEFINITION.** Sidewalk café shall mean an outdoor dining facility which is located upon any part of the public right-of-way adjacent to a restaurant licensed under §254.64(1)(a), Wis. Stats., and which is used by the holder of the restaurant permit for the sale of food, refreshments and beverages. The sidewalk café shall include any group of tables, chairs, benches, barriers, partitions, trash containers and other such approved features.

(c) **APPLICATION PROCEDURE.**

- 1) Application for a sidewalk café permit shall be filed with the Community Planning and Development Director. The application shall contain such information as the Community Planning and Development Director may require and shall include at a minimum the following:
 - a) A completed application form.
 - b) A scale drawing of the site, showing the location of all trees, poles, benches, grates, and other amenities or obstructions, and location of the proposed furniture, fences, and other equipment.
 - c) Photographs, drawings, or manufacturers brochures fully describing the appearance, materials and dimensions of all proposed tables, chairs, barriers or other objects related to the sidewalk café.
 - d) A copy of a valid restaurant license issued by the State of WI under §254.64(1)(a) for the premises where the sidewalk café will be located
 - e) The permit fee.
 - f) If applicable, a letter from the adjoining property owner(s) and business tenant(s).
- 2) The Community Planning and Development Director shall review the application for compliance with the provisions of this chapter and other applicable City Ordinances. If the application is complete the permit request shall be submitted to the Planning Commission for approval, approval with conditions/restrictions, or denial. An application for a sidewalk café that will include the sale of alcohol shall also be approved by the Common Council.
- 3) Following approval of the sidewalk café permit application, and as a condition of granting the permit, the applicant shall furnish a certificate of

insurance, on a form acceptable to the City, evidencing the existence of comprehensive general liability insurance with the City of Platteville being named as an additional insured and liability limits of not less than \$500,000 per claim and \$1,000,000 annual aggregate. The certificate shall provide thirty (30) days written notice to the City prior to cancellation, nonrenewal, or material change to the policy.

- 4) All permits hereunder are annual permits and shall be effective from March 1 until the end of February. To renew an existing sidewalk café permit, the permit-holder who meets all applicable requirements need only submit to the Community Planning and Development Director a completed renewal application, along with the appropriate annual permit fee and certificate of insurance. If the permit-holder proposes changes to the site, the application shall be processed in the same manner as an initial sidewalk café permit application.

(d) **GENERAL RESTRICTIONS.** Any sidewalk café permitted hereunder shall be subject to the following regulations:

- 1) Sidewalk cafés are restricted to the public right-of-way immediately adjacent to and extending perpendicular to the curb from the façade of the real property owned or leased by the permit holder. The Plan Commission may allow the boundary to be extended beyond the frontage of the permit holders business to include the frontage of contiguous property, however, a written statement signed by the owner(s) and tenant(s) of the adjacent business shall be provided at the time of application.
- 2) All sidewalk cafés shall remain within the boundaries of the sidewalk café site as set forth on the approved application. No application will be approved where the location of the sidewalk café negatively impacts another business, as determined by the Plan Commission.
- 3) No portion of a sidewalk café shall be permitted within five (5) feet of a fire hydrant, curb-cut or marked crosswalk, or any handicapped parking space.
- 4) All activities at the sidewalk café shall be conducted so as to maintain a minimum width of four (4) feet of unobstructed public pedestrian walkway between the sidewalk café and the edge of the sidewalk adjacent to the curb and other obstructions. For the purpose of the minimum clear walkway, traffic signs, light poles, hydrants and all similar obstacles shall be considered obstructions.
- 5) No furniture or activities in a sidewalk café shall block designated egress, ingress, or fire exits from or to any structures, including the business establishment that operates the sidewalk café.

- 6) No person holding a sidewalk café permit may use any public property, such as light poles or other utility poles, flower planters, trees, or other amenities as a point of attachment for any ropes or other devices as part of the sidewalk café.
 - 7) The color and material of the proposed outdoor furniture should be harmonious with the principal structure and adjacent structures. The outdoor furniture should be constructed of durable materials, such as wrought iron, rather than lightweight plastic.
 - 8) No sidewalk café shall be open for business between the hours of 10:00 p.m. and 7:00 a.m. All materials and equipment forming part of the sidewalk café shall be removed from the site when the sidewalk café is not open.
 - 9) No food preparation, food or beverage storage, refrigeration apparatus, or other equipment shall be allowed in the sidewalk café unless specifically authorized as part of the approval.
 - 10) No amplified sound shall be allowed in the sidewalk café unless specifically authorized as part of the permit.
 - 11) All sidewalk cafés shall be maintained in a clean and hazard-free condition at all times. Debris shall be removed as required during the day and again at the close of each business day. All debris and refuse generated by patrons of the sidewalk café shall be disposed of in receptacles provided by the holder of the sidewalk café permit and shall not be disposed of in publicly maintained trash receptacles.
 - 12) The use of a portion of the public right-of-way as a sidewalk café shall not be an exclusive use. All public improvements, including, but not limited to, light poles, traffic signs, manholes, or any public initiated maintenance procedures, shall take precedence over said use of the public right-of-way at all times. The City Manager or his/her designee may temporarily order the removal of the sidewalk café for special events, including but not limited to parades, sponsored runs or walks, or for public health and safety reasons.
- (e) **ALCOHOLIC BEVERAGE RESTRICTIONS.** Any sidewalk café that includes the sale of alcoholic beverages shall be subject to the following additional restrictions and limitations:
- 1) A permittee may sell and serve alcoholic beverages in a sidewalk café only if the permittee complies with all the requirements for obtaining an

alcohol beverage license, and the sidewalk café is listed on the alcohol beverage license application as being a part of the licensed premises.

2) Alcohol may be served at sidewalk cafés under the following conditions:

- a) The permittee has a valid and appropriate alcohol beverage license for the principal premises;
- b) The description of the premises in the alcohol beverage license includes the sidewalk café area in the description of the licensed premises;
- c) The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the sidewalk café;
- d) Alcohol beverages are sold and served by the licensee or licensee's employees only to patrons seated at tables in the sidewalk café;
- e) Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations;
- f) The permittee shall be responsible for preventing underage persons from entering or remaining in the sidewalk café area, except when underage persons are allowed to be present on the licensed premises under applicable laws;
- g) The permittee shall not allow patrons of the sidewalk café to bring alcohol beverages into the sidewalk café from another location, nor to carry open containers of alcohol beverages served in the sidewalk café outside the sidewalk café area; and
- h) The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk café area.

(f) PROCEDURE FOR REVOCATION, SUSPENSION, OR NONRENEWAL.

- 1) In addition to any other penalty provided under this chapter, a sidewalk café permit issued hereunder may be revoked, suspended, or not renewed for a specific period of time after notice and hearing as provided herein for violation of any provisions of this chapter, violations of conditions of approval, or any other City ordinance. If the revocation, suspension or non-renewal of a cafe permit includes premises described in an alcohol beverage license, the procedures for revocation, suspension

or non-renewal of an alcohol beverage license set forth in Chapter 36 shall also be initiated.

- 2) Such hearing shall be held by the Common Council after review and recommendation by the Plan Commission. The permit-holder shall be notified in writing of the charges at least ten (10) calendar days prior to the hearing. At the hearing, the Community Planning and Development Director, or the Community Planning and Development Director's designee, shall present evidence of the alleged violation. The permit-holder shall have the opportunity to question witnesses, may call witnesses on their own behalf, and may be represented by counsel.
- 3) After due consideration, the Common Council may suspend the permit for a period not to exceed six (6) months, or revoke or non-renew the permit for a period not to exceed one (1) year. The violator shall be notified in writing of the findings and determination of the Common Council.
- 4) The decision of the Common Council shall be a final determination and shall be subject only to judicial review as may be provided by law. Any person aggrieved by the Common Council decision hereunder may seek judicial review thereof within thirty (30) days of the date of the final decision.

(g) **PENALTY FOR VIOLATION.** The penalty for violation of any provision of this section shall be as provided in §1.10 of the Municipal Code.

4.08 CLEATED VEHICLES ON STREETS. No person shall operate any vehicle with tracks, lugs or cleats, or any vehicle capable of damaging the surface of any street, on any street in the City.

4.09 SHOVELING SIDEWALKS. (a) No owner of land within the City of Platteville shall allow accumulations of snow or ice on any public sidewalk within the City for more than 36 hours.

- (b) The Director of Public Works shall be responsible for seeing that all public sidewalks within the City are kept free of accumulations of snow and ice. If there is an accumulation of snow or ice on any public sidewalk within the City for more than 36 hours, the Director of Public Works shall cause the same to be removed, either directing City personnel to make such removal or by contracting with private parties for such removal. The actual cost of such removal shall be charged against the owner of the property and shall be due and payable to the City within 30 days after the work is performed. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until fully paid.

- (c) A per parcel administration charge, in an amount as set from time to time by a resolution of the Common Council, shall be added to bills where the property owner fails to shovel the public sidewalk, requiring the City to perform the work and that any amount not paid within 30 days shall bear interest at the rate of one percent per month until fully paid.

4.10 OBSTRUCTING SIDEWALKS. No person shall allow any object to obstruct or overhang any sidewalk lower than 7 ½ feet above the sidewalk.

4.11 STREET EXCAVATIONS. (a) Permit. No person shall excavate, tear up, open or alter the area between the lot lines of any public street or alley in the City until he has obtained a permit therefore as hereinafter provided.

- (b) Application for Permit. Not less than three days prior to a proposed excavation, opening or altering of any such street or alley the person performing the work shall submit to Public Works an application therefor on a form provided by the City, which application shall include the following:

1. Statement as to purpose of proposed opening;
2. Exact location, size, and depth of opening;
3. As nearly as known the date on which said work is to be done;
4. A signed acknowledgment as to notice of the proposed opening by the following local utilities or by their duly authorized agents:
 - A. Telephone Company
 - B. Electric Light and Power Company
 - C. Gas Company
 - D. City Water and Sewer Department
5. Signature of person making application and date.

In the event of emergency, work may proceed, with permit and notification following without delay.

- (c) Bond. The person performing the work to be done on the street shall comply with Section 66.0425, Wisconsin Statutes, and shall, as part of such compliance, have or place on file with the City Clerk a bond in the amount as set from time to time by

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a resolution of the Common Council running to the City of Platteville to secure the performance of the requirements of this section.

By Section 66.0425, Wisconsin Statutes, public service corporations organized under Chapter 185 and cooperative associations organized under Chapter 185 to render or furnish telephone, gas, light, heat or power are not required to file said bond.

- (d) **Approval or Disapproval of Application.** Upon filing the above described application and bond with the City Clerk, the Clerk shall present the application to the Director of Public Works, or his agent, who shall, after investigation thereof, endorse thereon his approval or disapproval as the case may be and return same to the City Clerk. Disapproval by the Director of Public Works or his agent shall be only for good and sufficient cause and he shall indicate his reasons for such disapproval on the application. In case of disapproval, the Director of Public Works or his agent may subsequently approve the application upon the removal or correction of the reason for such disapproval, or the applicant may on a change in the circumstances affecting such disapproval submit further application. The Director of Public Works or his agent may disapprove issuance of a permit to any individual who has not complied with the conditions of this section under a previously issued permit.
- (e) **Permit Fee.** Upon the return of the application form to the City Clerk, the Director of Public Works or his agent shall notify the applicant of the action thereon, and if it has been approved, the Clerk shall thereafter issue such permit. The permit fee in the amount as set forth from time to time by a resolution of the Common Council shall be included in the back filling cost set forth in Section 4.11(g). The estimated cost of back filling and street repair shall be provided at the time the permit is issued.

By Wisconsin Statutes 66.0425, public service corporations organized under Chapter 185 are not required to pay the permit fee.
- (f) **Street Restoration Specifications.** Street Restoration specifications shall be kept on file in the office of the Director of Public Works. All work done shall adhere to these specifications and any other requirements ordered by the Director of Public Works.
- (g) **Back Filling of Water/Sewer Trenches.** The back filling of water and sewer trenches in City streets shall be done by the City. The actual cost of such back filling shall be charged against the owner of the property and shall be due and payable to the City within 30 days after the work is performed. The Permit Fee shall be included in such cost. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until fully paid. Back filling shall start at a point two feet back of the curb; or where no curb exists, from a point two feet back of the traveled way; granular materials shall be used and machine tamped in place and the street surface restored to its original condition. Thereafter, any maintenance or repair of the street at the site of the excavation shall be at the City's expense.

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- (h) Utilities. Any utility whose acknowledgment as to notice is required by this section shall forthwith notify the Director of Public Works or his agent in writing as to any particular problem raised by the proposed opening or excavation, and the Director of Public Works or his agent is authorized to take any such special problem into consideration when passing upon the application.
- (i) Hearing. Any person aggrieved by the action of any City official in carrying out his duties under the provisions hereof may have said grievance heard before the Common Council, which shall have by majority vote the power to approve such action complained of or to make such changes therein as will fairly carry out the terms and intent of this section. Any such action by the Common Council concerning such administration of this section shall be final insofar as the City has the power to deal with and enforce the terms hereof.
- (j) City Work. The provisions of this section shall not be construed to apply to the City in either its proprietary or governmental capacity in connection with any necessary street excavations.

4.12 (Deleted)

4.13 CONSTRUCTION, REMOVAL, REPLACEMENT OR REPAIR OF SIDEWALKS.

- (a) Statute Adopted. The provisions of Chapters 66.615 and 66.616, Wisconsin Statutes, relating to sidewalks and any subsequent amendments to said chapters are hereby adopted and by reference made a part hereof as if fully set forth herein. The following rules are adopted under the provisions of section 66.615(7), for carrying the aforesaid provisions into effect, for regulating the use of the sidewalks of the City and preventing their obstruction.
- (b) Owner to Construct. It shall be the duty of the abutting owner to build and construct sidewalks along or upon any street, alley or highway in the City of Platteville and to pay the entire cost thereof as required by the Common Council.
- (c) City to Maintain and Repair. It shall be the responsibility of the City to maintain, replace and repair damaged sidewalk. The Public Works Director is authorized to direct an annual repair program consistent with budgetary appropriations. However, the property owner shall be responsible for sidewalks damaged by the property owner, agent or contractor working on behalf of the property owner. Unless waived specifically by the Common Council on a case-by-case basis, the owner of tax-exempt property shall continue to bear the responsibility for sidewalk repairs, maintenance and construction.
- (d) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalks within the City of Platteville unless he is under contract with the

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City to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.

- (e) **Sidewalk Grade.** The grade of all sidewalks shall be established by the Director of Public Works before any excavation or construction work is performed, and no person shall alter the grade of any sidewalk unless authorized by the Director of Public Works.

No person shall fill, excavate, or construct or place any obstruction in a street right of way without prior authorization by the Director of Public Works. Any such filling, excavation, construction or obstructions of the street right of way made without the authorization of the Director of Public Works shall be removed or replaced and the cost thereof assessed to the property owner.

- (f) **Specifications.** The Director of Public Works is hereby authorized to prepare specifications for all work to be done concerning the construction, removal, replacement or repair of sidewalks, same to be subject to approval by the Common Council and when so approval shall be applicable for all of such sidewalk work. The specifications shall be kept on file in the office of the City Clerk. Sidewalks shall be a minimum of 4' in width.

- (g) **Installment Payments.** The expenses of laying, removing and repairing sidewalks or replacing fill, or removing construction, excavation or obstructions in or upon the street right of way, to be charged against each lot owner under the provisions of Section 66.615(3)(f) and Section 66.615(7) of the Wisconsin Statutes shall, where the amount thereon is \$100 or over, at the option of the property owner, be payable in annual installments, such deferred payments to bear interest at the rate established by the Common Council. Each such installment shall be entered on the tax roll in the manner provided by state statutes for the successive years to which such installment payments shall apply. After sidewalks have been laid, removed or repaired and when the expenses of such laying, removing or repairing are to be charged against each lot, the Common Council shall, by resolution, set the time or times at which payment or payments for such work shall be made. Where an option for installment payments shall be exercised the funds to pay for such construction or repairs, or the funds to reimburse the account of the City which may have paid for same, shall be taken from the General Fund and such installment so paid shall be returned to said General Fund.

- (h) **Entry on Tax Roll.** The Common Council may, without any notice or hearing of any kind, authorize the entry of such construction or repair expense in the tax roll as a special tax against the property subject thereto whenever notice thereof is in writing waived by the owners of the property affected thereon.

- (i) **Policy Regarding Construction, Removal, Replacement or Repair.** It shall be the policy of the City of Platteville to direct the construction of sidewalks within public

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right-of-ways or easements along collector and arterial streets or within 1/8 of a mile of public facilities such as parks, schools, medical services, university or housing for special needs populations. The Common Council shall make the determination of projects and the timing of construction.

The Common Council will adopt a map showing those streets which will ultimately have sidewalks. The map may be revised from time to time, and will be maintained by the Department of Public Works.

The Common Council shall give the highest priority to repairs of existing sidewalks.

Sidewalks may be built on one or both sides of the street and may not necessarily be continuous on one side if prudent to avoid obstacles.

- (j) Any person constructing a permanently surfaced driveway or service walk shall obtain a permit from the Department of Public Works, which permit will be issued without charge. Any driveway or walk constructed across the proposed sidewalk area of the right of way shall include a public sidewalk section across the drive or walk.
- (k) Any person or persons violating the provisions of this section shall, upon conviction thereof, pay a forfeiture of not less than \$50.00 nor more than \$200.00, plus court costs, fees and assessments. Each day that a violation of this section shall continue shall be deemed a separate offense.

4.14 CURBS AND GUTTERS. (a) The size, shape and construction of all curbs and gutters, or of curb without gutters, as the case may be, shall be in accordance with the plans and specifications for the same as approved for such construction by the Director of Public Works.

- (b) Whenever a space is left between the sidewalk and the curb, like space shall be neatly graded from the top of the walk to the top of the curb, and the grass thereon kept short by the owner of the abutting property at his expense. In the event of the neglect or refusal of the owner to so do, the City may cause to be done all such work and charge the cost thereof against the property. No trees, shrubs, poles, tie posts, or other such obstructions shall be placed thereon without the consent of the Director of Public Works.

4.15 MAILBOXES ON PUBLIC RIGHT OF WAY. No person shall place, construct or erect a mailbox or other container for receiving mail, circulars or newspapers within the right of way of any street or alley within the City of Platteville unless such mailbox or container is placed on the boundary line between those lots abutting such right of way or as close thereto as may be practicable.



VILLAGE OF MOUNT HOREB
Building & Zoning Department
138 East Main Street
Mount Horeb, WI 53572
Phone (608) 437-6884 ext 2116 Fax: (608) 437-3190
Email: mhbuildinginspector@mounthorebwi.info

SIDEWALK CAFÉ PERMIT

Owner of business or property: _____

Address of property: _____

City/state/zip: _____

Description of outdoor activity including number of tables/chairs and hours of operation:

This form must be accompanied by a site plan showing the layout and dimensions of the proposed space and the location of all light poles, trash receptacles, fire hydrants, trees, benches, grates, or any other appurtenances.

As a condition of approval of this application, a certificate of insurance must be provided to the Village indicating comprehensive liability insurance in the minimum amount of \$500,000 per claim and \$1,000,000 annual aggregate, and naming the Village as insured with 30 days notice of cancellation.

This application shall be reviewed by the Building Inspector and either approved or denied at that time.

Permits are valid April 1st to November 1st unless an extension is granted by the Village Administrator. This permit may be renewed annually with the submission of the appropriate fee and current certificate of insurance. If no changes to the layout are planned, no site plan will be required for renewal.

NEW \$50 RENEWAL \$30

DATE OF RECEIPT: _____

APPROVAL: _____ **Date:** _____

Signed: _____

Date: _____

CHAPTER 12.09 SIDEWALK CAFÉ PERMITS

- (1) **APPLICATION PROCEDURE:** Application shall include, the annual fee, a site plan showing to scale all pertinent information, and a certificate of insurance evidencing general liability insurance with the Village named as additional insured and liability limits of not less than \$500,000.00 per claim and \$1,000,000.00 annual aggregate. The application shall be submitted to the Plan Commission for approval.
- (2) **Permits are valid April 1st to November 1st** unless an extension is granted by the Village Administrator. **Renewal:** The holder of an existing Sidewalk Café permit shall submit to the Building Inspector a completed renewal application, along with the annual fee and certificate of insurance. If no changes are proposed, the Building Inspector may renew the existing permit.

(3)

CHAPTER 12.09 (4) GENERAL RESTRICTIONS

Any sidewalk café permitted hereunder shall be subject to the following restrictions and limitations:

1. Service of alcoholic beverages in all sidewalk cafes is limited to customers ordering food.
2. No portion of a sidewalk café shall be permitted within a ten-foot radius of a fire hydrant.
3. No portion of a sidewalk café shall be permitted within ten feet of a curb-out or marked crosswalk.
4. All activities at the sidewalk café shall be conducted so as to maintain a minimum width of five feet of unobstructed public pedestrian walkway between the sidewalk café and the edge of the sidewalk adjacent to the curb.
5. No portion of a sidewalk café shall be permitted adjacent to any truck, freight, or passenger-loading zone, or adjacent to any handicapped parking space or loading zone.
6. No person holding a sidewalk café permit may use any public property, such as light poles or other utility poles, flower planters, trees, or other amenities as a point of attachment for any ropes or other devices as part of the sidewalk café.
7. All sidewalk cafes shall remain within the boundaries of the sidewalk café site as set forth on the approved application.
8. All materials and equipment forming part of the sidewalk café, other than tables and chairs, shall be removed from the site from close of business until normal opening of business each day. All umbrellas must be closed and secured to the table or removed.
9. No sidewalk café shall be open for business between the hours of 10:30 p.m. and 7:00 a.m.
10. All sidewalk cafes shall be maintained in a clean and hazard-free condition at all times. Garbage cans must be emptied daily
11. All sidewalk cafes shall use only unbreakable dinnerware. No glass is permitted including pitchers.