

The **COMMON COUNCIL** of the City of Tomah met in **REGULAR SESSION** October 13, 2020 at 6:00 p.m. with Mayor Mike Murray presiding in the Municipal Building, 819 Superior Avenue, Tomah WI. Due to COVID-19 concerns, the General Public was able to access the meeting as follows:

Zoom Meeting at:

<https://zoom.us/j/7689466740?pwd=dEdLR2hXK0ZYMk1qNU5vNFlwMzdSZz09>

Meeting ID: 768 946 6740 Password: Tomah2020

or

Dial by your location +1 312 626 6799 US (Chicago)

Meeting ID: 768 946 6740 Password: 546782713

Following the Pledge of Allegiance, roll call was taken with the following members present: Mike Murray, Donna Evans, Lamont Kiefer, Dean Peterson, Jeff Cram, Richard Yarrington, Shawn Zabinski and Adam Gigous. The 5th Aldermanic seat is vacant. Absent: None. Quorum present. Also present: Town of Tomah Chairman Howard Hanson, Town of LaGrange Chairman, John Guthrie, Town of Byron Chairman, Allan Bernhardt, Town of Greenfield Chairman Dave Pierce, City Attorney Penny Precour, City Clerks JoAnn Cram and Becki Weyer. Gregg Hagen videotaped the meeting.

Motion by Kiefer second Evans by to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) Deliberating or negotiating the purchasing of public properties and (g) Conferring with legal counsel with respect to potential litigation, and 19.85(1)(c) Regarding Personnel Issues. Motion passed without negative vote. Adjourned to closed session at 6:02 p.m. Meeting reconvened to Open Session pursuant to State Statute 19.85(2) at 6:32 p.m.

Anyone Desiring to Appear Before the City Council.

Request for Review and Recommendation from the Ambulance Commission Regarding Increase in Per Capita Rate for Tomah Area Ambulance Service

Motion by Yarrington, second by Evans to increase the time limit from three to five minutes for each speaker. Motion passed without negative vote

The chairpersons for the Town of Tomah, Byron, La Grange, and Greenfield appeared to discuss the proposed Ambulance/Fire Department building per capita fee changes. John Guthrie, Town of LaGrange Chairman brought up the concerns about the need for the size of proposed building and amount of space that will be utilized by not just the Ambulance Department, but also the Fire Department, and the outlying areas are being asked to pay for more than they should. Guthrie asked the Council to look at the numbers again.

Howard Hanson, the Town of Tomah Chairman brought up the concern of paying for the large size of the building and the fact the building will be shared by the Fire Department. Hanson advised it would create a financial hardship for the outlying townships. He also brought up the concern that there is no building as of now, and no land has been purchased. Hanson requested that the services and operating costs of the Ambulance service be reviewed annually with the Ambulance Commission and the outlying townships. Hanson read a letter written by Greg Zingler from the Town of Lincoln expressing similar sentiments.

Al Bernhardt, Chairman from the Town of Byron reiterated the concerns of Guthrie, Hanson, and Zingler about the percentages the outlying townships would be required to pay considering the percentage of the proposed building that would be dedicated to the Fire Department. Bernhardt expressed concern about the billing, and requested the outlying townships be involved in annual meetings to discuss future increases and services.

Dave Pierce from the Town of Greenfield echoed the sentiments of the other townships, and the financial hardship the proposed increase would create for the Town of Greenfield.

The council posed the question regarding debt obligation for the proposed building. Mayor Murray responded that there are no finalized numbers, only estimates at this time. Discussion ensued on the billing breakdown from the outlying townships. Public Safety Director/Fire Chief Adler explained how the Ambulance Service loses revenue due to Medicaid and Medicare insurance. Chief Adler presented a map of the proposed building and addressed the bays used for the Fire Service and presented how most of the proposed building would be utilized by both the Ambulance and the Fire Departments.

Alderman Kiefer addressed the need for the new facility due to the condition of the current Ambulance building and the turnover in the Ambulance service. Kiefer recommended a potential smaller incremental increase to help ease the burden for the outlying areas and the city.

Mayor Murray addressed the future decrease in revenue due to the Tomah VA moving to Medicare insurance payment rates, and the increased array of services offered to the community compared to when the Tomah Ambulance Service was only an EMT service, and how the Ambulance Service is not being compensated properly for the increased services.

Discussion ensued on the rates of the surrounding city Ambulance service rates, and the potential of losing business due to an increase. Alderman Evans addressed the need for sharing more information with all parties utilizing the Ambulance Service.

Motion by Yarrington, second by Zabinski to authorize the per capita increase by \$3.00 per year for three years. Yarrington and Zabinski voted aye. Nay votes: Peterson, Evans, Kiefer, Cram, Gigous. Motion did not pass.

Discussion ensued on the previous discussions on the importance of reviewing the increase annually. Alderman Yarrington brought up the fact that the City of Tomah has an easier time absorbing the increased costs to per capita increases.

Motion by Kiefer, second by Cram to authorize the per capita increase by \$5.00 for 2021 with further review for an additional increase for future years. Peterson, Kiefer, Gigous and Cram voted yes. Nay votes: Yarrington, Zabinski, Evans. Motion passes.

Consent Agenda Items.

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

- A. Approval of Minutes from the Council Meeting on September 08, 20200
- B. Approval of Minutes from the Council meeting on September 21, 2020
- C. September Cash and Investment Reports
- D. Budget Amendment Police Department Leads Grant
- E. Application for Special Event Outdoor Cabaret License for the Greater Tomah Area Chamber of Commerce to host their event "Tomah Chamber Night Market" on October 29, 2020 at the Recreation Building at Rec Park
- F. Application for Special Beer and Wine Permit for the Tomah Lions Club for the event "Tomah Chamber Night Market" on October 29, 2020 at the Recreation Building at Rec Park
- G. Approve the Public Safety Director/Fire Chief Job Description after changing the title from Public Safety Director to Public Safety Director/Fire Chief and changing the title throughout the job description for consistency, as well as adding the following language under the Knowledge, Skills, and Abilities section of the job description to include "Knowledge and experience working with Ambulance Commissions," and "Knowledge of the roles of first responders, EMTs and paramedics.
- H. Job Description for Deputy Ambulance Chief
- I. Job Description Deputy Fire Chief

Appointments:

Kiefer Nominated Jeff Cram and Donna Evans nominated Lamont Kiefer for vice-president of the Council. No other nominations.

Motion by Yarrington to close the nominations. Motion passed without negative vote. Lamont Kiefer is duly elected Council President.

Motion by Kiefer Second by Evans to appoint Deb Chesser to the Historic Preservation Commission to fulfill the remaining term of Frank DiBenedetto with the term expiring April, 2022. Motion passed without negative vote.

Motion by Gigous second by Evans to appoint Jeff Cram to the Convention & Visitors Bureau Board of Directors Steering Committee to Fulfill the Remaining Term of Travis Scholze With the Term Expiring April 2021. Motion passed without negative vote.

No Action needed for appointment of Duane Chapman to the Lake Committee to fulfill the term of Blaine Meyer with the term expiring April of 2020 as action was taken in August Council meeting.

REPORTS

Mayor

There is a vacancy notice that has been posted for the Alderperson for District 5. This vacancy is effective with the October 13th Council meeting. This appointment will expire in April 2021 at

which time there will be an Election for a two-year term. Letters of interest should be submitted to the Office of the City Clerk, City of Tomah, 819 Superior Avenue, Tomah, WI 54660. Letters must be received no later than Tuesday, November 3rd, 2020 with the appointment being made at the November 10th Common Council meeting. A reminder to all to use caution during the Halloween holiday and with upcoming harsh weather. Received a letter from a resident from the City of Sparta thanking the City of Tomah and the Parks and Rec Department for making the pool available this summer.

City Clerk

The City Clerk's office provided a written report with an election update, open enrollment for the City, and reminders of the budget workshop on October 19th and October 20th.

Parks and Recreation Department

Director Protz provided that this Saturday will be the last day for Rec football, and that the indoor programs are still on hold due to Covid-19. The leak has been found in the main line that drains the pool at the Aquatic Center and we are waiting for a quote to repair the leak. The Recreation Park Hockey Ice center program has begun. Activities also continue at the Rec building (weddings, gun show.) Oct 22nd is the bid deadline for the grandstand repair at Rec Park.

The City is currently accepting quotes for the restoration the Boy Scout cabin A question was posed to Dir. Protz if any Covid-19 cases were traced back to usage of the pool and Dir. Protz replied no.

City Treasurer

Treasurer Mann provided that the budget will be ready shortly. Ehlers will be presenting the City's capital plan and how the debt service correlate to each other. This will be one of the first items on the budget agenda next Monday night, 10/19/2020.

Library Monthly Report.

Library Director Keller advised that 1385 items were checked out using e-books. Dir. Keller encouraged all to visit the Tomah Public Library website to browse the selection of books available and gave credit to Mr. Dave to start a browsing library on the Tomah Library website: tomahpubliclibrary.org. The library will pull the books for you for pickup. All new books are listed on the website. The adult lists are currently under construction. The Library would like to start a patron favorite list, so call the library with your favorites to add them to the list.

Senior & Disabled Services

Senior & Disabled Services Coordinator Pam Buchda provided a monthly written report. The June newsletter is available. The Senior Center is still open, although some groups are sheltering at home now. The annual Art & Craft fair will be on 11/21/2020 at 9:00 a.m. to 3:30 p.m. There have been a lot of questions about Trick or Treating for the City – times should be from 4pm-6pm on Halloween October 31st. There is a Facebook page called Tomah Senior Center, please visit the site and hit Like on Facebook.

Planning & Building Inspection

Shane Rolff provided a written report.

Chamber/Convention & Visitor's Bureau Monthly Report. Ex. Director Thompson shared the Holiday Parade will be held in conjunction with the Holiday Lights. The Tomah Chamber will be hosting the Night Market on October 29th at the Recreation building at Rec Park for those looking to start their holiday shopping. The Chamber is working on careful budgeting due to Covid-19. There have been numerous phone calls to the Chamber with questions on ATV routes and regulations.

Committee of the Whole

Resolution Disallowing Claim of Roger Gorius

Motion by Kiefer second by Cram to approve the resolution Disallowing the claim of Roger Gorius as presented. Motion passed without negative vote.

RESOLUTION NO. 2020-10-13-30

RESOLUTION DISALLOWING CLAIM OF ROGER GORIUS

WHEREAS, a Notice of Claim was filed against the City of Tomah alleging breach of contract; and,

WHEREAS, on October 12, 2020 the Committee of the Whole reviewed the same and has recommended that said claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah that the claim of Roger Gorius be and is hereby disallowed.

Dated this 13th day of October, 2020.

Michael Murray, Mayor

Attest: JoAnn M. Cram, City Clerk

Resolution Authorizing Payment of Monthly Bills

Motion by Kiefer second by Cram to approve the resolution for the payment of monthly bills for September. Motion passed without negative vote.

RESOLUTION NO. 2020-10-13-31

RESOLUTION 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	\$465,727.28	Check #'s 128377-128420, 128451-128597
2. Payroll	\$247,096.31	Direct Deposit #'s 61112-61358
3. Wire Transfers	\$33,448.08	
4. Invoices	\$40,782.19	Check #'s 128421-128450
Total:		\$787,053.86

Dated this 13th day of October, 2020.

Michael Murray, Mayor

Attest: JoAnn M. Cram, City Clerk

Review and Recommendation on Amendments to Municipal Ordinance Section 52-209 Fences and Hedges, First Reading, Second Reading, and Adoption

Tabled at Committee of the Whole, no action taken.

Review and Recommendation regarding proposed amendments to Sections 52-14, 52-34, 52-40 & 52-80 of the City of Tomah Zoning Ordinance, First Reading, Second Reading, and Adoption

Motion by Zabinski second by Evans to waive the first verbatim reading of the ordinance amending sections 52-14, 52-34, 52-40 & 52-80 of the City of Tomah Zoning Ordinance. Motion passed without negative vote.

Motion by Gigous, second by Kiefer to waive the second verbatim reading of the ordinance amending sections 52-14, 52-34, 52-40 & 52-80 of the City of Tomah Zoning Ordinance. Motion passed without negative vote.

Motion by Cram second by Evans to adopt the proposed amendments to Sections 52-14, 52-34, 52-40 & 52-80 of the City of Tomah Zoning Ordinance. Motion passed without negative vote.

ORDINANCE NO. 2020-10-13-D

Ordinance Amending Chapter 52, Sections 52-14, 52-34, 52-40, and 52-80 of the City of Tomah Municipal Code Regarding Definitions, Residential Districts and Schedule of Regulations

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

SECTION ONE: Chapter 52 – Section 52-14 Definitions of the Municipal Code is hereby amended to read as follows:
Sec. 52-14. - Definitions.

Dwelling, two-family, (Duplex) means a building designed, arranged or used for and occupied exclusively by two families living independently of each other.

Zero lot line, means a lot created with no side yard setback on one side of the lot to create a shared building envelope between two lots sharing a single structure. The shared building envelope shall only be used to build or divide a duplex where the common wall between the two lots is built, or determined to be, the common boundary line between the two separate attached single-single family lots. Zero lot line land divisions require City approval of a Certified Survey map.

SECTION TWO: Chapter 52 – Section 52-34 (a)(3) and (b)(2) Residential districts is hereby amended to read as follows:

(a) *R-1 single-family residential district.*

(1) *Established. The R-1 district is established to delineate areas now developed with one-family detached dwellings and to delineate adjoining areas presently undeveloped or in agricultural usage likely to be developed for single-family use.*

(2) *Principal use. One-family dwellings except manufactured homes. Manufactured homes are permitted in the R-4 and R-5 districts only.*

(3) *Conditional uses. Home or office occupation, government and cultural, utilities, and agricultural use pursuant to section 52-82(8).*

(4) *Lot, building, yards. See schedule of regulations, section 52-40.*

(b) *R-2 one- and two-family residential district.*

(1) *Established. The R-2 district is established to delineate certain areas of land, both developed and undeveloped, with peculiar characteristics, such as presently existing one- and two-unit dwellings, proximity to commercial development or proximity to major streets and because of a probable continued demand for such dwelling accommodations which are well-designed, pleasant places in which to live.*

(2) *Principal uses. One- and two-family dwellings, zero lot line dwellings, and all uses permitted in the R-1 district.*

(3) *Conditional uses. Public and quasi-public uses, planned residential developments, noncommercial meeting halls, nursing homes, home occupations, professional home offices, recreational uses and multifamily dwellings.*

(4) *Lots, buildings, yards. See schedule of regulations, section 52-40.*

SECTION THREE: Sec. 52-40. - Schedule of regulations is hereby amended to read as follows:

Following is the schedule of regulations as they apply to each zoning district:

SCHEDULE OF REGULATIONS

Zone	Lot Requirements		Minimum Yard Requirements (Ft.)					Maximum Building Height		% Max. Lot Coverage	Min. Lot Area Per Dwelling	Use
	Area in Sq. Ft.	Frontage in Ft.	Principal Buildings			Accessory Buildings		Stories	Feet			
			Front	Each Side	Rear	Each Side	Rear					
R-1 Residential	7,200	60	(h) 25	(c) 10	(i) 30	(c) 3	3	2	30	30	7,200	1-family dwelling
R-2 Residential	7,200	60	(h) 25	(c) 10 (j)	(i) 30	(c) 3	3	2	35	40	3,600	2-family dwelling
R-3 Residential	7,200	60	(h) 25	(c) 10 (j)	(i) 20	(c) 3	3	3	40	60	1,800	Multi-family dwelling
B Business	(a) 3,000	20	None	(d) None	(d) 10	None	10	3	45	95	—	General business
B-2 Business	20,000	100	50	25	30	10	10	3	45	50	—	Highway business
M-1 Industrial	20,000	100	25	(e) 15	(e) 20	10	10	3	45	50	(b)	Limited industrial
B-1 Office Business	10,000	75	25	15	10	10	10	3	45	75	—	Office business
R-6 Zero Lot Line	7,200	50	25	(c) 10 (j)	30	(c) 3	3	2	30	40	3,600	Duplex; single family dwelling

SECTION FOUR: Section 52-40 is hereby created to add (j) as follows:

(j) 0 feet on side of common wall with adjacent structure. Opposite interior side-yard setback shall be 10 feet.

SECTION FIVE: Sec. 52-80(2)b and 52-80(2)d- Residential uses are hereby amended to read as follows:

2) The following special provisions shall be complied with (see schedule of regulations, section 52-40):

- a. Clubs, fraternities, lodges and meeting places of a noncommercial nature in the R-2 and R-3 residential districts, provided all principal structures and uses are not less than 25 feet from any residential lot line.
- b. Rest homes, nursing homes, homes for the aged, and clinics in the R-2 and R-3 residential districts, provided all principal structures and uses are not less than 25 feet from any lot line. Family Child Care centers in R-1, R-2, and R-3 residential districts, and in B, B-1, B-2 business districts, M-1, M-2, and M-3 industrial districts, and in I institutional district.
- d. Boardinghouses, roominghouses, and rooming unit in R-2, and R-3 with a conditional use permit.

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

SECTION SEVEN: This ordinance shall take effect upon passage and publication

Michael Murray, Mayor
ATTEST:

JoAnn M. Cram, City Clerk:

READ: 10/13/2020
PASSED: 10/13/2020
PUBLISHED: 10/22/2020

Audit Engagement Clifton Larson Allen 2020

Motion by Zabinski second by Evans to approve the proposed audit engagement contract for 2020 with Clifton Larsen Allen and the City of Tomah. Motion passed without negative vote.

Bid Proposal regarding Control Panel Upgrades for Dam

Motion by Cram second by Zabinski to approve the bid from USEMCO for the control panel upgrades and estimated labor cost for installation in the amount of \$7,754.00. Motion passed without negative vote.

Approval of Airport Lease for Hanger #8 for Daniel Kenworthy

Motion by Kiefer second by Peterson to approve the Airport lease for Hanger #8 for Daniel Kenworthy. Motion passed without negative vote.

Side Letter of Agreement between the TPPA and the City of Tomah

Motion by Yarrington second by Zabinski to approve the proposed Side Letter of Agreement between the TPPA and the City of Tomah. Motion passed without negative vote.

Settlement Agreement and Memorandum of Understanding between the IAFF, Local 127 and the City of Tomah

Motion by Cram, second by Evans to approve the proposed Settlement Agreement and Memorandum of Understanding between the IAFF, Local 127, and the City of Tomah. Motion passed without negative vote.

Adjourn.

Motion by Kiefer, second by Evans to adjourn. Motion passed without negative vote. Meeting adjourned at 08:11 p.m. Motion passed without negative vote.

Michael Murray

ATTEST:

Becki Weyer, City Clerk
To Be Approved 11/10/2020