

The **COMMON COUNCIL** of the City of Tomah met in **REGULAR SESSION** August 18, 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=dEdLR2hXK0ZYMk1gNU5vNFkwMzdSZz09>

**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, Lamont Kiefer, Donna Evans, Dean Peterson, Shawn Zabinski, Jeff Cram, Richard Yarrington, and Adam Gigous. Absent: Travis Scholze. Quorum present. Also present: City Attorney Penny Precour, City Clerks JoAnn Cram and Becki Weyer. Gregg Hagen videotaped the meeting.

Motion by Yarrington, second by Cram to adjourn to Closed Session Pursuant to State Statute 19.85(1) (c) and (e) Personnel Issues, and Negotiation of Purchase of Property. Motion passed with one negative vote. (Kiefer) Meeting adjourned to Closed Session at 6:01 p.m. Meeting reconvened to Open Session pursuant to State Statute 19.85(2) at 6:45 p.m.

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

**APPOINTMENTS:** **Appointment of Duane Chapman to the Lake Committee to Fulfill the Remaining term of Blaine Meyer with the Term Expiring 2023.** Motion by Yarrington, second by Zabinski to appoint Duane Chapman to the Lake Committee to fulfill the remaining term of Blaine Meyer with the term expiring 2023. Motion passed without negative vote.

**Appointment of Mary Watkins to the Senior & Disabled Services Board to Fulfill the Remaining Term of Jeremy Haldeman with the term expiring in 2021.** Motion by Zabinski, second by Evans to appoint Mary Watkins to the Senior & Disabled Services Board to fulfill the remaining term of Jeremy Haldeman with the term expiring in 2021. Motion passed without negative vote.

#### **Consent Agenda Items.**

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

- A. Minutes of July 14, 2020 Council Meeting
- B. 2020 Budget Amendment transferring \$5,000 from Acct. #01-51980-2270 Reserved for Contingency to Acct. 01-51600-3500 General Building Repair and Maintenance to cover expenses related to an upgrade and repair of piping in City Hall.
- C. July Treasurers Cash & Investment Reports

#### **REPORTS**

**Mayor.** Mayor Murray provided an update on the Public Safety Building. There are 3.5 million dollars allocated to Winnebago park that could be shifted to the Public Safety Building project, and the Winnebago projects put off until later dates. The Badger 5 project is not included in the five-year project list. Brick and mortar projects are receiving many more bids due to shortage of construction currently, and there is potential for cost savings by getting more bids. The question was posed to the council if there was consensus on continuing with the Public Safety Building project. Concern was brought up about the effect on taxpayers and the actual numbers that will be used in calculations. It was the consensus of the council that Ehler's should return to provide a more detailed report with updated numbers. Dir Arity provided information on Water and Sewer cash flow calculations upon questions of projects that could potentially be delayed.

**City Clerk.** City Clerk Cram provided updates on the Census, August Election, Equalized Values and the slight decrease in the population estimate. Cram provided additional information on how to request an absentee ballot and tips on successful voting for the November election.

**September City Council meeting** will be held in conjunction with The Committee of the Whole on 09/08/2020.

**Discussion of Live Streaming Committee of the Whole and Council Meetings.** Alderman Cram gave information on the cost and benefits of live streaming City Council and Committee of the Whole meetings. Live streaming could stream to YouTube and Face Book for \$200 per year. There would also be a one-time cost of approximately \$1000 for

equipment required for the streaming. The recommendation would be to stream to Mr. Hagen's Facebook page and upload to YouTube for historical archives. Motion by Kiefer, second by Yarrington to spend up to \$1200.00 for the purposes of streaming Committee of the Whole and City Council meetings to the public. Motion passed without negative vote.

**Library Monthly Report.** Library Director Keller advised that check outs for E-books were 1944. 77,252 minutes were reported during the summer reading program. New books are added to the website every week and can be picked up at the library. A reminder that while the library is not open to the public, that services are still available via the website and book pickup.

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

**Senior & Disabled Services Report.** Sr. & Disabled Services Coordinator Buchda advised there are still patrons sheltering at home. Various music groups are scheduled for upcoming performances. Buchda requested Council feedback on the scheduling of Halloween activities, from evening hours to afternoon hours. Trick or treating may not be scheduled for the nursing home due to Covid-19 regulations. This is an important fundraising event for budgeting purposes. Consensus was that an earlier time may result in a better turnout. Trick or Treating in the city will be 4pm-6pm. If anyone has wheelchairs or knee scooters available for donation, they would be much appreciated. Thank you to all of the volunteers the Crazy Days on August 1<sup>st</sup>, it was a success. Budgeting has begun for the upcoming year. The annual Arts and Crafts Fair planning has begun.

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

**Chamber/Convention & Visitor's Bureau Monthly Report.** Ex. Director Thompson reported hotel stays are picking back up and individual travel is increasing. Sanitizing and cleaning is a priority in the hotels. Small tours have still occurred. Dir. Thompson will be working with Dir. Arity upon the completion of the ATV/UTV trails and signage to promote tourism. The chamber will be providing social media marketing training. Chamber member retention has held steady at 96%.

**Purchase AeroClave System.** With the onset of COVID 19, the Ambulance department needs constant decontamination measures to keep ambulances, equipment, sleeping quarters and the station as sanitized as possible. This system is a tool that effectively treats spaces up to 5,000 cubic feet or individual equipment. The department has received funding under the Federal CARES Act and the City of Tomah was also awarded federal reimbursement regarding COVID 19 needs.

Motion by Kiefer, second by Yarrington to authorize the expenditure of \$32,000 to purchase two (2) AeroClave Systems utilizing the funding provided for COVID related expenses. Motion passed without negative vote.

**Safety Program Manual.** The safety manual has been developed by the safety committee. The Council members were provided copies for review. This issue was tabled by the Committee of the Whole and will be brought back in September for additional review and action.

**Purchase Approval for Equipment for Lake Tomah Dam.** Quotes were received for wheel and materials for the dam. Approval of the following project costs is requested: \$22,312 for parts and \$15,000 for the subcontractor to replace the parts for a total cost of \$37,312.

Motion by Zabinski, second by Gigous to approve the purchase of the equipment that is over \$5,000 along with the installation. Motion passed without negative vote.

**Resolution Denying General Liability Claim of Denise Whitney at Winnebago Park.** EMC Insurance has investigated a personal injury claim against the City and have advised that they found no negligence against the City regarding this matter.

Motion by Zabinski, second by Yarrington to approve **Resolution No. 2020-08-18-24** Denying the General Liability Claim of Denise Whitney as presented. Motion passed without negative vote.

**RESOLUTION NO. 2020-08-18-24**

**RESOLUTION DENYING GENERAL LIABILITY CLAIM OF DENISE WHITNEY AT WINNEBAGO PARK**

WHEREAS, a Notice of Claim was filed against the City of Tomah regarding an injury Denise Whitney sustained at Winnebago Park in which medical expenses were incurred; and,

WHEREAS, on August 18, 2020 the Common Council reviewed the same and has recommended that said claim be denied as no negligence was found during the investigation conducted by the insurance company.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah that the claim of Denise Whitney is hereby denied.

Dated this 18<sup>th</sup> day of August, 2020.

Michael Murray, MayorJoAnn M. Cram, City Clerk

**Ordinance Amending Section 2-378 Regarding Police & Fire Commission Members.** This ordinance amendment allows for four (4) City of Tomah resident members and adds the ability of one (1) member to reside within Monroe County if they live within the boundary of the Tomah Area School District.

Motion by Evans, second by Cram to waive the first verbatim reading of the ordinance amending Section 2-378 regarding Police and Fire Commission member appointments. Motion passed without negative vote.

Motion by Evans, second by Kiefer to waive the second verbatim reading of the ordinance amending Section 2-378 regarding Police and Fire Commission member appointments. Motion passed without negative vote.

Motion by Evans, second by Gigous to adopt **Ordinance No. 2020-08-09-D** amending Section 2-378 regarding Police and Fire Commission member appointments. Motion passed without negative vote.

ORDINANCE NO. 2020-08-09-D

Ordinance Amending Chapter 2, Section 2-378 of the City of Tomah  
Municipal Code Regarding Police and Fire Commission Members

**SECTION ONE:** Chapter 2 –Section 2-378 of the Municipal Code is hereby amended to read as follows:  
Sec. 2-378. - Members; appointment.

The general duties of the commissioners of the police and fire department as prescribed in Wis. Stats. § 62.13 is hereby vested in a board consisting of at least four City of Tomah citizens and not more than one resident of Monroe County residing within the boundary of the Tomah Area School District for a total of five members. The mayor shall appoint said members to serve on the commission, upon approval of the city council. At the expiration of the term of each commissioner the mayor shall appoint one member to the commission for a term of five years, appointment to be made effective between the last Monday in April and the first Monday in May. Not more than three members of the commission shall belong to the same political party.

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

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

Michael Murray, Mayor

ATTEST: JoAnn M. Cram, City Clerk:

READ: 08/18/2020

PASSED: 08/18/2020

PUBLISHED:08/20/2020

**Amendment to Wal-Mart Store #965 Combination Liquor and Beer License for Extension of Premise for Sale of Alcoholic Beverages to Include Outside Stalls and Canopy Locations Designated for Online Grocery Pickup.** The ordinance is pending final adoption and publication. Wal-Mart has requested an amendment to their liquor license to include the outside stalls and canopy locations designated for online grocery pickup so that as soon as the ordinance goes into effect, they will be ready to extend the premise.

Motion by Peterson, second by Yarrington to approve the amendment to the Wal-Mart Store #965 Combination Liquor and Beer license for the extension of premise for the sale of alcoholic beverages to include outside stalls and canopy locations designated for online grocery pickup upon final passage and publication of the ordinance. Motion passed without negative vote.

**Request for Exemption for City of Tomah Residents from Monroe County Library Tax.** The City of Tomah must annually request exemption for City of Tomah residents from the Monroe County Library Tax as the City already is taxed for library services within our community.

Motion by Peterson, second by Kiefer to approve the request for exemption for City of Tomah residents from Monroe County Library taxation. Motion passed without negative vote.

**Resolution Authorizing Payment of Monthly Bills.**  
Motion by Yarrington, second by Evans to approve **Resolution No. 2020-08-18-25** the monthly bills in the amount of \$1,014,337.27 as presented. Motion carried without negative vote.

RESOLUTION NO. 2020-08-18-25 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	\$ 460,610.37	Check #'s 127968, 127972,127973,127975,127976, 127979-127981,127983,127987-127990, 127992, 127995,127997,127999-128000,128002-128066, 128085-128201	
2. Payroll	\$ 385,304.90	Direct Deposit #'s	9292576-9292855
3. Wire Transfers	\$ 120,418.52		
4. Invoices	\$ 48,003.48	Check #'s	128276-128325
	1,014,337.27		

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

**Ordinance Amending Chapter 4 Creating Section 4-40 Regarding Online Ordering and Curbside Pickup of Alcohol Beverages**

Motion by Yarrington, second by Zabinski to waive the second verbatim reading of the ordinance amending Chapter 4 creating Section 4-40 regarding online ordering and curbside pickup of alcoholic beverages with the amendments as described. Motion passed with no negative votes.

Motion by Yarrington, second by Cram to adopt **Ordinance No. 2020-08-10-D** amending Chapter 4 creating Section 4-40 regarding online ordering and curbside pickup of alcoholic beverages with the amendments as described. Motion passed without negative vote.

**ORDINANCE NO. 2020-08-10-D**

**Ordinance Amending Chapter 4, Creating Section 4-40 of the City of Tomah**

**Municipal Code Regarding Online Ordering and Curbside Pickup of Alcohol Beverages**

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

**SECTION ONE:** Chapter 4 – Section 4-40 Regarding Online Ordering and Curbside Pickup of Alcohol Beverages of the Municipal Code is hereby created to read as follows: Sec. 4-40 – Online Ordering and Curbside Pickup of Alcohol Beverages

- (a) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases (“Click and Collect”), without first obtaining authorization for the “Extension of Premises” from the City of Tomah Common Council, upon recommendation of the Committee of the Whole to license that portion of the establishment’s parking lot that will allow vehicles to park for purposes of picking up their online order.
  - (1) The licensed establishment shall file a detailed operation plan with their “Request to Amend Premises” that clearly details how their “Click and Collect” operation will function. The operation plan shall include the licensee’s protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the “Click and Collect” program.
  - (2) Failure of licensee to provide a detailed operation plan with their “Request to Amend Premises” application shall result in the City of Tomah Clerk’s Office not forwarding the “Extension of Premises” request to the Committee of the Whole for consideration.
- (b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.
  - (1) Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.
  - (2) The sale and delivery of “Click and Collect” purchases shall be made only by a licensed operator.
  - (3) No alcohol sales are permitted if the purchaser fails to present valid photo identification.
  - (4) The “Click and Collect” system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
  - (5) The licensed operator must verify that the person placing the “Click and Collect” order, or the assigned designee for pickup indicated at the time of the order, is the same person picking up the order.
- (c) A Video Recording System shall be installed and operational in the area the sale and delivery of “Click and Collect” purchases takes place. The recordings from the Video Recording System shall be maintained for a minimum of 5 days and released to law enforcement upon request.
- (d) Pick-up of “Click and Collect” orders shall be between the hours of 8 a.m. and 8 p.m.
- (e) There shall be a minimum three (3) hour waiting period between the order time and pickup time.
- (f) If the “Click and Collect” purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older unless they are an immediate family member ~~to~~ of the purchaser.
- (g) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
- (h) The pick-up area for “Click and Collect” purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 feet from the pick-up entrance/exit of the building.
- (i) No events other than the delivery of “Click and Collect” orders shall be allowed on the expanded premises.

Secs. 4-41 - 4-64 - Reserved

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

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

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk:

READ: 07/14/2020 & 08/18/2020

PASSED: 08/18/2020

PUBLISHED: 08/27/2020

**Intergovernmental Cooperative Agreement to Facilitate Purchase of Accessible Voting System.** The city’s voting equipment is at the end of its life-span and needs to be replaced. Monroe County is working on a cooperative agreement to facilitate the purchase of the same type of equipment county-wide. This is necessary as far as coding and ordering of ballots and other supplies. There is currently \$4,800 in the budget for replacement of the handicap accessible EDGE unit. These funds would be applied to the new Image Cast Evolution with ballot box tabulation hardware that is being purchased county-wide. The total cost is \$6,600 each or \$13,200 total. \$4,800 is already budgeted leaving a balance of \$8,400 due.

Motion by Evans, second by Yarrington to authorize the purchase of two Image Cast Evolution with Ballot Box Tabulation Hardware Systems for delivery and purchase in 2021 as described and authorize the Mayor and Municipal Clerk to sign the Intergovernmental Cooperative Agreement to Facilitate the Purchase of Accessible Voting System. Motion passed without negative vote.

**Appointment of Oak Moser to the Police and Fire Commission to Fulfill the Remaining Term of Tim Callahan with the Term Expiring 2023 Upon Passage and Publication of Ordinance Amendment**

Motion by Yarrington, second by Cram to approve the Mayor's recommendation and appoint Oak Moser to the Police and Fire Commission to fulfill the remaining term of Tim Callahan upon passage and publication of the ordinance amendment with the term expiring in 2023. Motion passed without negative vote.

**Appointment of City Administrator and Establish Wage and Benefit Package.**

Motion by Peterson, second by Zabinski to establish the wage and benefit package at Grade T Step 5: \$105,995 annually, with three weeks of vacation and two weeks of sick leave to start. Motion passed without negative vote.

Motion to adjourn by Kiefer, second by Zabinski. Motion passed with no negative votes.  
Adjourned at 8:05 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

Rebecca Weyer, City Clerk  
Minutes to be approved on September 8, 2020