

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION July 14, 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=dEdLR2hXK0ZYMk1gNU5vNFJwMzdSZz09>

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, Travis Scholze, Lamont Kiefer, Donna Evans, Dean Peterson, Shawn Zabinski, Jeff Cram, Richard Yarrington, and Adam Gigous. Absent: None. Quorum present. Also present: City Attorney Penny Precour and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

Motion by Scholze, second by Cram to adjourn to Closed Session Pursuant to State Statute 19.85(1) (c) and (e) to Confer with Legal Counsel Regarding the WPPA Union Side Letter of Agreement, Personnel Issues, and Negotiation of Purchase of Property. Motion passed without negative vote. Meeting adjourned to Closed Session at 6:01 p.m. Meeting reconvened to Open Session pursuant to State Statute 19.85(2) at 6:31 p.m.

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

REPORTS

Mayor. Mayor Murray provided an update of COVID-19 in the City.

City Clerk. City Clerk Cram provided updates on the Census, Joint Review Board, and the August Election.

August Common Council Meeting Date. August 11th is the Partisan Primary Election which is the same night the Council meeting is scheduled. It is requested that the August Council meeting be combined with the Committee of the Whole meeting and be held on Monday, August 10th or the meetings be moved to the following week.

Motion by Yarrington, second by Gigous to move the August Committee of the Whole and Council meetings to Monday and Tuesday August 17 and 18, 2020 due to the Primary Election on August 11, 2020. Motion passed without negative vote.

Request to Move the Polling Place for the Nov. 3rd General Election to Recreation Park. Due to COVID-19 restrictions and the probability of social distancing likeliness still in November, it is requested that the polling place be moved to the Recreation Building at Recreation Park for the November 3rd General Election. The facility worked extremely well for the April Election and allows for social distancing while being able to utilize all of our equipment and have sufficient space to do so. We will need more poll workers in November. The moving of the polling place requires Council approval.

Motion by Gigous, second by Zabinski to authorize the one- time relocation of the November 3rd General Election polling place from the Municipal Building Fire Station to the Recreation Building at Recreation Park. Motion passed without negative vote.

Library Monthly Report. Library Director Keller advised that check outs for E-books were 1,745 in June which is up almost 400 from last year at this time. During April and June there were 46 computer appointments. Curbside appointments were discussed. The summer reading program has started and citizens are encouraged to sign up online.

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

Senior & Disabled Services Report. No report.

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

Chamber/Convention & Visitor's Bureau Monthly Report. Ex. Director Thompson thanked City staff that assisted with the 4th of July parade. They are continuing with their Leadership Series. Ethical Leading will be held in person on July 22nd. The golf outing will

occur on July 24th at Hiawatha. They will be working on addressing racist concerns that are happening in our community.

Consent Agenda Items.

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

- A. Minutes of June 9, 2020 Council Meeting
- B. Minutes of June 22, 2020 Special Council Meeting
- C. June Treasurers Cash & Investment Reports
- D. Bartender Licenses (Bradley M. Ashcraft, Joshua S. Baker Young, Myles W. Broadhurst, Rachel Cordero, Brian Cram, Tracy Dechant, Joshua Ebert, Nichole Engelhart-Dixon, Brianna Greeno, Teresa Hare, Shelby Hawes, Holly Hoyt, William Jackson, Tori Jones, Anna Moser, Savannah Murphy, Christopher Neal, Kate Purdy, Gerald Redbird, Misty Robinson, Scott Royce, Thomas Ryan, Dennis Trowbridge, Clifton Trute, Latesha Weiss, James Wirkus, Jr., and Lynnette Zieler.)

Public Safety Building Project. Representatives Kelly Clafflin and Rob Lindstrom from Keller, Inc. provided a presentation regarding the project at the Committee of the Whole meeting. They also provided cost estimates for the plans as they are laid out. The City needs to determine budgetary figures going forward. The site plan is laid out on a 5 acre site and the cost of the land is not figured in. It is estimated that the project cost is between \$10.3 to \$10.7 million dollars. There are opportunities to reduce the cost by either giving up square footage or changing materials. If the City waits a year, the projected price will increase approximately 3 percent. It was noted there wasn't a need to create a committee for review and the projected costs are in the realm of what was anticipated. Financing of the project will be deferred to a later date as we currently do not have the land to build on at this time.

Adoption of 2020 TIF Development Incentives Program Policy Manual – Steve Tremlett of MSA presented the amended policy as directed from the June meeting.

Motion by Kiefer, second by Scholze to adopt the 2020 TF Development Incentives Program Policy Manual as presented. Motion passed with one negative vote (Yarrington).

Bartender License – Conditional Renewal for David M. Barsotti.

Motion by Kiefer, second by Cram to approve the renewal of the operator's license for David M. Barsotti with the condition that if the Diversion Agreement currently in place is revoked, the Police Chief would be notified and revocation proceedings would commence to revoke the operator's license. Motion passed without negative vote.

Winnebago Park Phase 1 Design. Dir. Protz reviewed the finalized Phase 1 design which includes the boat ramp area, trail, restroom, peninsula trail, and other features. The \$300,000 that had been allotted for Phase 1 was removed from the 2020 bonding for projects, but funds are available to complete the construction designs and bid documents for Phase 1. Once the Design is approved by the Council, construction and bid documents can be drawn up to get an idea what the project will cost to present for future Capital Project plans.

Motion by Kiefer, second by Yarrington to approve the finalized Phase 1 design and authorize Dir. Protz to move forward to obtain costs relating to the project. Motion passed without negative vote.

Request from Kelsey's & Smoke's Elbow Room for Extension of Class "B" Fermented Malt Beverage License and "Class B" Liquor License for Special Event on Aug. 1, 2020 and Closing of the Alleyway. Each year, an annual Corn Boil event is hosted and it is requested that the alleyway between the two establishments be closed and alcohol authorized to be consumed in the outside area for the day. The alley closure is requested from 8 a.m. until 10 p.m. Access to the outside area will only be through Kelsey's and the Elbow Room.

Motion by Peterson, second by Kiefer to amend the "Class B" Liquor and Class "B" Fermented Malt Beverage Licenses for Kelsey's and Smoke's Elbow Room for August 1, 2020 for the Corn Boil event and authorize the closing of the alleyway from 8 a.m. until 10 p.m. Motion passed without negative vote.

Ordinance Amending Chapter 4, Section 4-66(7) Regarding Provisional and Regular Operator's License. This ordinance amendment allows the City Clerk to issue bartender licenses as the record checks are complete.

Motion by Cram, second by Gigous to waive the first verbatim reading of the Ordinance amending Chapter 4, Section 4-66(7) regarding provisional and regular operator's licenses. Motion passed without negative vote.

Motion by Cram, second by Scholze to waive the second verbatim reading of the Ordinance amending Chapter 4, Section 4-66(7) regarding provisional and regular operator's licenses. Motion passed without negative vote.

Motion by Cram, second by Gigous to adopt the **Ordinance No. 2020-07-07-D** amending Chapter 4, Section 4-66(7) regarding provisional and regular operator's licenses. Motion passed without negative vote.

ORDINANCE NO. 2020-07-07-D

**Ordinance Amending Chapter 4, Division 2, Section 4-66 (7) of the City of Tomah
Municipal Code Regarding Provisional and Regular Operator's Licenses**

SECTION ONE: Chapter 4 – Division 2, Section 4-66(7) of the Municipal Code is hereby amended to read as follows:

Chapter 4 – DIVISION 2 - PROVISIONAL AND REGULAR OPERATOR'S LICENSES

Sec. 4-66. - Issuance by city clerk.

- (a) *Application—Issuance to city clerk.* All applications shall be made in writing on a form prescribed by the city clerk and shall be sworn to by the applicant as provided by WI Stats. § 887.01.
- (b) *Qualifications and requirements for provisional and regular operator's licenses.* The following requirements shall be met in order to qualify for a provisional or regular operator's license:
 - (1) The applicant has not previously been denied a license by the common council within the preceding six months.
 - (2) If required, the applicant has enrolled in a responsible beverage server training course pursuant to Wis. Stats. § 125.17(6) that is to be completed during the term of the provisional operator's license. Regular operator license applications will not be processed until proof of completion of the responsible beverage server training course is provided.
 - (3) The applicant has paid a fee as indicated on the schedule of fees adopted from time to time by resolution of the common council and kept on file in the office of the city clerk.
 - (4) The application filed by the applicant does not include any incomplete, misleading or falsified information pertaining to either the identification of the applicant or to any event occurring within five years prior to the date of application.
 - (5) The application filed by the applicant does not disclose any of the following:
 - a. Any nonfelony alcohol-related conviction or pending charges within the last 12 months.
 - b. A history of nonfelony alcohol-related convictions as long as the most current conviction or arrest is within the last 24 months.
 - c. Any nonfelony drug related convictions or pending charges within the last 12 months.
 - d. Any nonfelony conviction or pending charges within the last 36 months which involve resisting arrest, battery to a police officer or obstructing justice in direct connection to activity at a licensed alcohol establishment.
 - e. Two or more nonfelony convictions or pending charges in the last 24 months for disorderly behavior type offenses if they occurred in direct connection to activity at a licensed alcohol establishment.
 - f. One or more felony convictions in the last ten years involving alcohol or drugs.
 - g. Any other arrest or conviction that is reasonably determined to be substantially related to the circumstances of the licensed activity. The reasons for such a determination shall be stated in writing with particularity by the governing body making said determination.
 - (6) The applicant has no outstanding fines, forfeitures, penalties, assessments or user fees owed to the city.
 - (7) Provisional and Regular Operator's (Bartender) license. The Common Council authorizes the city clerk to issue provisional and regular operator's licenses in accordance with Wis. Stats. § 125.17(1). The applicant must receive approval of the city police department prior to the issuance of an operator's license. Neither a provisional or regular operator's license may be issued to any person(s) who has had his/her operator's license revoked or suspended within the preceding 12 months.
- (c) The provision set forth in section 4-36 shall also apply to operator's licenses.
- (d) *Term; renewal application.* Operator licenses will expire on June 30 of even numbered years and shall also be reviewed prior to renewal under the standards set forth in this chapter.

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

PASSED:

07/14/2020

PUBLISHED:

07/23/2020

Ordinance Amending Chapter 4 Creating Section 4-40 Regarding Online Ordering and Curbside Pickup of Alcohol Beverages A request has been received for the ability to deliver alcoholic beverages to customers who have placed online orders for curbside pickup. After discussion at the Committee of the Whole, it was recommended that the ordinance be revised in Section (b)(5) as follows: "the licensed operator must verify that the person placing the order or the assigned designee as entered at the time of the order" is the same person picking up the order and in Section (f) that if the 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 of the purchaser.

Motion by Zabinski, second by Kiefer to waive the first 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 one negative vote (Yarrington).

Ordinance Amending Section 52-35(a)(4) Business Districts Regarding Conditional Uses

It is requested that "Maintenance Garages" be added to the list of conditional uses in Section 52-35 (a)(4) under Business District.

Motion by Yarrington, second by Cram to waive the first verbatim reading of the ordinance amending Section 52-35 to include "Maintenance Garage" as a conditional use in the B-Business District as presented. Motion passed without negative vote.

Motion by Yarrington, second by Zabinski to waive the second verbatim reading of the ordinance amending Section 52-35 to include "Maintenance Garage" as a conditional use in the B-Business District as presented. Motion passed without negative vote.

Motion by Yarrington, second by Gigous to adopt **Ordinance No. 2020-07-08-D** amending Section 52-35 to include "Maintenance Garage" as a conditional use in the B-Business District as presented. Motion passed without negative vote.

Ordinance No. 2020-07-08-D
ORDINANCE AMENDING CHAPTER 52-35(a)(4) – BUSINESS DISTRICTS – OF THE CITY OF
TOMAH MUNICIPAL CODE REGARDING
CONDITIONAL USES

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

SECTION ONE: Chapter 52 – Section 35 (a)(4) – Business Districts – Conditional Uses of the Municipal Code is hereby amended to read as follows:

Sec. 52-35. - Business districts.

(a) *B business district.*

(4) *Conditional uses.* Governmental and cultural uses, transportation uses, drive-in theaters, drive-in restaurants, motels, funeral homes, drive-in banks, vehicle repair and sales, maintenance garages, recreational uses, recycling areas (not to include salvage yards or can crushing) provided the same are more than 500 feet from a residential area and enclosed by fences as directed by the planning commission, and R-1, R-2 and R-3 dwellings. Light fabrication may be permitted as a conditional accessory use which is incidental to a permitted land use. Any building proposed for light fabrication use within 300 of an existing residential dwelling shall have a total floor area devoted to light fabrication activity not to exceed 15 percent of the total floor area of the principal building on the property, or 5,000 square feet, whichever is less. In all other cases the total floor area devoted to light fabrication activity shall not exceed 35 percent of the total floor area of the principal building on the property, or 15,000 square feet, whichever is less. Light fabrication activities must be wholly contained indoors and products fabricated must be sold on-site as part of the existing commercial business. The light fabrication area shall be physically separated by a wall from other activity areas and shall meet the performance standards of section 52-208. Light fabrication is defined as fabrication, manufacturing, assembly or processing of materials that are in already processed form. Light fabrication shall be characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy manufacturing uses. Light fabrication as an accessory conditional use is intended to permit only those light industrial and other uses that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Restricted industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of buildings.

SECTION TWO: All Ordinances or part thereof 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

PASSED: 07/14/2020

PUBLISHED: 07/23/2020

Resolution Authorizing Parcel Transfer Between City of Tomah and Tomah Memorial Hospital, Inc. In order to facilitate the utility upgrade along Goose Avenue, easements from Tomah Health were required. In exchange for the easement, the City approves the transfer of a one acre parcel of land located off Center Drive as described in Volume 8 of Certified Survey Map on Page 8, recorded as Document No. 405381 being part of the Southwest Quarter of the Southwest Quarter of Section 9 and the Southeast Quarter of Southeast Quarter of Section 8.

Motion by Yarrington, second by Kiefer to approve **Resolution No. 2020-07-14-22** Authorizing the Parcel Transfer Between the City of Tomah and Tomah Memorial Hospital, Inc. as presented. Motion passed without negative vote.

RESOLUTION NO. 2020-07-14-22
RESOLUTION OF CITY COUNCIL OF CITY OF TOMAH
PARCEL TRANSFER

The City Council of the **CITY OF TOMAH**, a Municipal Corporation (the "City") approves the following actions:

RESOLVED, City is a valid and existing Municipal Corporation; and

RESOLVED, City received certain easement rights to utility corridor on the southern side of the hospital campus; and

RESOLVED, In exchange for the above referenced easement, City approves the transfer of a one (1) acre parcel of land located off Center Drive, Tomah, Wisconsin as described in Volume 8

of Certified Survey Map on Page 8, recorded as Document No. 405381, being part of the Southwest Quarter of the Southwest Quarter of Section 9 and Southeast Quarter of Southeast Quarter of Section 8 (map attached hereto); and

NOW THEREFORE, BE IT RESOLVED, Mayor and the City Clerk of the City are authorized and directed for and on behalf of the City to execute and deliver any such instruments as may be required and to take such other action in the consummation of the transaction contemplated as the City Attorney shall deem to be necessary or desirable, and any and all acts previously taken by such City officers to such end are hereby expressly ratified and confirmed as the acts and deeds of the City.

Dated this 14th day of July, 2020.
Michael Murray, Mayor

CITY OF TOMAH:
ATTEST: JoAnn M. Cram, City Clerk

Discussion of Ordinance Change Regarding Police and Fire Membership. The current ordinance specifies 5 citizen members making up the Police and Fire Commission. Clarification is requested on definition of citizen.

Motion by Peterson, second by Scholze to authorize drafting an amendment regarding composition of the Police and Fire Commission to include four City of Tomah residents and one member may be a resident of Monroe County that resides within the boundary of the Tomah Area School District. Motion passed with one negative vote (Yarrington).

Resolution Authorizing Payment of Monthly Bills.

Motion by Peterson, second by Evans to approve **Resolution No. 2020-07-14-23** the monthly bills in the amount of \$1,643,784.58 as presented. Motion carried without negative vote.

RESOLUTION NO. 2020-07-14-23 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	\$ 1,156,171.93	Check #'s	1277721-1277727/127754-127763/127729-127747 & 127765 & 127749-127752 & 127767-127967
2. Payroll	\$ 242,924.13	Direct Deposit #'s	9292336-9292575
3. Wire Transfers	\$ 115,563.50		
4. Invoices	\$ 129,125.02	Check #'s	128067-128084; 127969-127971;
	\$ 1,643,784.58		127977-78; 127984-127986; 127991; 127993-94; 127996; 127998; 128001

Mike Murray, Mayor

ATTEST: JoAnn Cram, City Clerk

Side Letter of Agreement Between WPPA and City of Tomah.

Motion by Scholze, second by Gigous to approve the Side Letter of Agreement between the WPPA and the City of Tomah as presented. Motion passed without negative vote.

Appointment of City Clerk and Establish Wage and Benefit Package.

Motion by Evans, second by Peterson to appoint Rebecca Weyer as incoming City Clerk and establish the rate of pay at Range O, Starting Step with two weeks of vacation and two weeks of sick leave to start. Motion passed without negative vote.

Motion by Scholze, second by Zabinski to adjourn to closed session pursuant to State Statute 19.85(1)(c) and (e) to Confer with Legal Counsel Regarding Personnel Issues and Purchase of Property. Motion passed without negative vote. Meeting reconvened to closed session at 7:09 p.m.

Approved:

Michael Murray, Mayor

ATTEST:

JoAnn M Cram, City Clerk
Minutes to be approved on August 18, 2020