

MINUTES FOR COMMON COUNCIL SPECIAL MEETING

A Common Council Special Meeting was held on **Tuesday, May 4, 2021 at 6:00 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

NOTE: The Mayor, Alderpersons, City Attorney and City Clerk will gather in the Council Chambers and will dial into the teleconference referenced below prior to the “Call to Order”. Department heads, news media, and others appearing before the council, as well as any members of the public desiring to monitor the meeting, are to do as follows:

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

Meeting ID: 768 946 6740 Password: Tomah2020

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

AGENDA:

CALL TO ORDER – The meeting was called to order by Council President Adam Gigous at 6:38 p.m.

PLEDGE OF ALLEGIANCE – ROLL CALL

After the Pledge of Allegiance, roll call was taken. The following members were present Adam Gigous, Richard Yarrington, John Glynn, Mitchell Koel, Lamont Kiefer and Dean Peterson (remote) and Nellie Pater (arrived at 6:43 PM). Absent: Shawn Zabinski and Mike Murray. Quorum present. Also present was City Administrator Brad Hanson, City Attorney Penny Precour, Public Safety/Fire Chief Tim Adler, and City Clerk Becki Weyer.

PUBLIC HEARINGS:

1. Community Development Block Grant (CDBG) Public Facilities (PF) Public Hearing for the Emergency Services Building at 815 N Superior Ave

The public hearing began at 6:38 p.m. due to lack of a quorum until that time. Administrator Hanson introduced the program to the Council and participants.

- i. Identification of total potential funds for matching funds: CDBG grant, property taxes, (1/2 of what will be reimbursed by the Ambulance Service) and bonding.
- ii. Eligible CDBG activities – Jon Strand from CBS Squared appeared to describe the process of the CDBG and the eligible activities. CDBG has housing funds available, planning funds available, public facilities funds, economic development funds, and public facilities for public development (city infrastructure). The City may be eligible for some of these funds.
- iii. Presentation of identified community development needs – Strand communicated that the New Public Safety building has been identified by the City as a potential cost that would fit into the program. Alderman Kiefer, who is a member of the CDBG and Tomah Housing Authority shared that the City of Tomah needs more low-to-moderate income housing, which could be another potential CDBG application opportunity.
- iv. Identification of any community development needs by public –No members of the public appeared via Zoom or in-person to add to the conversation.
- v. Presentation of activities proposed for CDBG application, including potential residential displacement. Strand referred to the 815 N Superior Ave proposed land site for the Public Safety Building, which has excellent transportation access to all parts of the City and all of its citizens. The CDBG application will only refer to those areas of the proposed Public Safety building that will be utilized by the Tomah Fire Department and percentages of the parts of the building that are shared between the Ambulance department and Fire Department. Other building components that could qualify for the grant application could be building constructions, utilities, parking areas, and restoration of seeding and landscaping. Council asked about the one unit on the property for potential displacement. Information was sent to those affected including those with property on the potential land site in accordance with grant application procedures.
- vi. Citizen input regarding proposed and other CDBG activities – no member of the public appeared to comment or give input on the proposed or other CDBG activities. Council President Gigous asked if there were any additional concerns or questions by the public either online or in-person on three separate occasions.

Motion by Yarrington, second by Glynn to close the public hearing. Motion carried. Public Hearing for Community Development Block Grant (CDBG) Public Facilities (PF) Public Hearing for the Emergency Services Building at 815 N Superior Ave closed at 6:55 p.m.

GENERAL:

Citizen Participation Plan

Administrator Hanson presented all of the information required for the City of Tomah to form a Citizen Participation Plan and for the City to be considered for funding through the CDBG Program.

Resolution adopting the Citizen Participation Plan

Motion by Kiefer, second by Glynn, to approve the Resolution adopting the Citizen Participation Plan. Motion carried.

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WHEREAS, the City of Tomah has applied for a Community Development Block Grant (CDBG); and
WHEREAS, the State of Wisconsin Department of Administration (DOA) and the US Department of
Housing and Urban Development (HUD) require recipients of Community Development Block Grant
(CDBG) monies to have in place a Citizen Participation Plan; and
WHEREAS, the Citizen Participation Plan shall encourage citizen participation (especially by persons of
low and moderate income (LMI)), provide citizens reasonable and timely access to local meetings and
information, provide for technical assistance, provide for public hearings, provide for complaint
procedures, and accommodate non-English speaking residents; and
WHEREAS, the City of Tomah has prepared and publicly reviewed a Citizen Participation Plan;
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tomah officially adopts the
Citizen Participation Plan.
ADOPTED on this 4th day of May, 2021.
ATTEST: _____
Signature of Clerk
The governing body of the City of Tomah has authorized the above resolution by Resolution No: _____,
dated

Signature of Chief Elected Official Title Date
Mike Murray_
Typed Name of Chief Elected Official

Fair Housing Ordinance (First Reading, Second Reading, Adoption)
City Att. Precour suggested that this ordinance be implemented into the City Ordinance Business section
Chapter 12, article 6.

Motion by Koel, second by Kiefer, to waive the first verbatim reading of the Fair Housing Ordinance.
Motion carried.

Motion by Yarrington, second by Kiefer, to waive the second verbatim reading of the Fair Housing
Ordinance. Motion carried.

Motion by Kiefer, second by Yarrington, to adopt the Fair Housing Ordinance. Motion carried.

Chapter 12 –Ordinance No. 2021-05-02-D

Article VI

Fair and Open Housing

Sec. 12-120 STATE STATUTES ADOPTED.

The City Council of the City of Tomah hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.

Sec. 12-121 AUTHORITY AND ENFORCEMENT PROCEDURES IMPLEMENTED.

The officials and employees of the City of Tomah shall assist in the orderly prevention and removal of all discrimination in housing within the City of Tomah by
implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

Sec. 12-122 COMPLAINTS.

The City Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a
violation thereof in the City of Tomah to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for
enforcement of Section 106.50, Wisconsin Statutes, as amended.

Michael Murray, Mayor Attest: Rebecca Weyer, City Clerk

Read: 05/04/2021
Passed: 05/04/2021
Published: 05/10/2021

Fair Housing Ordinance Adopting Resolution
Motion by Glynn, second by Kiefer, to approve the Resolution Adopting the Fair Housing Ordinance.
Motion carried.

RESOLUTION TO ADOPT A FAIR HOUSING ORDINANCE
RESOLUTION No: 2021-05-04-17

AN ORDINANCE TO CREATE ARTICLE VI OF CHAPTER 12 OF THE MUNICIPAL CODE
OF THE CITY OF TOMAH CODE OF ORDINANCES
ADOPTING WISCONSIN STATUTES, SECTION 106.50, AS AMENDED,
RELATING TO THE EQUAL RIGHTS OF ALL PERSONS TO FAIR HOUSING, AND
PROVIDING MEANS FOR THE IMPLEMENTATION AND ENFORCEMENT THEREOF.

THE COUNCIL OF THE CITY OF TOMAH DOES ORDAIN AS FOLLOWS:

Article VI of Chapter 12 of the City of Tomah Code of Ordinances shall be created to incorporate the following:
FAIR AND OPEN HOUSING

WHEREAS, the City of Tomah recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open
housing for all persons and prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT the following statements shall be incorporated into Chapter 12 of the City of Tomah Code of Ordinances as Article
VI, Sections 12-120 through 12-122 respectively:

- 1) The City of Tomah hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- 2) The officials and employees of the City of Tomah shall assist in the orderly prevention and removal of all discrimination in housing within the City
municipal jurisdiction by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

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3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Tomah to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Michael Murray, Mayor

ATTEST: _____
Rebecca Weyer, City Clerk
Adopted: May 4, 2021
Published: 05/10/2021
Effective: 05/10/2021

Residential Anti-Displacement & Relocation Assistance Plan (RADRAP)

After deliberation by the council and recommendations from Atty. Precour, the Council agreed that the following steps taken should be indicated on the Wisconsin Residential Anti-Displacement and Relocation Assistance Plan: Coordinate code enforcement with rehabilitation and housing assistance programs, Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first, and target only those properties deemed essential to the need or success of the project.

Motion by Pater, second by Glynn, authorize the Council President to work with the City Administrator to select another item that is most feasible to the City if more than three boxes are required on the Residential Anti-displacement & Relocation Assistance Plan. Motion carried.

Motion by Koel, second by Glynn, to adopt the Residential Anti-Displacement & Relocation Assistance Plan for the CDBG Program with the items above and any items via the authorization from the City Administrator and the City Council President. Motion carried.

Non-violent Civil Rights Demonstration Policy Resolution

Motion by Kiefer, second by Yarrington to approve the Resolution adopting the Non-Violent Civil Rights Demonstration Policy. Motion carried.

POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE
AND TO ENFORCE APPLICABLE STATE AND LOCAL LAWS
PROHIBITING PHYSICALLY BARRING ENTRANCES/EXITS
FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS

RESOLUTION NO. 2021-05-04-18

A resolution of the City Council of the City of Tomah, to adopt the policy to prohibit the use of excessive force and to enforce applicable state and local laws prohibiting physically barring entrances/exits for non-violent civil rights demonstrations:
WHEREAS Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;
AND WHEREAS it is in the interest of the City of Tomah to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 USC 69 §5304);
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TOMAH:
I. It is POLICY of the City of Tomah to prohibit the use of excessive force by law enforcement agencies within the City’s jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.
II. It is POLICY of the City of Tomah to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the City’s jurisdiction.
III. The officials and employees of the City shall assist in the orderly prevention of all excessive force within the City of Tomah by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.
IV. The City Council directs the Police Chief to implement this Resolution by amending applicable Tomah Police Department procedures.
PASSED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOMAH.

Date
MAYOR
ATTEST:
Date
Municipal Clerk Name, Signature, Title

Authorizing Resolution to Commit Matching Funds

Motion by Kiefer, second by Yarrington, to approve the Resolution to Commit Matching Funds for the 2021 Community Development Block Grant Public Facilities (CDBG-PF) Application. Motion carried.

City of Tomah
Authorizing Resolution to Commit Match Funds

RESOLUTION NO. 2021-05-04-19
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMAH,
Providing a Guarantee of Match Funds for the
2021 Community Development Block Grant Public Facilities (CDBG-PF) Application

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Related to the City of Tomah’s participation in the Community Development Block Grant (CDBG) Program;

WHEREAS, federal monies are available under the CDBG Annual Public Facilities Competition, administered by the State of Wisconsin Department of Administration, for the purpose of the provision or improvement of public facilities; and

WHEREAS, the Common Council of the City of Tomah has authorized the submission of a CDBG Public Facilities Application to the State of Wisconsin for the following project: Emergency Services Building (ESB); and

WHEREAS, an adequate local financial match must be provided for the proposed CDBG Public Facilities project by the City of Tomah.

NOW, THEREFORE, BE IT RESOLVED, that the City of Tomah does hereby authorize the commitment of match funds to be used as outlined in the CDBG application, for the match amount of at least \$500,000.00 UGLG is prepared to commit, from the following pending or potential source(s): any and all donations and 2021 or 2022 general fund bonding with the assistance from Ehler’s, Inc., the City’s Public Financial Advisors, in the amount of at least \$500,000.00, but the amount needed for the completion of the project.

ADOPTED on this 4th day of May, 2021.

ATTEST: _____ Rebecca Weyer
Typed/Printed Full
Title: City Clerk

The governing body of the City of Tomah has authorized the above resolution dated May 4, 2021.

Michael Murray
Mayor Michael Murray

Authorizing Resolution to Submit the CDBG Application

Motion by Yarrington, second by Koel, to approve the Resolution to Submit the CDBG Application.
Motion carried.

City of Tomah
Resolution No: 2021-05-04-20
Authorizing Resolution to Submit a
Community Development Block Grant (CDBG) Application
Relating to the City of Tomah participation in the Community Development Block Grant Public Facilities Program.

WHEREAS, Federal monies are available under the Community Development Block Grant (CDBG) program, administered by the Wisconsin Department of Administration (DOA) Division of Energy, Housing and Community Resources (DEHCR) for the purpose of the provision or development of a Public Facility Improvement for the CDBG-PF Program for the City of Tomah; WHEREAS, after public meeting and due consideration, the City of Tomah has recommended that an application be submitted to DOA for the following project: the Emergency Services Building (ESB); and
WHEREAS, it is necessary for the Common Council to approve the preparation and filing of an application for the City to receive funds from this program; and
WHEREAS, the Common Council has reviewed the need for the proposed project(s) and the benefit(s) to be gained there from;
NOW, THEREFORE, BE IT RESOLVED, that the Common Council does hereby approve and authorize the preparation and filing of an application for the above-named project; and that the Mayor is hereby authorized to sign all necessary documents on behalf of the City; and that authority is hereby granted to the City of Tomah to take the necessary steps to prepare and file the application for funds under this program in accordance with this resolution.
ADOPTED on this 4th day of May, 2021.

ATTEST: _____
Signature of Clerk
The governing body of the City of Tomah has authorized the above resolution by Resolution No: _____, dated _May 4, 2021.

Signature of Chief Elected Official Title Date

Typed Name of Chief Elected Official

Fire Department Job Description

Motion by Yarrington, second by Glynn, to approve the Fire Department Job Description for the Part Time Lieutenants of Training as presented. Motion carried.

Resolution for Reimbursement of E. Brownell and E. Monowau Streets, and King Avenue

Motion by Glynn, second by Kiefer, to approve the Resolution for Reimbursement of E. Brownell and E. Monowau Streets, and King Avenue. Motion carried.

RESOLUTION DECLARING OFFICIAL INTENT
TO REIMBURSE EXPENDITURES
FROM PROCEEDS OF BORROWING
RESOLUTION NO. 2021-05-04-21

WHEREAS, the City of Tomah, Monroe County, Wisconsin (the "Issuer") plans to undertake the projects listed in Exhibit A attached hereto (collectively, the "Project");
WHEREAS, the Issuer expects to eventually finance the Project with tax-exempt bonds or notes (the "Obligations");
WHEREAS, because the Obligations will not be issued prior to commencement of the Project, the Issuer must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Obligations; and
WHEREAS, the Common Council (the "Governing Body") of the Issuer deems it to be necessary, desirable, and in the best interests of the Issuer to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Obligations are issued.
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:
Section 1. Expenditure of Funds. The Issuer shall make expenditures as needed from its funds on hand to pay the cost of the Project until proceeds of the Obligations become available.
Section 2. Declaration of Official Intent. The Issuer hereby officially declares its

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intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with proceeds of the Obligations, the principal amount of which is not expected to exceed, on aggregate, \$14,100,000.
Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Obligations are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. The Resolution shall be made available for public inspection at the office of the Issuer's Clerk within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until

the Obligations are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted, approved and recorded May 4, 2021.

Mayor

ATTEST: City Clerk (Seal)

2021 Capital Improvement Plan

Dave Ferris from Ehlers appeared to give the Council changes to the Capital Improvement plan for future planned equipment and street and improvement projects. Administrator Hanson pointed out the improvement plans for the Senior & Disabled Persons Center and includes potential development plans for a hotel in downtown Tomah. Hanson proposed to the Council that items selected in the Capital Improvement Plan are changeable in the future when budgeted. Ferris explained the purpose of the 5 year plan for the new Council members.

Motion by Yarrington, second by Kiefer, to approve the 2021 Capital Improvement Plan with the submitted amendments. Motion carried.

ADJOURN

Motion by Koel, second by Pater, to adjourn. Meeting adjourned at 7:42 p.m.

Mayor Michael Murray

Attest: Rebecca Weyer