

## MINUTES FOR COMMON COUNCIL 02/15/2022

A Common Council meeting was held on **Tuesday, February 15, 2022 at 6:00 p.m.** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI. All motions were unanimous unless otherwise noted. Members of the public were able to attend the meeting remotely at the following link:

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

### **AGENDA:**

#### **Call To Order – Pledge of Allegiance – Roll Call**

Mayor Mike Murray called the meeting to order at 6:00 p.m. After the Pledge of Allegiance, Clerk Weyer took roll call. Present: Michael Murray, Adam Gigous, Richard Yarrington, John Glynn, Shawn Zabinski, Mitchell Koel, Lamont Kiefer, Nellie Pater, and Dean Peterson. Absent: none. Others present: City Treasurer Molly Powell, Senior & Disabled Center Coordinator Pam Buchda, Public Safety Director/Fire Chief Tim Adler, Public Works/Interim City Administrator Kirk Arity, Library Director Irma Keller, Chamber Director Tina Thompson, City Attorney Penny Precour, and City Clerk Becki Weyer. Greg Hagen videotaped the meeting.

#### **Adjourn to Closed Session**

Motion by Koel, second by Gigous, to adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; and 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Motion carried.

Adjourned to closed session at 6:01 p.m.

Resumed open session at 7:03 p.m. after a short recess.

#### **Anyone Desiring to Appear Before the City Council**

No one desired to appear before the City Council.

### **REPORTS**

#### **Mayor**

Thank you to Joe Protz for his efforts during Freeze Fest. The Council sends its regards to Wayne Kling on a quick recovery.

#### **City Administrator**

Arity provided a written Interim City Administrators Report and covered the highlights with the Council.

#### **Public Safety**

Public Safety Director/Fire Chief Adler provided a written January Monthly Report.

Fire: Fully staffed, business as usual. Continue to stay busy with the building project. The timeline for bids has been pushed back to March 3<sup>rd</sup> as there are challenges with supply chain issues. The bidding will be open for an additional week as well. The bid opening will be on April 7, 2022. The bid recommendation will be brought to the Council on April 19<sup>th</sup>. Participated in a civil engineering meeting. Adler showed a short video showing a concept video of the Public Safety building. By adding the new model siren, it will immensely change the decibels of the siren for the city. Adler asked the Council to begin thinking of what will be done with the current properties for the Fire and EMS after the building is built.

EMS: Continue to look for one full-time paramedic, may fill with an aEMT. Some of the everyday materials/drugs are hard to obtain with the current supply chain issues. Working with the City Treasurer on the upcoming financial audit. Purchased a training outfit for EMS for the full time staff.

#### **City Clerk**

Weyer provided a monthly City Clerk Monthly Report and covered the highlights with the Council. The new website is in progress, and the application for the .com domain is underway with the federal government. The next election will be on April 5, 2022. Due to supply chain issues, the Badger Books will not be delivered in time for the April election.

#### **Treasurer**

Powell presented the Preliminary - December 31, 2021 Revenues with Comparison to Budget report. Powell is still making year-end entries. The financial audit will begin March 21, 2022. Invoice Cloud will be streamlining the city's payment processes and will be instituted with the new website. Next year, credit card fees will be charged to the user when paying for city services. For property tax: 67% have been paid through February compared to 65% last year. There are 142 delinquent parcels in the amount of \$325,000. Notices have been sent. Will be reaching out to local banks for initial financing portions of the Public Safety Building. Working with Ehlers on finance plans for the next 5-7 years.

#### **Library**

Keller provided the approximate numbers for check outs over the past month. The children's department got a \$1000 anonymous donation. 1000 books before Kindergarten logbooks were purchased with the donation and residents can sign up online or at the library. For adults, Hot Books for Cold Nights ends March 19, 2022. Keller covered the new books at the library.

**Tomah Public Housing & Community Development Block Grant**  
No report was submitted.

**Senior & Disabled Services**  
Dir. Buchda provided a monthly Senior & Disabled Services Department Report and covered the highlights with the Council. There is a new tatting group starting on March 23, 2022 and running twice per month. Buchda covered the entertainment events coming up next month. PALS training will be starting in March.

**Planning & Building Inspection**  
Rolf provided a written January Building Permit and Code Enforcement Report. Sidewalk clearing notices were not on the report but will be added for next month.

**Chamber/Convention & Visitors Bureau**  
Tina Thompson passed around a copy of the new Tomah Community Map. Thompson was able to attend a roundtable on public art that discussed the impacts of public art and its effect on tourism. They are working at finalizing the talent that will be playing at DTN.

**CONSENT AGENDA:**  
Motion by Zabinski, second by Pater, to approve the following consent agenda:

- A. Approval of Minutes from January 18, 2022
- B. Special Event Outdoor Cabaret License for the Greater Tomah Area Chamber of Commerce
- C. Special Beer Permit Application for Tomah Lions Club
- D. January 31, 2022 Cash and Investments Report

Motion carried with one abstain. (Gigous)

**Appointments:**  
Motion by Glynn, second by Zabinski, to appoint the following Regular Election Officials/Inspectors for the City of Tomah for the 2022/2023 term: Mary Jacobs, Joanne Klinker, William Liebhart. Motion carried.  
Motion by Zabinski, second by Kiefer to appoint Josephine Piper to the Park and Recreation Commission to fulfill the term of Jared Tessman ending April 2023. Motion carried.

**Committee of the Whole**  
**Public Transit Lease Agreement between City of Tomah and Running Inc.**  
M. Powell presented an updated agreement between the City of Tomah and Running Inc. for the leased vehicles the city owns. The current contract has expired. There were no significant changes to the contract. Motion by Gigous, second by Zabinski, to approve the contract between the City of Tomah and Running Inc. Motion carried.

**Ordinance Amendment - Sec 38-122 Regarding Special Assessments**  
Our current ordinance limits the city’s ability to collect the maximum special assessment allowable by WI State Statute section 66.0703. The proposed changes remove that limitation. Residents would have the capability of payment plans if needed.  
Motion by Zabinski, second by Peterson, to waive the first verbatim reading of the ordinance amending Chapter 38, Section 38-122 of the City of Tomah Municipal Code regarding Construction costs. Motion carried with 1 negative votes. (Koel)

Motion by Zabinski, second by Glynn, to waive the second verbatim reading of the ordinance amending Chapter 38, Section 38-122 of the City of Tomah Municipal Code regarding Construction costs. Motion carried with 1 negative votes. (Koel)

Motion by Kiefer, second by Peterson, to adopt the ordinance amending Chapter 38, Section 38-122 of the City of Tomah Municipal Code regarding Construction costs. Motion carried with 2 negative votes. (Koel and Yarrington)

**ORDINANCE NO.**

Ordinance Amending Chapter 38, Section 38-122 of the City of Tomah  
Municipal Code regarding Construction Costs  
The Common Council of the City of Tomah do ordain as follows:  
Section One: 38-122 – Construction Costs are hereby amended to read as follows  
a) Owner responsibility. The property owner shall be responsible for the payment of new sidewalk construction, curb, and gutter and paving and shall pay the costs in accordance with the terms and policies of the council.  
b) Site work by city; cost estimates. All site work by city employees for installation of curb and gutter for existing structures shall be billed at the city rate and paid by the owner. Upon written request, the director of public works and utilities shall provide the owner with an estimate of the cost.

Michael Murray, Mayor                      ATTEST: Rebecca Weyer, City Clerk

Read:        02/15/2022  
Passed:     02/15/2022  
Published: 02/21/2022

**ARPA Funds Approval for City Hall Remodel**  
Staff has identified a need for remodel of the 1<sup>st</sup> floor of the Treasurer’s/Clerk’s window area. Public Works staff will be performing those upgrades from a security and aesthetics standpoint. Cardinal Glass has donated the hurricane

glass for these upgrades. Motion by Gigous, second by Zabinski, to approve the use of ARPA funds in the amount of \$15,000 for the upgrades. Motion carried.

**Flare Ave. ballfield and park site plan**

Motion by Peterson, second by Pater, to approve the starting work on the Parks and Rec Commission’s recommended site plan for the Flare Ave. ballfields and park project. Motion carried.

**Resolution for Payment of Monthly Bills**

Motion by Zabinski, second by Glynn, to approve the Resolution for the payment of monthly bills in the amount of \$789,292.43. Motion carried

RESOLUTION NO : \_\_\_\_\_

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:	2022	\$83,300.39	Check #'s:	139669 -	139748
2. Payroll:		\$270,399.04	Dir Dep #'s:	9294775-	9295011
3. Wire/ACH Transfers:		\$394,171.07			
4. Invoices:		\$41,421.93			
Total:		<u>\$789,292.43</u>			

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Requested by: Finance Department

Submitted by: Committee of the Whole

February 8, 2022

**Ordinance Repealing Division 3, Article VII, Convention and Visitors Bureau based upon recent Tourism Entity Agreement with Greater Tomah Area Chamber of Commerce**

Motion by Kiefer, second by Glynn, to adopt the Ordinance Repealing Division 3, Article VII, Convention and Visitors Bureau. Motion carried.

Ordinance No.

ORDINANCE REPEALING DIVISION 3 OF ARTICLE VII OF THE MUNICIPAL CODE  
OF THE CITY OF TOMAH

The Common Council of the City of Tomah, based upon the recent entry of the Tourism Entity Agreement with the Greater Tomah Area Chamber of Commerce, do ordain as follows:

SECTION ONE: Division 3 of Article VII, Convention and Visitors Bureau, of the Municipal Code is hereby repealed.

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

\_\_\_\_\_  
Michael Murray, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Weyer, Clerk

READ:  
PASSED:  
PUBLISHED:

**Comprehensive Plan amendment specific to Future Land Use Map**

The Planning Commission has recommended the Council approve an amendment to the city of Tomah Comprehensive Plan specific to the future land map for City owned property located on North Glendale Ave to accommodate the development of the City of Tomah EMS building. Motion by Yarrington, second by Pater, to approve the Planning Commission recommended amendment to the Future Land Use Map for City owned property on North Glendale Ave from Park and Open Space to Public and Institutional. Motion carried.

**Ordinance Amending Various Sections of Chapter 2, Chapter 10, and Chapter 42 of the City of Tomah Code of Ordinances Effectuating Implementation of the Senior Executive Team in lieu of City Administrator**

Motion by Zabinski, second by Glynn, to waive the first verbatim reading of the Ordinance Amending Various Sections of Chapter 2, Chapter 10, and Chapter 42 of the City of Tomah Code of Ordinances Effectuating Implementation of the Senior Executive Team in lieu of City Administrator. Motion carried.

Motion by Zabinski, second by Pater, to waive the second verbatim reading of the Ordinance Amending Various Sections of Chapter 2, Chapter 10, and Chapter 42 of the City of Tomah Code of Ordinances Effectuating Implementation of the Senior Executive Team In lieu of City Administrator. Motion carried.

Motion by Zabinski, second by Pater, to adopt the Ordinance Amending Various Sections of Chapter 2, Chapter 10, and Chapter 42 of the City of Tomah Code of Ordinances Effectuating Implementation of the Senior Executive Team in lieu of City Administrator. Motion carried.

**ORDINANCE NO.**  
**Ordinance Amending Various Sections of Chapter 2, Chapter 10, and Chapter 42 of the**  
**City of Tomah Code of Ordinances Effectuating Implementation of the**  
**Senior Executive Team in lieu of City Administrator**

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

SECTION ONE: Paragraph 13 of Section 2-33. – Powers and duties of the committee is hereby amended to read the following:

(13) To develop and implement a process of effectively evaluating the performance of all city employees, in cooperation with the Senior Executive Team, in a manner that is not inconsistent with state law, this Code, and the ordinances of the City.

SECTION TWO: Section 2-64. – City attorney is hereby amended to read as follows:

Section 2-64. – City Attorney.

(1) Appointment. The city attorney shall be appointed by the city council and shall serve a one-year term commencing on the third Tuesday in April in the year of election. He/She shall serve until his/her successor is appointed and qualified.

(2) Defense of city officers or employees. The city attorney's office and/or its designee shall be authorized to defend actions brought against any officer or employee of the City of Tomah, or of any board, committee or commission of the city, which grew out of any acts done in the course of employment, or out of any alleged breach of duty as an officer or employee. This authorization shall neither apply to any such actions which are brought to determine the right of such officer or employee to hold or retain that person's office or position, nor to actions brought by the city against any such officer or employee. Any such representation commenced pursuant to this authorization shall first be approved by the mayor and/or Senior Executive Team.

SECTION THREE: Section 2-65. –City Administrator is hereby amended to read as follows: 2-65 Senior Executive Team.

(a) Team established; purpose. To provide the city with a more efficient, effective and responsible government under a government system of a parttime mayor and council, there is hereby created the Senior Executive Team.

(b) Composition. The Senior Executive Team shall be comprised of the Public Works Director, City Clerk, City Treasurer, and the Zoning Administrator/Building Inspector. The Senior Executive Team shall appoint a chairperson to a two-year term beginning on January 1, 2023. Until January 1, 2023, the Public Works Director shall serve as chairperson.

(c) Powers and duties. The powers and duties of the Senior Executive Team shall include, but not be limited to, the following:

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(1) Recommend to the mayor and council to appoint, suspend, remove or discipline all department heads in a manner that is not inconsistent with state law, this Code, and the ordinances of the city;

(2) Carry out directives of the city council involving administrative implementation or direction and coordination of the various city departments;

(3) Direct, coordinate and expedite the activities of all city departments, except for the authority vested by the state law in certain boards and commissions;

(4) Administer all day-to-day operations and services provided by the city, including the supervision of all departments in the monitoring and enforcement of all city ordinances, resolutions, state statutes and council directives;

(5) Establish and implement administrative procedures to increase the effectiveness and efficiency of city government operations that are fully consistent with approved policies established by the city council;

(6) Represent the city in matters involving legislative and inter-governmental affairs as required;

(7) Submit, as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the city, its employees and its citizens;

(8) Promote economic well-being and growth of the city through public and private sector cooperation;

(9) Keep the mayor and council informed about activities of city departments through oral and written reports;

(10) Oversee city personnel issues, which shall include the development, implementation, interpretation and enforcement of all city personnel rules and regulations as approved by the council, including recommending revision of the personnel policy when necessary, recommending salary and wage scales for all city employees not covered by collective bargaining agreements, and directing and overseeing the process whereby personnel problems and grievances are promptly resolved;

(11) Participate in the negotiation of all collective bargaining agreements with cityrecognized bargaining units in conjunction with the city attorney;

(12) Coordinate and supervise all negotiations with developers seeking annexation or rezoning;

(13) Develop and implement a process of effectively evaluating the performance of all city employees in a manner that is not inconsistent with state law, this Code, and the ordinances of the city

(14) Attend council meetings and other committee and commission meetings as directed by the mayor or council and as may be designated/assigned by the Senior Executive Team to ensure the efficient provision and exchange of information necessary to effectuate city administration and policy implementation;

(15) Direct and coordinate the preparation and administration of the annual city budget;

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(16) Direct and oversee the city's purchasing policy;

(17) Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and to act as the approving authority for requests by employees to attend conferences, meetings, training schools, and similar events, provided funds have been budgeted for these activities; and

(18) In coordination with the mayor and the clerk, cause to be prepared the agenda for all meetings of the council, together with the supporting material as may be required with nothing herein being so construed as to give the Senior Executive Team authority to limit or in any way prevent matters from being considered by the city council.

(19) Oversee and administer the Tax Incremental Finance (TIF) District within the City budget.

(20) Oversee the rental and upkeep of the Senior Center building complex in conjunction with the Senior Services Director.

(21) Oversee the City of Tomah Super Fund sites in conjunction with the City Attorney.

(22) The Senior Executive Team shall, individually and collectively, be responsible to oversee and hold the other Senior Executive Team members accountable for his/her job performance in the capacity of his/her regular employment position as well as a team member. Nothing herein shall be construed as to give the Senior Executive Team authority to limit or in any way prevent performance issues from being considered and/or acted upon by the city council.

SECTION FOUR: Section 2-68. Director of Public Works and Utilities is hereby amended to read as follows:

Section 2-68. Director of Public Works and Utilities.

The director of public works and utilities shall be selected by a panel consisting of the

mayor, city council, Senior Executive Team member and chairperson of the committee of jurisdiction with appointment being at the discretion of the city council for an indefinite term.  
SECTION FIVE: Section 2-457. –Meetings and quorum is hereby amended to read as follows:  
Section 2-457. Meetings and quorum.  
Meetings shall be held at the direction of the public works and utilities director, Senior Executive Team, or common council. Four members shall constitute a quorum and all actions shall require an affirmative approval of a majority of all of the members.

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SECTION SIX: Section 2-515. –Composition is hereby amended to read as follows:  
Sec. 2-515. Composition.  
The joint city/school planning committee shall consist of two members of the common council, two members of the school board, chairperson of the Senior Executive Team, police chief, school superintendent and one school administrator.  
SECTION SEVEN: Section 2-543. –Composition is hereby amended to read as follows:  
Sec. 2-543. Composition.

The emergency management committee shall consist of the mayor, chairperson of the Senior Executive Team, chief of police, fire chief, director of public works and utilities, ambulance director, safety director for the VA Medical Center, safety director for Tomah Memorial Hospital, county civil defense director and the city attorney.  
SECTION EIGHT: Sec. 2-770. Alternative procedure is hereby amended to read as follows:  
Sec. 2-770. Alternative procedure.

Should it be deemed necessary that payments be made from the city treasury other than designated in section 2-769, the council may authorize that those payments may be made weekly only after the Senior Executive Team audits and approves each claim as a proper charge against the treasury and endorses its approval on the claim after having determined:  
(1) That funds are available pursuant to the budget approved by the governing body.  
(2) That the item or service covered by the claim has been duly authorized by the proper official, department head, board or commission.  
(3) That the item or service has been actually supplied or rendered in conformity with the authorization.  
(4) That the claim is just and valid pursuant to law. The Senior Executive Team may require the submission of the proof and evidence to support the foregoing as in that officer's discretion may be deemed necessary.

SECTION NINE: Sec. 2-772. Monthly list of claims is hereby amended to read as follows:  
Sec. 2-772. Monthly list of claims.  
A monthly list of all claims that are paid pursuant to this article shall be provided to the committee of the whole for approval. Said list shall show the date paid, name of claimant, purpose and amount. The monthly resolution submitted to the city council for approval that authorizes payment of bills shall include the total of payments made during that month that were authorized by the Senior Executive Team under this section.

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SECTION TEN: Sec. 2-800. Departmental estimates is hereby amended to read as follows:  
Sec. 2-800. Departmental estimates.  
On or before October 1 of each year, each officer, department or board shall file with the Senior Executive Team an itemized statement of disbursements made to carry out the powers and duties of the officer or department during the preceding fiscal year, a detailed statement of the receipts and disbursements on account of any special fund under the supervision of the officer or department during the year and of the condition and management of the fund, and also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statement shall be presented in the form prescribed by the Senior Executive Team, shall be designated by the term "departmental estimates," and shall be as nearly uniform as possible for the main divisions of all departments.

SECTION ELEVEN: Sec. 2-801. Consideration and recommendation is hereby amended to read as follows:  
Sec. 2-801. Consideration and recommendation.  
The committee of the whole shall consider the departmental estimates in consultation with the Senior Executive Team and shall then determine the total amount to be recommended in the budget for the department or activity.  
SECTION TWELVE: Sec. 2-802. Proposed budget is hereby amended to read as follows:  
Sec. 2-802. Proposed budget.

If possible, on or before October 28 each year, the committee of the whole shall prepare and submit to the city council a proposed budget presenting a financial plan for conducting the affairs of the city for the ensuing calendar year. In lieu of a committee of the whole proposed budget, an executive budget prepared by the Senior Executive Team shall be presented to the council. The council shall provide a reasonable number of copies of the prepared budget for distribution to citizens.

SECTION THIRTEEN: Sec. 10-40. Records is hereby amended to read as follows:  
Sec. 10-40. - Records.  
The building inspector shall keep a record of all permits, fees and inspections and make an annual report thereon to the City Council.

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SECTION FOURTEEN: Paragraph c of Sec. 42-2 is hereby amended to read as follows:  
(c) Approval by Senior Executive Team. Upon verification by the city treasurer that the payment has not been returned for insufficient funds, but not later than five business days after depositing, the Senior Executive Team shall approve the vouchers as a proper charge against the city treasury and endorse his approval on the vouchers after having determined that the following conditions have been complied with:  
(1) The funds are available to pay the claim, assuming the tax payment has cleared and has not been returned as is evidenced by the treasurer's notice.  
(2) The common council has authorized the refund of excess tax payment as established by the adoption of this article.  
(3) The refund is a valid claim and due in the amount noticed by the city treasurer as an excess payment of the tax bill.  
(4) The bookkeeper will credit an account payable for the excess received and debit the account payable when the refund is paid back to the taxpayer.  
SECTION FIFTEEN: All ordinances in conflict with the foregoing are hereby repealed.  
SECTION SIXTEEN: This ordinance shall take effect upon passage and publication.

Michael Murray, Mayor  
ATTEST:  
Rebecca Weyer, Clerk  
READ: 02/15/2022  
PASSED: 02/15/2022  
PUBLISHED: 02/21/2022

**Approval of Revision of Public Works and Utilities Director Job Description**  
Motion by Zabinski, second by Glynn, to approve the proposed job description changes for the Public Works director as a result of the changes to the position with the creation of the Senior Executive Team provided that if the Public

Works Director is no longer on the Senior Executive Team, the job description would revert to its previous version along with the pay commensurate to the steps that would have been attained during such time. Motion carried.

**Approval of Revision of Building Inspector Job Description**

Motion by Zabinski, second by Pater, to approve the proposed job description changes for the Building Inspector as a result of the changes to the position with the creation of the Senior Executive Team provided that if the Building Inspector is no longer on the Senior Executive Team, the job description would revert to its previous version along with the pay commensurate to the steps that would have been attained during such time. Motion carried.

**Approval of Revision of City Clerk Job Description**

Motion by Zabinski, second by Pater, to approve the proposed job description changes for the City Clerk as a result of the changes to the position with the creation of the Senior Executive Team provided that if the City Clerk is no longer on the Senior Executive Team, the job description would revert to its previous version along with the pay commensurate to the steps that would have been attained during such time. Motion carried.

**Approval of Revision to the City Treasurer Job Description**

Motion by Zabinski, second by Pater, to approve the proposed job description changes for the City Treasurer as a result of the changes to the position with the creation of the Senior Executive Team provided that if the City Treasurer is no longer on the Senior Executive Team, the job description would revert to its previous version along with the pay commensurate to the steps that would have been attained during such time. Motion carried.

Motion by Glynn, second by Kiefer to approve the proposed Senior Executive Team and Public Works Administrative assistant compensation changes as effective retroactive to January 1, 2022, provided that if no longer a member of the Senior Executive team, the compensation would revert to the pay and grade prior to membership, including those steps that would have been attained during such time. Motion carried.

**Final Assessment Report: 2021 Street and Utility Improvements**

Motion by Gigous, second by Zabinski to approve the 2021 Street and Utility Improvements 2021 Final Assessment Report. Motion carried.

**ADJOURN**

Motion by Kiefer, second by Gigous to adjourn. Meeting adjourned at 8:13 p.m.

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Michael Murray, Mayor

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Attest: Rebecca Weyer, City Clerk

Approved on 03/15/2022