

**MEETING MINUTES – CITY OF TOMAH
COMMITTEE OF THE WHOLE**

A COMMITTEE OF THE WHOLE MEETING of the City of Tomah was held on the 13th day of July, 2020 in the Council Chambers at City Hall with Council President Travis Scholze presiding. The meeting was called to order at 6:30 p.m. The General Public was able to access the meeting as follows: **Join Zoom Meeting**

<https://zoom.us/j/7689466740?pwd=dEdLR2hXK0ZYMK1qNU5vNFJwMzdSZz09>

Meeting ID: 768 946 6740 Password: Tomah2020

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

Meeting ID: 768 946 6740 Password: 546782713

Roll call was taken with the following members present: Mike Murray, Richard Yarrington, Jeff Cram, Shawn Zabinski, Travis Scholze, Lamont Kiefer, Donna Evans, and Dean Peterson. Absent: Adam Gigous. Quorum present.

Also present: Fire Chief Tim Adler, Parks & Recreation Director Joe Protz, Police Chief Mark Nicholson, Public Works & Utilities Director Kirk Arity, Ambulance Director Randy Dunford, Treasurer Julia Mann, and City Clerk JoAnn Cram. Gregg Hagen videotaped the meeting.

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Approval of June 9, 2020 Minutes.

Motion by Zabinski, second by Kiefer, to approve the minutes of the June 8, 2020 regular Committee of the Whole meeting to include a correction in the ambulance report changing the transfers from 16 to 61. Motion passed without negative vote.

Accept Treasurers Cash and Investment Reports.

Motion by Evans, second by Murray to accept the June cash and investment reports. Motion passed without negative vote.

Parks and Recreation Monthly Report: Parks Department, Recreation Programs, Aquatic Center, and Recreation Park: Parks and Rec Director Joe Protz provided a written report and advised the department is working on maintenance of equipment and buildings. Cleaning and mowing of parks and trails continues. Storm damage –Work continues on the cleanup and repair process for damage at Recreation Park. Adult sports started June 24th with 8 softball teams and 11 volleyball teams. Youth Baseball and Tomah Stix (softball) use Glendale and Winnebago fields. Aquatic Center attendance statistics were provided. Gerke Excavation is working on completing the improvement project at Recreation Park. The roof was removed from the Old Grandstands and fencing also needs to be repaired due to the storm damage. July 4th Fireworks were very successful. The Lions Club and Fire Department were recognized for their effort with this event. On July 23rd, the Challenge Academy will be utilizing the Recreation Building for transfers to Ft. McCoy.

Public Works & Utilities Director – Water, Sewer, Public Works, and Lake Updates. Street Department: Dir. Arity provided a written report advising staff has completed the resurfacing of Nott Street. They anticipate chip sealing of the north end of the City in the middle of the month. They continue to focus on street paving and prepping streets for chip sealing operations. They continue to work on painting parking stalls, curbs, etc. **Sewer Department:** Operations are normal. The new lime stabilization process continues to be adjusted. The project on Butts Avenue has started for sewer replacement with the dewatering system being installed soon. **Water Department:** Operations are normal. South Kilbourn utilities and curb and gutter have been installed. The sidewalk is scheduled for the week of July 13th. No schedule for the asphalt has been given. Well 6 rehab has been completed. Disconnects are starting back up this month which were previously suspended due to COVID-19. **Lake Committee:** They are consulting with gate manufacturers for replacement parts for our existing gate. A Lake Committee meeting will be held July 16st at 5 p.m. Update on the ATV/UTV – posts are installed and the signs are ordered. Our permit needs to be approved and the

City can hopefully install them on the state and county roads that need signage. The County Board is taking the route to the County Board for approval at the July meeting. Discussion was held regarding opening up the City before Monroe County is ready to go for the County routes. The Public Works department had a retirement and they are not going to fill the position in 2020. They would like to purchase approx.. 900 recycling totes to move to the new system when funds are available to do that.

Police Department Monthly Report. A written report was provided. COVID-19 has affected the annual statistics. The Police Dept. assisted with the 4th of July Parade. Chief Nicholson addressed the issue of parking of campers, boats and trailers, etc. on City streets which is not allowed. The Department is reviewing policies regarding current reforms that are being suggested. The Dept. has attended various training courses in the last couple months. Discussion was held regarding the possibility of changing the speed limit on Superior Avenue on the south side of the City from 40 to a lower number. Chief Nicholson will see if the data collection unit is available.

Fire Department Monthly Report. Chief Adler provided a written monthly report. Three individuals have been hired to join the department. The Fire Department has been conducting inspections. The Fire Chief and Amb. Director continue to work on the public safety building project. The Department assisted in storm clean during June. The 1988 engine was converted to a second rescue unit for use in responding to motor vehicle accidents. A donation was received from the Tomah Area Credit Union in the amount of \$2,500.

Ambulance Department Monthly. A monthly written statistics report was provided. The Ambulance Service responded to 218 calls for service and had 66 facility transfers. The Ambulance Dept. continues to work short staffed due to COVID. Another full-time employee is out on active duty. There were 9 COVID type calls in June. Director Dunford would like to purchase a portable disinfecting unit, however, the backorder requires a 10-15 week wait. The cost is \$16,000 and funding is available through the CARES relief funding received.

Presentation by Keller, Inc. Regarding Public Safety Building. Representatives Kelly Clafflin and Rob Lindstrom from Keller, Inc. provided a presentation regarding the preliminary drawings they have been working on. They also provided cost estimates for the plans as they are laid out. The City needs to determine budgetary figures going forward for the project. The site plan is laid out on a 5 acre site. Ambulance and Fire vehicles have the ability of coming around from the back side. The floor plan includes 4 levels in the training tower for fire staff. The apparatus portion of the building and each bay is the same size and sized for 2 pieces of equipment. Current plans include a wash bay, storage area for gas deliveries, compressor room, and a mezzanine over the top, a lower level to be used for training in confined spaces, offices, conference room, day room for EMS, kitchen and gathering space, training room, dormitory, history room, decontamination, shower area, mechanical equipment, storage, gear, control room, and training tower. A steel structure was used with masonry exterior which is like the police department. The material is long lasting. It was discussed to change one of the shower areas to the opposite side of the building for ease of use. The square footage is 36,000. Kelly talked about the Budget aspect and advised they have built about 30 of these facilities. The cost of the land is not figured in. Architect fees, contractor fees, furniture, fixtures, etc. are all inclusive. It is estimated that the cost of the project is somewhere 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 you use insulated metal wall panel in the back it would save \$90,000. There were no concerns regarding productivity in getting the supplies needed for the build. The optimum time to bid a project is in January. Breaking the bids down gives more opportunities for local contractors. It is preferred to not go through a general contractor for everything because by breaking it down you get the best cost for each portion. To be bidding in January, the City has approximately 4-6 weeks to hit the window. If the City waits a year, the projected price will increase approximately 3 percent. The building is going to be built the way it is supposed to as project managers from Keller will be on site every day. A standard one year warranty goes with the building with the exception of some of the equipment which would have a longer

warranty. It was felt there wasn't a need to create a committee for review and the projected costs are in the realm of what was anticipated.

Adoption of 2020 TIF Development Incentives Program Policy Manual – MSA Rep Stephen Tremlett addressed the proposed changes to the Tax Increment Financing Development Incentives Program Policy Manual as addressed at the June meeting. Discussion was to amend the procedures to have the LRPC review the criteria to verify that it meets the base criteria. After staff review and staff report, it would go to LRCP. The recommendation would then be to move it to the Committee of the Whole. The applicant may re-submit to the City Admin. or designee with missing criteria identified by the LRPC and administratively referred to the Committee of the Whole or refer to the LRPC for verification and referral. Under the loan section, it was added that potential principal forgiveness in the final month(s) if in compliance with payments and still in business. The use of future tax increments generated from the project to pay back the loan from the City is not applicable. Discussion was held regarding deferred payment loans and it was the consensus of the Committee to utilize the forgiveness aspect rather than deferred payment so that it becomes more of a revolving type funding.

Motion by Murray, second by Evans to recommend the Common Council adopt the 2020 TF Development Incentives Program Policy Manual as presented. Motion passed without negative vote.

Bartender Licenses. Motion by Evans, second by Cram to recommend the Common Council approve the bartender license renewals for 2020-2022 as follows: Bradley M. Ashcraft, Joshua S. Baker Young, Myles W. Broadhurst, Rachel L. Cordero, Brian A. Cram, Tracy L. Dechant, Joshua J. Ebert, Nichole L. Engelhart-Dixon, Brianna H. Greeno, Teresa A. Hare, Shelby J. Hawes, Holly M. Hoyt, William A. Jackson, Tori A. Jones, Anna B. Moser, Savannah L. Murphy, Christopher D. Neal, Kate E. Purdy, Gerald W. Redbird, Misty D. Robinson, Scott M. Royce, Thomas P. Ryan, Dennis D. Trowbridge, Clifton L. Trute, Latesha M. Weiss, James M. Wirkus, Jr., and Lynnette M. Zieler. Motion passed without negative vote (Murray abstained).

Bartender License – Conditional Renewal for David M. Barsotti. Mr. Barsotti was requested to appear and was present via Zoom as he was involved in an incident within the City which resulted in him being arrested and charged with a felony. As part of the prosecution process a 2-year Diversion Agreement was agreed to. It was the recommendation of Chief Nicholson that Barsotti's renewal application be approved and that as part of this process, he be required to meet with the City Council at which time he be advised that if it is determined that Barsotti's Diversion Agreement is revoked, his Operator's License shall also be revoked by action of the City Council. Mr. Barsotti has had a bartender license since July 2018 and has had no incidents or negative contact during that time.

Motion by Murray, second by Yarrington to recommend the Common Council approve the license as conditioned that if the Diversion Agreement is revoked, a revocation hearing would be required to revoke the license and Chief Nicholson will be notified if the Diversion Agreement is not upheld. 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 has currently been removed from the 2020 bonding for projects, but funds are available to complete the construction designs and bid documents for Phase 1. Some donated funds may be used currently for their intended purpose. 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 Projects. A new entrance would be utilized for the music play area.

Motion by Murray, second by Cram to recommend the Common Council authorize Dir. Protz to take the finalized Phase 1 design to the Parks & Recreation Commission and authorize moving 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 Yarrington, second by Kelsey to recommend the Common Council 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. as requested. 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 with no violations or incidents on the applicant's record. The Police Dept. and City Clerk's staff would continue to conduct background checks as previously but would be authorized to issue the license without Council approval. This request is due to a recent change in state law.

Motion by Evans, second by Yarrington to recommend the Common Council approve the Ordinance amending Chapter 4, Section 4-66(7) regarding provisional and regular operator's licenses. Motion passed without negative vote.

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. Discussion was held regarding Section b(5) and requiring that the person placing the order must be the same person picking up the order. Language could designate either the person placing the order or assigned designee as entered at the time of the order. Discussion was also held regarding amending section (f) that states the driver must be 21 years of age or older unless they are an immediate family member of the purchaser or require that the driver of the vehicle be the person placing the order or the designee.

Motion by Murray, second by Cram to recommend the Common Council approve the ordinance amending Chapter 4 creating Section 4-40 regarding online ordering and curbside pickup of alcoholic beverages with the amendment that the "person placing the order or the assigned designee as entered at the time of the order" in Section (b) 5 and change the language in (f) to: ... 21 years of age or older ~~or is an~~ unless they are an immediate family member ~~to~~ of the purchaser. Motion passed with one negative vote (Yarrington).

Ordinance Amending Section 52-35(a)(4) Business Districts Regarding Conditional Uses Resolution Authorizing Parcel Transfer Between City of Tomah and Tomah Memorial Hospital, Inc. 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 Cram, second by Kiefer to recommend the Common Council approve 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.

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. The Well #9 property was exchanged for utility easements across the Tomah Health Campus as shown on the map. The Public Works & Utilities Commission recommends completion of the exchange fulfilling our agreed upon negotiations with Tomah Health. The Resolution and substantiating documentation has been drafted by City Atty. Precour. 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 Kiefer, second by Yarrington to recommend the Common Council approve the Resolution Authorizing the Parcel Transfer Between the City of Tomah and Tomah Memorial Hospital, Inc. as presented. Motion passed without negative vote.

Discussion of Ordinance Change Regarding Police and Fire Membership. The current ordinance specifies 5 citizen members on the Police and Fire Commission. It was requested that a discussion be held to amend the ordinance to include non-resident members in the composition of the Commission.

Motion by Murray, second by Zabinski to recommend the Common Council authorize drafting an amendment to the ordinance regarding composition of the Commission to include four city residents and one member may be a resident in the Tomah Area School District that resides in Monroe County. Motion passed with one negative vote (Yarrington).

Resolution Authorizing Payment of Monthly Bills.

Motion by Murray, second by Kiefer to recommend the Common Council approve the monthly bills in the amount of \$1,643,784.58 as presented. Motion carried without negative vote.

June Monthly Financials. Motion by Zabinski, second by Cram to approve the June Financial Report as presented. Motion passed without negative vote.

Adjourn.

Motion by Murray, second by Cram to adjourn. Motion passed without negative vote. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

JoAnn Cram, City Clerk