

MINUTES FOR COMMON COUNCIL FEBRUARY 18, 2025

Call to Order, Pledge of Allegiance, Roll Call

A regular meeting of the Common Council was held on February 18, 2025 at 819 Superior Ave in the City Council Chambers. The meeting was called to order by Mayor Paul Dwyer at 6:30 p.m. After the Pledge of Allegiance, roll call was taken. Present: Paul Dwyer, Travis Scholze, Richard Yarrington, Shawn Zabinski, John Glynn, Mitchell Koel, Patrick Devine, and Dean Peterson. Absent: Nellie Pater. Also present: Nick Morales, Kirk Arity, Becki Weyer, Justin Derhammer, Tim Adler, Pam Buchda, and Irma Keller. The meeting was recorded by Hagen Sports Network and was available via Zoom. All motions are unanimously approved unless otherwise noted.

ANYONE DESIRING TO APPEAR BEFORE COUNCIL

No one desired to appear before the Council.

Mayor

Mayor Dwyer expressed condolences on behalf of the Council on the passing of Alderperson Scholze's father.

Senior Executive Team (SET) Monthly Report - February 2025

SET provided a monthly written report that was summarized by Chairperson Nick Morales.

Economic Development and Zoning Monthly Update

Morales provided a monthly written report. He is reviewing the local government requirements for Historic Preservation of the downtown area. He is collaborating with officials from the state to position the city and its owners to become eligible for specific grants. The Annual Chamber Banquet is scheduled for February 24th.

January 2025 Permit Report

The January 2025 Permit Report was submitted by Code Enforcement Officer, Casey Kinnear.

Approval of Façade Improvement Grant Program Application, Jac's Steakhouse

This is the second façade improvement grant application to be considered by the city council for approval. SET is recommending approval after the finalized documents are received for the project. Motion by Glynn, second by Zabinski, to approve the façade improvement grant for Jac's Steakhouse. Motion carried with one negative vote (Yarrington).

Public Safety January monthly report

Chief Adler presented a monthly written report.

Fire: Has activated four new fire fighters. The annual report will be in the March packet.

Ems: They are in the process of interviewing for three full-time positions. Unit 267 will be going to the remount center in the next couple of weeks and it will take about three months to complete. There are a lot of illnesses going through the city and as a result there have been a lot of call-ins at the EMS.

Library

There were 4939 physical checkouts and 2325 electronic checkouts in the month of January. Dir. Keller gave an update on upcoming special events at the library. They are working on a Welcome to Tomah group. Annual reports will be presented in March. The library has been short staffed due to illness.

Senior & Disabled Services Monthly Report

Dir. Buchda provided a monthly written report. Chair yoga started at the Senior Center. Tuesday and Thursdays at 9am during March. There were 1,795 visitors and 202 volunteers in January. Reminder there will be tax assistance on Thursdays, with three appointments available in February and March. Interested parties should contact Pam Buchda.

Temporary Class "B" license application by North American Squirrel Association (n.a.s.a.) to sell fermented malt beverages and wine at the Annual Fundraising Banquet on March 29, 2025.

Motion by Koel, second by Zabinski, to approve the temporary Class "B" license for n.a.s.a. for March 29, 2025. Motion carried.

Approval of Minutes from Combined Committee of the Whole and Council Minutes Jan 21, 2025

Motion by Zabinski, second by Devine, to approve the minutes from the Combined Committee of the Whole and Council Minutes meeting on January 21, 2025. Motion carried.

Plan Commission recommendation to amendment ordinance section 52-116 Parking requirements - 1st reading, 2nd Reading, Adoption

Motion by Yarrington, second by Scholze, to waive the first verbatim reading of the Ordinance amending ordinance section 52-116. Motion carried.

Motion by Zabinski, second by Glynn, to waive the second verbatim reading of the Ordinance amending ordinance section 52-116. Motion carried.

Motion by Scholze, second by Yarrington, to adopt the Ordinance amending ordinance section 52-116. Motion carried.

ORDINANCE NO. _____

Ordinance Amending Section 52-116 of the City of Tomah Municipal Code

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

SECTION ONE: Section 52-116 of the City of Tomah Municipal Code is hereby amended to read as follows:

All new nonresidential or multi-family (3 dwelling units or greater) land uses associated with parking lots in excess of four stalls and all alterations of existing lots for the land uses state above shall be subject to the approval of the Plan Commission. Request for such parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts and in connection with the land use state above there shall be provided, at the time any use of building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

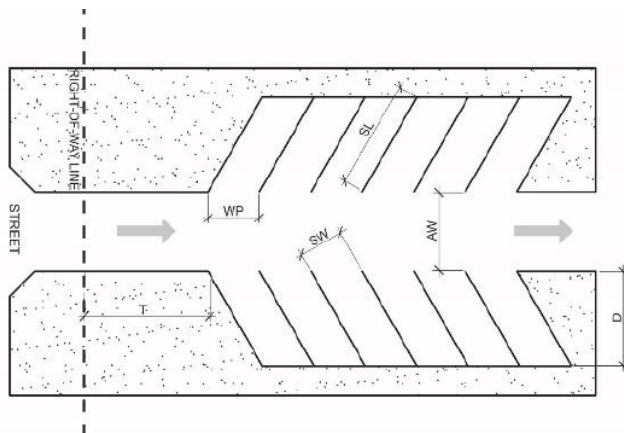
- (1) Adequate access to a public street shall be provided for each parking space. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: 11 feet for 30-degree parking; and 20 feet for 90-degree parking. The minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street. Driveways shall be at least ten feet wide for one- and two- family dwellings and a minimum of 20 feet for all other uses.

Figure 52-116(1): Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9'	9'	9'	9'	9'
Stall Width Parallel to Aisle (WP)	20'	12'6"	10'3"	9'3"	9'
Stall Depth to Wall (D) ¹	9'	18'	18'	18'	18'
Stall Length (SL)	18'	25'	22'	20'	18'6"
Aisle Width for 1-way traffic flow (AW)	14'	14'	16'	23'	24'
Aisle Width for 2-way traffic flow with angled parking	24'	24'	24'	24'	24'

Notes:

¹Stall Depth (D) may be reduced by 2 feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of 5 feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrians.



- (2) Size of each parking space shall not be less than 162 square feet (9 feet by 18 feet), exclusive of the space required for ingress and egress. The Plan Commission may authorize up to 10% of the required number of parking stalls be sized for compact or electric vehicles (8 feet by 16 feet).
- (3) Location shall be on the same lot as the principal use or not over 400 feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use (see Section 52-116(11)), such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the Monroe County Register of Deeds requiring such owner or assignees to maintain the required facilities for the duration of the use served.
- (4) All off-street parking areas shall be an improved surface (see Section 52-14). Any parking area for more than five vehicles shall have the aisles and spaces clearly marked and shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Any lighting used to illuminate off-street parking areas shall be fully shielded from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed half a footcandle measured at the lot line.
- (5) Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines in all non-residential zoning districts and for any residential land use with three or more dwelling units.
- (6) Number of parking stalls required:

Single-family, mobile homes, and two-family dwellings	2 stalls for each dwelling unit and mobile home
Multifamily dwellings (senior/elderly housing) as defined as residential land uses that accommodate age-restricted housing, retirement homes, assisted living facilities, nursing homes, hospices, limited cares facilities, rehabilitation centers, or similar land uses as determined by the Zoning Administrator.	1 stall per dwelling unit*, plus 1 stall for each employee on the largest shift. *Minimum resident parking may be reduced by the Plan Commission based on demonstrated demand for the target resident population, down to a minimum of 0.5 stalls per unit.
Multifamily dwellings (except senior/elderly housing)	Studio or 1-Bedroom Unit – 1 stall per dwelling unit 2+ Bedroom Unit – 2 stalls per dwelling unit
Hotels, motels	1 stall for each guest room, plus 1 stall for each employee on the largest shift.
Hospitals, clubs, lodges, sororities, dormitories, lodging houses and boardinghouses	1 stall for every 2 beds, plus 1 stall for each employee on the largest shift.
Medical and dental clinics	1 stall per 400 square feet of gross floor area.
Churches, theaters, auditoriums, community centers, vocational and night schools, and other public places of public assembly	1 stall for every 5 seats at maximum capacity.
Colleges, secondary and elementary schools	1 stall for every 2 employees
Restaurants, bars, places of entertainment, bowling alleys, and repair shops	1 stall for every 200 square feet of gross floor area used for customer seating, or 1 stall for every 5 seats available for customers, whichever is greater.
Automotive repair garages, sales, and stations	1 stall per employee on the largest work shift, plus 1 stall for each service bay.
Manufacturing and processing plants, laboratories and warehouses	1 stall for each full-time equivalent employee on the largest work shift, plus 1 stall for each vehicle owned by the business and stored at the site.
Retail and service stores, financial institutions; business, governmental and professional offices	1 stall for every 400 square feet of gross floor area.
Funeral homes, mortuaries, and similar use types	1 stall for every 4 seats and 1 stall for each vehicle used in the business
Day care centers and other similar facilities for children and adults	1 stall per employee on the largest work shift, plus 1 stall per 10 students or persons licensed to attend.
All other uses not otherwise identified above	See Section 52-116(7)
Land uses located within the Downtown Design Standards Overlay Zoning District (Section 52-42)	See Section 52-116(12)

- (7) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply or the Zoning Administrator may rely on standards and parking ratios that appear in the most recent edition of the Institute of Traffic Engineers Parking Generation Manual.
- (8) Combined uses. Combinations of any of the above uses shall provide a minimum of 80% of the sum of the number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than 80% of the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use parking area (for downtown parking standards see Section 52-116(12) below):
 - a. The proposed joint parking space is within 1,000 feet of the use it will serve.
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - c. A properly drawn legal instrument approved by the common council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the city clerk. Said instrument may be a three-party agreement, including the city and all private parties involved. Such instrument shall first be approved by the city attorney.
- (9) In addition to any other requirements relating to parking spaces contained in the Code, the provisions contained in Wis. Stats. §§101.13, 346.503 and 346.56, and any Wisconsin Administrative Code sections adopted pursuant thereto, are adopted by reference and made applicable to all parking facilities whenever constructed.
- (10) Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged or changed to create a need for an increase to the extent of 50 percent or more in the floor area or required parking spaces, said building or use shall then comply with the parking requirements set forth in Section 52-116(6).
- (11) Parking lots not on the same parcel or lot as the principal use or parking lots which require the moving or demolition of structures. In addition to meeting the other requirements set forth in this section, parking lots in all zoning districts, except the light industrial and heavy industrial districts, for the parking of motor vehicles which are not on the same original parcel or original lot, whether on record or not, as that of the principal use, or which necessitate the moving or demolition of any structure or building, shall require the granting of a conditional use permit by the Plan Commission. The application for such conditional use permit shall state the location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings, the size of the parking lot, the purpose of the parking lot, and such other information as may be required by the Plan Commission. In determining whether to grant such conditional use permit, the Plan Commission shall consider any decrease in neighborhood values by permitting such use, any landscaping, drainage, or site plans of such proposed parking lot and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than six feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall comply with Section 52-209 for fence installation and shall run from the front set back line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the City Clerk's Office.
- (12) Downtown parking minimum reduction. No off-street parking requirements of this Section are required for uses within the Downtown Design Overlay District (Section 52-42), as identified in the Downtown Master Plan.

(13) Exceptions.

- a. The Plan Commission may authorize exceptions to the parking standards or other requirements of this section where the applicant can demonstrate that the proposed use will generate less parking demand than the parking standard requirements, or where an exception from the requirements would result in a site plan and development that would benefit the City and be consistent with the intent of this section. An applicant requesting an exception to the parking requirements shall be required to demonstrate and document the projected parking demand based on an analysis of similar or comparable uses;
- b. The Plan Commission may require less parking where it is determined that the number of stalls required by this section will exceed the demand;
- c. In granting exceptions to the parking standards, the Plan Commission shall condition the approval of the Site Plan stating the parking reduction as determined in b. above.

(14) In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of motor vehicles, which shall be regulated as follows:

- a. No front yard of any residential district and no front yard of a lot associated with a residential use shall be used for the parking of a motor vehicle except in approved driveways. Motor vehicles parked on any legal driveway shall not be permitted to encroach on any right-of-way line of a street.
- b. A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer’s gross vehicle weight rating of 10,000 pounds or less, and is less than 21 feet in length.
- c. No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 10,000 pounds, except recreational vehicles or motor homes are permitted if parked in a driveway or other legal off-street parking space.
- d. A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

- 1. No person shall park or store any recreational equipment within the front yard or corner side yard of any residential zoning district unless the equipment is parked on a driveway which meets all of the requirements in this Section.
- 2. Recreational equipment may be stored on any type of surface in the rear yard or the interior side yard areas. If the rear yard of a corner lot abuts the side yard of an adjacent residence, any recreational equipment stored in said rear yard shall not be closer to the street than the required front yard setback distance for said adjacent residence.
- 3. Recreational equipment longer than thirty (30) feet shall not be stored anywhere outdoors in any residential zoning district unless the piece of recreational equipment is being loaded, unloaded, cleaned or otherwise prepared for use or extended storage. The time period that recreational equipment longer than thirty (30) feet may be kept outdoors shall not exceed seven (7) days during any thirty (30) day period. For purposes of this subsection, the length of a piece of recreational equipment shall include any portion of a trailer that the equipment is loaded onto.

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

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

Paul Dwyer, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

Plan Commission recommendation to amendment ordinance section 2-559--2-568 - 1st reading, 2nd Reading, Adoption

Motion by Glynn, second by Peterson, to waive the first verbatim reading of the ordinance emending ordinance 2-559 – 2-568. Motion carried.

Motion by Koel, second by Devine, to waive the second verbatim reading of the ordinance emending ordinance 2-559 – 2-568. Motion carried.

Motion by Zabinski, second by Peterson , to adopt the ordinance amending ordinance 2-559 – 2-568 as presented. Motion carried.

ORDINANCE NO. _____

Ordinance Amending Sections 2-559 thru 2-568 of the City of Tomah
Municipal Code

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

SECTION ONE: Section 2-559. Economic development duties are hereby amended to read as follows:

The long-range planning commission (LRPC) shall have the power to collect, hold, manage, control and use all funds appropriated and provided for economic development (the Economic Development Fund, as defined in Section 2-560). The LRPC shall make recommendations to the city council for the use of said funds to promote economic development in the city consistent with the purposes of the Fund, which may include but are not limited to the sale, lease, rental, conveyance, donation, or other disposition of any property or building held or acquired by the city; to construct, acquire by gift or purchase, reconstruct, demolish, improve or extend any building or infrastructure within the city limits; and to acquire by gift or purchase lands or rights in lands in connection therewith in the name of the city; to employ the personnel, agents, engineers, and consultants as the LRPC shall deem necessary; and to exercise the other power and authority necessary to accomplish the purpose of the Fund. Provided, however, that any and all contracts entered into by the LRPC shall be subject to the approval of the city council and that any and all funds are utilized in the facilitation and advancement of the purposes defined in Section 2-560.

(Code 1993, § 1.23(12))

SECTION TWO: Section 2-560. Economic development fund is hereby amended to read as follows:

The economic development fund (previously created by ordinance as the industrial development fund) is hereby re-established and redesignated to be used for the purposes of financing and promoting economic development in the city in order to increase the tax base, increase employment, increase housing, eliminate blight, attract businesses, residents and visitors, or similar purposes to strengthen the economy and financial health of the city and its businesses and residents. Such purposes and activities may include but are not limited to the facilitation and advancement of adopted city plans or studies in the following areas: industrial, commercial, and housing development or any combination thereof; brownfield and environmental assessment and remediation; city planning; grant procurement; floodplain management; or financial strengthening of the city's tax increment financing districts and business improvement districts. Such fund shall consist of the sums of money as may be hereafter appropriated and provided for by the city council, and of all rentals, interest, income, dividends, earnings, and monies available from the sale, lease, conveyance or other disposition of any property or building acquired pursuant to the power exercised by the authorized commission under the terms of this division, and the other sums as may be provided for by ordinance or statute.

(Code 1993, § 1.23(13))

SECTION THREE: Section 2-561. Audit is hereby amended to read as follows:

The authorized commission of this division shall cause all accounts, records and books concerning the management, operation and disbursements of the economic development fund and of properties or buildings acquired thereby to be audited in the manner provided for by statute for the audit of public funds.

(Code 1993, § 1.23(13))

SECTION FOUR: Section 2-562—2-568. Reserved.

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

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

Paul Dwyer, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

Plan Commission recommendation to amendment ordinance section 2-350-2-377 - 1st reading, 2nd Reading, Adoption

Motion by Peterson, second by Zabinski, to waive the first verbatim reading of the ordinance amending ordinance 2-350-2-377. Motion carried.

Motion by Peterson, second by Zabinski, to waive the second verbatim reading of the ordinance amending ordinance 2-350-2-377.

Motion by Peterson, second by Zabinski, to adopt the ordinance amending ordinance section 2-350-2-377. Motion carried.

ORDINANCE NO. _____

Ordinance Amending Section 2-350 thru 2-377 of the City of Tomah
Municipal Code

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

SECTION ONE: Section 2-350 – 2-377. – Reserved.

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

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

Paul Dwyer, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

Approval of Vandewalle and Associates Funding for FY25 and Budget Amendment

Motion by Peterson, second by Zabinski, to approve the budget amendment of up to \$60,000 from the Economic Development fund to account 06-56700-2100 for payment of Vandewalle and Associates for city planning services. Morales presented the same presentation on the usage of these funds that was presented to the Long-Range Planning Committee. Motion carried.

Appointment of Jeff Cram to the Ambulance Commission to fulfill the remaining term of Jerry Steele ending in April 2027

Motion by Yarrington, second by Koel, to approve the mayor’s appointment of Jeff Cram to the Ambulance Commission to fulfill the remaining term of Jerry Steele ending in April 2027. Motion carried.

Resolution Disallowing the Claim of Scott Martin

Motion by Peterson, second by Zabinski, to approve the resolution disallowing the claim of Scott Martin. Motion carried.

CITY OF TOMAH
RESOLUTION NO. _____

A RESOLUTION DISALLOWING THE CLAIM OF SCOTT MARTIN

WHEREAS, a Notice of Claim was filed against the City of Tomah by Scott Martin, alleging auto damage resulting from a collision with a City snowplow on December 23, 2024; and

WHEREAS, on January 17, 2025, Statewide Services, Inc., representing the City of Tomah, conducted an investigation and determined that there was no negligence on the part of the City of Tomah in connection with this incident;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Tomah that the claim of Scott Martin is hereby disallowed.

Dated this 18th day of February, 2025.

APPROVED:

Paul Dwyer
Mayor, City of Tomah

ATTEST:

Rebecca Weyer
City Clerk

Resolution for Payment of Monthly Bills

Motion by Zabinski, second by Devine, to approve the resolution for payment of monthly bills in the amount of \$5,246,382.87. Motion carried.

Adjourn to closed session pursuant to Wis. Stat § 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.

Common Council – February 18, 2025

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Motion by Peterson, second by Koel, to adjourn to closed session per Wis Stat § 19.85 as indicated above. Motion carried. The meeting adjourned to closed session at 7:40 p.m.

Mayor Paul Dwyer

Attest: Rebecca Weyer, City Clerk