

MINUTES FOR COMMON COUNCIL TUESDAY JULY 16, 2024

A Common Council was held on **Tuesday, July 16, 2024 at 6:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

Call to Order, Pledge of Allegiance, Roll Call

The meeting was called to order by Mayor Paul Dwyer at 6:30 p.m. Roll call was taken after the Pledge of Allegiance. Present: Paul Dwyer, Travis Scholze, Richard Yarrington, Shawn Zabinski, Nicole Hart (arrived at 6:45 p.m.), Patrick Devine, Nellie Pater, and Dean Peterson. Absent: John Glynn. Also present: Molly Powell, Becki Weyer, Kirk Arity, Tim Adler, Irma Keller, and Pam Buchda. The meeting was available via Zoom and was recorded by Hagen Sports Network. All motions are unanimously approved unless otherwise noted.

ANYONE DESIRING TO APPEAR TO COUNCIL

Eric Devine from 413 Nicholas St appeared in support of the Administrator position being reinstated. Alderperson Zabinski made a public comment that when her constituents call, they should give a name, address, and a phone number and she will not tolerate rudeness on the phone and will hang up if those requirements are not met. Jim Stroh from 1022 Superior Ave appeared to confirm an item on the agenda.

PUBLIC HEARING FOR ADOPTION OF 2024 COMPREHENSIVE PLAN:

Call Public Hearing to Order

The mayor opened the public hearing was opened at 6:36 p.m.

Summary and Background - Comprehensive Plan 2024 Drafts and Information

Benjamin Rohr from Vandewalle and Associates gave a presentation about the history of the update to the Comprehensive plan. The city has been working with Vandewalle and Associates for more than six months to obtain resident's opinions which are reflected in the updated plan.

Request for Public Comment

The mayor asked if anyone would like to give a public comment. Theresa Devine from 413 Nicolas Street appeared to ask when the survey was put out to the public and was concerned it was not widely publicized. Information was published in the newspaper, on the city's website, and on social media. No one else desired to give a public comment.

Close Public Hearing

The mayor closed the public hearing at 6:52 p.m.

Ordinance Adopting the 2024 Comprehensive Plan - First Reading, Second Reading, Adoption

Motion by Yarrington, second by Scholze, to waive the first verbatim reading of the ordinance adopting the 2024 Comprehensive Plan. Motion carried.

Motion by Scholze, second by Zabinski, to waive the second verbatim reading of the ordinance adopting the 2024 Comprehensive Plan. Motion carried.

Motion by Scholze, second by Zabinski, to adopt the ordinance adopting the 2024 Comprehensive Plan. Motion carried. The Council asked Rohr to give an update on the findings of the housing survey that was done. Motion carried with one negative vote (Yarrington).

ORDINANCE ____ - ____

ORDINANCE TO ADOPT THE 2024 CITY OF TOMAH COMPREHENSIVE PLAN

CITY COUNCIL OF THE CITY OF TOMAH, WISCONSIN

The City Council of the City of Tomah, Wisconsin, does ordain as follows:

SECTION ONE: Pursuant to sections 61.35 and 62.23(2) and (3) of Wisconsin Statutes, the City of Tomah is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION TWO: The City of Tomah adopted its comprehensive plan in 2013 entitled "City of Tomah Comprehensive Plan," and as part of the adoption of a comprehensive plan, the City Council adopted has since followed written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by §66.1001(4)(a) of the Wisconsin Statutes.

SECTION THREE: The City of Tomah has, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes, provided opportunities for public involvement per its adopted public participation plan.

Common Council – July 16, 2024

SECTION FOUR: The Plan Commission of the City of Tomah, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the City Council the adoption of the City of Tomah 2024 Comprehensive plan on July 10, 2024.

SECTION FIVE: On July 16, 2024, the City Council held a public hearing on the proposed 2024 Comprehensive Plan and considered the public comments made and the recommendations of the Plan Commission and staff.

SECTION SIX: The City Council of Tomah, Wisconsin, does ordain that the proposed 2024 Comprehensive Plan is hereby adopted pursuant to section 66.1001(4)(c) of Wisconsin Statutes.

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

SECTION EIGHT: This ordinance shall take effect upon passage and publication. Adopted this 16th day of July, 2024.

CITY OF TOMAH

Paul Dwyer, Mayor

ATTEST:

Rebecca Weyer, City Clerk

Mayor

Decision on Continuation of SET or Reinstatement of City Administrator

Motion by Zabinski, second by Pater, to reinstate the City Administrator and to create a committee to produce a job description, pay grade salary, and to bring it back to the Council. After that, proceed with a job announcement. Scholze voiced concerns about not having enough information such as cost, job description, and where inside the budget the money will come from. The mayor asked for a roll call vote: Yay, Zabinski and Pater. Nay: Scholze, Yarrington, Hart, Devine, and Peterson. Motion failed. There was no further discussion.

City Attorney Update on Sign Ordinances

Attorney Precour updated the Council on her research on the sign ordinance. She stated that the state statutes are clear on the rules on Highway 12 running through the downtown area, but there may be ideas taken from other municipalities, such as issuing permits, for other areas in the city. Precour suggested a committee to look at changing the city's ordinance. The mayor opined he would like to see a committee formed. Attorney Precour stated she will return next month with a drafted ordinance creating an ordinance committee for this purpose.

The Mayor recognized Jim Stroh to ask Attorney Precour questions about the city's ability supersede the state's laws.

The Mayor recognized Jim Weber to speak about his concerns about more than just sandwich board signs, but all signs in the City of Tomah.

Motion by Scholze, second by Peterson to direct the City attorney to draft an ordinance to create an ordinance committee, and to continue to enforce removal of signs in the median and allow signs on the side walk until the committee can recommend an ordinance change to the Council. Motion carried.

Approval of amendment of Job Description and Title for Building Inspector/Zoning Administrator to Economic Development/Zoning Director (if needed)

Motion by Yarrington, second by Scholze to approve the amendment to the job description as presented. Motion carried with two negative votes. (Pater and Zabinski). Pater

Approval of Job Description Amendment for Bookkeeper/Code Enforcement Officer to Code Enforcement Officer/Inspection and Zoning Assistant

Motion by Scholze, second by Yarrington, to approve the job description for the Code Enforcement Officer/Inspection and Zoning Assistant as presented. Motion carried with two negative votes (Pater and Zabinski)

Monthly SET Report

The members of SET provided a monthly written report. Kirk Arity gave a brief reiteration of the economic development training he attended earlier this year. Powell gave a short explanation of how room tax dollars are allocated in the city, (4% to Chamber of Commerce, 1% to fund annual improvements to Recreation Park, 1.25% to fund improvements for the Tomah Ice Center, and 1.75% to fund the initial construction of, and improvements to, the Flare Avenue ballfield/park complex.) She also expounded that the city has a façade improvement program that has been in place since 2019. SET is working with Vandewalle to revise the program to make it more desirable to downtown business owners and will bring it back to the Council for review.

Public Safety June Monthly Report

Chief Adler provided a monthly written report. Adler thanked the Andres Grant Foundation for providing grants to the Fire and EMS departments to purchase Angel Lights to protect them in the dark during calls. They are still waiting for the new ambulance to come in. 1100 Superior is still working with the insurance companies, 1102, 1104, and 1106 Superior Ave. are all contracted with Gerke for demolition. Peking restaurant is still working with insurance on repairs.

Ambulance Special Events Fee Increase for 2025

Common Council – July 16, 2024

The ambulance commission approved an increase to their special events fees from \$85 to \$100, and out of town events from \$85 to \$150. Motion by Scholze, second by Peterson, to approve the fee increase. Motion carried.

On Campus VA Transfer Ambulance Rate

Motion by Yarrington, second by Scholze, to approve the on-campus VA transfer rate to \$300. Motion carried.

Library

The stairs at the library should be done by the end of September or beginning of October. There were 2,097 eBooks and 2,914 physical checkouts from the library last month. Keller covered the upcoming events and the new books at the library. Details and events can be found on the library's website at tomahpubliclibrary.org.

Senior & Disabled Services Monthly Report

Dir. Buchda gave a summary of the participation last month and let the Council and public know about the upcoming events. Buchda thanked the Andres Trust for the grants received last month. The arts and crafts sale will be on the opening weekend of deer hunting in November. They are looking at donations of craft items and baked goods for that sale.

Building 1004 - New Air Conditioner/Furnace

Motion by Pater, second by Scholze, to approve the use of \$15,250 for the replacement of the HVAC system at 1004 Superior Ave. Motion carried.

Permit Report June 2024

Written monthly reports were provided. After approval of the fee schedule and ordinance changes, the final contract will be signed, state delegation approved, and start dates selected for General's onboarding. Shane has been doing final occupancies and cleaning out outstanding permit requests in the queue, but getting the full-time inspector on board will alleviate the rest of the outstanding permits.

CONSENT AGENDA:

Motion by Peterson, second by Zabinski, to approve the following consent agenda:

- A. Approval of Minutes from May 28, 2024
- B. Approval of Minutes from June 18, 2024
- C. Request from Kelsey's Class Act Bar and The Elbow Room for special amendments to the premises description of their Class "B" Fermented Malt Beverage Licenses and "Class B" Liquor Licenses for a special event on August 10, 2024
- D. Approval of two new taxicab licenses for Abby Vans Inc. DBA Tomah Transit
- E. Special Event Outdoor Cabaret License for The Crow Bar located at 1206 Superior Ave in Tomah, WI for August 31, 2024
- F. June 30, 2024 Cash and Investments Report

Carried.

Approval of an Outdoor Facilities License for JAC's Steakhouse, located at 309 Superior Ave

Motion by Scholze, second by Zabinski, to approve the outdoor facilities license for JAC's Steakhouse at 309 Superior Ave. Motion carried.

Resolution approval for CMAR

Motion by Yarrington, second by Zabinski, to approve the resolution for Public Works Compliance Maintenance. Motion carried.

Common Council – July 16, 2024

Resolution No. _____

COMPLIANCE MAINTENANCE RESOLUTION

RESOLVED that the City of Tomah informs the Department of Natural Resources that the following actions were taken by the City Council:

Review of the 2023 Compliance Maintenance Annual Report, which is attached to this Resolution.

Monitor the operation of the wastewater treatment facility to maintain permit compliance.

Implement and complete a Capacity, Management, Operation and Management (CMOM) program once the DNR drafts a final ruling.

Passed by a _____ vote of the Tomah City Council on July 16, 2024

Paul Dwyer, Mayor

Rebecca Weyer, City Clerk

Approval of 2025 Curly Leaf Pondweed Project

Motion by Peterson, second by Yarrington, to approve up to \$7934 for the 2025 budget for the purchase of a curly leaf pondweed project and point intercept survey for Lake Tomah. Motion carried.

Easement agreement approval - 625 W Veterans St.

Motion by Peterson, second by Zabinski, to approve the easement agreement between the City of Tomah and the owners of 625 W Veterans Street. Motion carried.

Amendment of Ordinance Section 30-48(A)(B) First Reading, Second Reading, Adoption

This item was postponed at staff request until a previous ordinance change is updated in the city's code of ordinances and then this item will be brought back to the Council.

Approval of Budget Amendment for TID 11 Road Expense

Motion by Yarrington, second by Zabinski, to approve the budget amendment for TID 11 (account 20-57331-8200) to cover the expense of road improvements in TID 8. in the amount of \$17,250.00. Motion carried.

Approve updated Inspection and Permit Fee Schedule

Motion by Scholze, second by Zabinski, to approve the updated inspection and permit fee schedule as presented. Motion carried.

Approval of ARPA funds for Purchase of Seven new Handicapped Accessible Voting Booths

Motion by Zabinski, second by Scholze, to approve use of \$7250 in ARPA funds for the purchase of seven new handicapped accessible voting booths. Motion carried.

Easement agreement approval - 621 Pearl St.

Motion by Peterson, second by Zabinski, to approve the easement agreement between the City of Tomah and the owners of 621 Pearl street. Motion carried.

Resolution Authorizing Payment of Monthly Bills

Motion by Zabinski, second by Yarrington, to approve the resolution authorizing the payment of monthly bills in the amount of \$2,423,608.42. Motion carried.

Common Council – July 16, 2024

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:	2024	\$1,591,488.11	Check #'s:	145061	145089
				145099	145197
2. Payroll:		\$327,051.20	Dir Dep #'s:	9302838	9303114
3. Wire/ACH Transfers:		\$466,725.16			
4. Invoices:		\$38,343.95		145266-145282	
Total:		<u>\$2,423,608.42</u>			

Mayor

Clerk

Requested by: Finance Department

Submitted by: Committee of the Whole

July 15, 2024

Approval of ARPA funds for HVAC Project at 1004 Superior Ave

This item was approved earlier in the agenda.

Ordinance Amending Sections 10-7, 10-37, 10-95 and Creating Section 10-97 of the City of Tomah Municipal Code 1st Reading, 2nd Reading, Adoption

Motion by Zabinski, second by Yarrington, to waive the first verbatim reading of the ordinance amending Sections 10-7, 10-37, 10-95 and Creating Section 10-97 of the City of Tomah Municipal Code. Motion carried.

Motion by Scholze, second by Zabinski, to waive the second verbatim reading of the ordinance amending Sections 10-7, 10-37, 10-95 and Creating Section 10-97 of the City of Tomah Municipal Code. Motion carried.

Motion by Scholze, second by Peterson, to adopt the ordinance amending Sections 10-7, 10-37, 10-95 and Creating Section 10-97 of the City of Tomah Municipal Code. Motion carried.

ORDINANCE NO. _____

Ordinance Amending Sections 10-7, 10-37, 10-95 and Creating Section 10-97 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 10-7 is hereby amended to read as follows:

Section 10-7. Procedure adopted.

Variances, appeals and determinations shall follow the procedures set out in Wis. Admin. Code Ch. SPS 316, § SPS 320.19, § SPS 320.20, § SPS 320.21, § SPS 361.21, § SPS 361.22, and § SPS 382.20.

SECTION TWO: Section 10-37 is hereby amended to read as follows:

Section 10-37. Term; fees.

Building permits shall expire 12 months after the date of issue, providing the work has commenced within six months of the date of issue. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed.

Fees as established by resolution of the city council shall be collected at the time the permit is issued. No permit fee will be charged when the work is done for the city.

SECTION THREE: Section 10-95 is hereby amended to read as follows:

Section 10-95. – Adoption of building regulations. The following building regulations are hereby adopted and incorporated to the City of Tomah Code of ordinances by reference:

1. *One- and two-family dwelling units.* The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325 and Camping Units, Ch. SPS 327 of the Wisconsin Administrative Code, and all amendments thereto, shall apply to all one- and two-family dwelling units and accessory buildings, including existing units.

The building codes shall apply to the alternation, enlargement or repair of existing 1- and 2-family dwellings constructed prior to June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code.

The building codes shall apply to an existing building to be occupied as a one- or two-family dwelling, in which the building was not previously so occupied.

Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

2. *Commercial buildings.* Chs. SPS 360—366 of the Wisconsin Commercial Building Code (Wis. Admin. Code § 361.01 et seq.), specifically including Wis. Admin. Code § 361.60(4) regarding certification of inspectors; and Wis. Admin. Code 361.60, Certified Municipalities shall apply to all commercial buildings.

- Ch. SPS 302.31, Plan Review Fee Schedule
- Ch. SPS 305, Credentials
- Chs. SPS 375-379, Buildings Constructed Prior to 1914

Common Council – July 16, 2024

3. Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services – Regulation of Industry, Buildings, and Safety.

SECTION FOUR: Section 10-97 is hereby created as follows:

Sec. 10-97. Certified Municipality Status.

1. Certified Municipality. The City of Tomah hereby adopts the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code as follows:

a. Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

- 1). Provide inspections of all commercial buildings with certified commercial building inspectors.
- 2). Provide plan reviews of all commercial buildings with certified commercial building inspectors.

b. Plan Examination. Drawings, specifications, calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for commercial buildings, without size limitations [Appointed Agent per Wis. Stat. § 101.12(3g)]

c. Waivers by Municipality or Department.

- 1). A certified municipality may waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
- 2). The Department may waive its jurisdiction for the plan review of a specific project, agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

d. Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

- 1). Building permit application.
- 2). Application for review – SBD-118, or equivalent, along with payment of applicable fees established by resolution of the City.
- 3). Four sets of complete building plans that include the following.
 - a). Signed and sealed per SPS 361.31.
 - b). One set of specifications.
 - c). Component and system plans.
 - d). Calculations showing code compliance.

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

2

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

Paul Dwyer, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

ADJOURN

Motion by Peterson, second by Scholze, to adjourn. Motion carried. The meeting adjourned at 8:19 p.m.

Paul Dwyer, Mayor

Rebecca Weyer, City Clerk