

MINUTES FOR COMMON COUNCIL 03/15/2022

A Common Council meeting was held on **Tuesday, March 15, 2022 at 6:30 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:

The meeting was called to order by Council President Adam Gigous at 6:30 p.m. After the Pledge of Allegiance, roll call was taken. Present: Adam Gigous, Richard Yarrington, Shawn Zabinski, John Glynn, Mitchell Koel, Lamont Kiefer, Nellie Pater, and Dean Peterson. Absent: Michael Murray. Others present: Kirk Arity, Molly Powell, Shane Rolff (remote), Becki Weyer, Irma Keller, Tim Adler, Rachel Muhlenkamp, and Pam Buchda. Gregg Hagen videotaped the meeting.

Anyone Desiring to Appear Before the City Council

John Rusch appeared before the Council to talk about the history of the North Glendale baseball diamond. He also had concerns about lack of communication coming from closed session Council meetings. He gave his opinion that the location of a 14-million-dollar building should be located on Superior Ave vs. being less visible in the current chosen location of the Glendale ballpark area. Rusch stated there should have been a public hearing to have a public choice on where to put the building.

Peter Thorson appeared via Zoom and wished to be seen before the Council. Thorson asked the Council why they are not pausing the project because of the rising interest rates. He questioned why the entire zone is being changed. He claimed there were improperly noticed hearings and the public has no choice in the changes but has to live with the decisions the council makes. He claimed the Lake Delton building cost half the price and has more tax base to pay for the building. Thorson asked for a 2 to 3 month pause in the process.

REPORTS

Mayor

The Mayor was not present for the meeting. Gigous reminded the public that there will be a forum next Tuesday, March 22nd at 6:30 PM at the Tomah High School for mayoral candidates on the April 5, 2022 election ballot and reminded everyone to go out and vote.

Senior Executive Team

SET Chairperson Arity provided a monthly written report and covered the highlights with the Council.

Library

There were 1726 e-book checkouts and 3651 checkouts in-person during February. The children's department will be starting in-person story time in the library in April. They will continue to have virtual story time on Zoom. One of most popular programs "I can read" is back. Legos at the Library will be on Saturday April 2, between 10 and 12. If under age seven, they must be accompanied by an adult. National Library Week is April 3 – April 9. They will be celebrating with trivia questions with small gifts for winners and a grand prize at the end of the week. Keller brought books to celebrate national library month. She covered the new books at the library.

Public Safety

Chief Adler provided a monthly Public Safety Department Report.

Fire: On February 27th at 9:30 the Tomah Fire Department was dispatched to Holland Street for a semi fire. There were 6 semis lost worth a total of \$750,000. There were no injuries. There were 18 calls for service during February. The fire service is fully staffed. Adler continues to work with Keller on the Fire/EMS building project. The bid opening is on April 7th. An ISO audit is underway.

Ambulance: Busy month. They ran 216 calls for service, up from last year. They are also fully staffed with 5 full time members on all three shifts. They also have 14 part time members. The 2020 GMC pickup for the fly vehicle has been ordered and is awaiting shipment. The Ambulance department assisted the Boys and Girls club to purchase an AED and cabinet for the club. The VA outstanding bills are being tightened up.

Tomah Public Housing & Community Development Block Grant

Director Muhlenkamp provided the TPHA & CDBG Staff Report for March 2022. The stats from the housing programs for last year were included in the report. Programming was maintained. There was a slightly higher vacancy for family units. There are currently three empty apartments she anticipates will be filled by April 5th. They are starting to see a decrease in the need for vouchers for the Veterans Support Housing Program. HUD and the Housing Authority are working to determine how many will be needed in the future, and Muhlenkamp hopes to retain 50 vouchers. The others will be redistributed to other higher need areas. There was an audit completed, she anticipates getting results in April.

Senior & Disabled Services

Dir. Buchda provided a written Senior & Disabled Services Department Monthly Report and covered the highlights with the Council. Buchda thanked everyone who stayed away from the Sr. Center for protecting the elderly from the virus. She outlined the entertainment scheduled for the next month. The tating group will be starting in March. The center will be closed on Good Friday at 12:30 p.m. Buchda also highlighted the times/dates for wellness exercises such as line dancing that are available. WTC students will practice interviewing at the Sr. Center. Buchda is looking for volunteers.

Planning & Building Inspection

Insp. Rolff provided the February Building Permit & Code Enforcement Reports and was available to answer any questions from the Council. Rolf gave a summary of the code enforcements that are in process. The Code enforcement officer Casey is currently working on complaints of items being put on boulevards.

Chamber/Convention & Visitors Bureau
The Chamber CVB Director was not present.

Consent Agenda

- Motion by Koel, second by Zabinski, to approve the following consent agenda:
- A. Approval of Minutes from February 15, 2022
 - B. Approval of Minutes from March 1, 2022
 - C. Special Beer & Wine Permit Application for Monroe County Support Services for Monroe County Fair July 27-31, 2022
 - D. Special Beer & Wine Permit Application for Monroe County Support Services for Budweiser Dairyland Super Nat’l Truck & Tractor Pull June 22-25, 2022
 - E. February 2022 Cash and Investments Report
- Motion carried.

Committee of the Whole

Update of Permit Fee Schedule--Addition of listed fee for Fire Alarm & Fire Suppression systems

Motion by Yarrington, second by Zabinski, to approve the update of the Permit fee schedule including the addition of a listed fee for fire alarm and fire suppression systems. Motion carried.

CITY OF TOMAH PERMIT FEE SCHEDULE

- 1) **RESIDENTIAL:** (One and Two Family)

A. New One- and Two-Family Dwellings
(Finished areas including attached garages)
+ Wis. Permit Seal \$35.00 & Impact Fee

\$0.30/square foot

B. Additions:

\$0.30/square foot

C. Alterations:

\$10.00/\$1,000.00 Project Valuation
***Where sq. footage cannot be calculated

D. Accessory Buildings > 150 square feet

\$0.12/square foot
- 2) **COMMERCIAL CONSTRUCTION:** New Construction, Additions & Alterations

A. Commercial Plan Review (Including Additions)
 - Commercial/Mechanical HVAC (if submitted separately)
 - Alterations to Commercial Buildings
 - Plan Revisions to Previously Submitted Plan

\$100.00
\$50.00
\$50.00
\$50.00

B. Manufacturing or Industrial

\$0.20/square foot

C. Local Business, Office Buildings, or Addition Thereto

\$0.22/square foot

D. Multi-Family Buildings (3 or more units)

\$0.24/square foot
+ Impact Fee**

E. Footing and Foundation Only

\$125.00

F. Occupancy Permit

\$25.00

G. Alterations:

\$10.00/\$1,000 Project Valuation
***Where sq. footage cannot be calculated

H. Installation/Modification/Replacement of Fire Alarm System
 - First 10 Smoke/Heat Detectors
 - Each additional Smoke/Heat Detectors
 - Acceptance Test Fee (choose one)
 - 1-10 Detectors
 - 11-49 Detectors
 - 60-99 Detectors
 - 100 or more Detectors
 - Alarm Panel Only

\$100.00
_____ X \$4.00

\$125.00
\$225.00
\$335.00
\$425.00
\$150.00

I. Installation/Modification/Replacement of Fire Sprinkler Suppression System
 - First 20 heads
 - Each additional 50 heads or fraction thereof
 - Acceptance test fee – First 20 heads
 - For each additional 50 heads or fraction thereof
 - Acceptance test fee – Fire pump

\$150.00
_____ X \$150.00
\$125.00
_____ X \$50.00
\$200.00

***FEES WILL BE DOUBLED FOR WORK COMMENCED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT BY THE INSPECTION DEPARTMENT.**

CITY OF TOMAH PERMIT FEE SCHEDULE – Cont.

NOTE: Gross square foot calculations are based on the dimensions of the building from the exterior faces of the exterior walls, of each finished floor level and the garage. Unfinished basements, in one- and two-family dwelling or portions thereof are not included in this calculation.

NOTE: All fees in fractions of a dollar shall be rounded to the next full dollar.

*\$300.00 Impact Fee for Single Family Dwelling - \$500.00 for Two Family Dwellings

**\$200.00 Impact Fee for each unit in Multi-Family Dwellings ≥ 3 units

The following permit fees shall be based upon the physical value of the work to be done, on the basis of current costs, as determined by this Department.

- 3) **ELECTRICAL, PLUMBING, & MECHANICAL (HVAC)**
- | <u>COST</u> | <u>FEE</u> |
|-------------------------|------------|
| Up to \$1,000.00 | \$35.00 |
| \$1,001.00 - \$2,500.00 | \$50.00 |
| \$2,501.00 - \$4,000.00 | \$55.00 |
| \$4,001.00 - \$6,000.00 | \$60.00 |

\$6,001.00 - \$8,000.00	\$65.00	
\$8,001.00 - \$10,000.00	\$70.00	
Over \$10,000.00		\$70.00 + \$4.00 per thousand in excess of \$10,000.00
		**Commercial Electric (Additional \$100 service fee)

4) **MISCELLANEOUS FEE**

A.	Re-inspections	\$25.00	
B.	Sign Permit		\$40.00
C.	Demolition Permit		\$30.00
D.	Building Moving Permit	\$50.00	
E.	Fence Permit	\$20.00	
F.	Deck Permit	\$35.00	
G.	Shed Permit < 150 sq. feet	\$15.00	
H.	Wisconsin Uniform Building Permit Seal	\$35.00	
I.	Board of Appeals – 17.80(5)(d)	\$125.00	
J.	Conditional Use Permit – 17.30	\$125.00	
K.	Minimum Fee for all Permits Based Upon Value of Project and/or square footage	\$30.00	
L.	Township of LaGrange and Township of Tomah (Administrative and Inspection Fee added to Building Permit Fee for New One- & Two-Family Dwellings)	\$25.00	

Designation of Fire Department Fees associated to Fire Suppression/Alarm permits

Motion by Zabinski, second by Yarrington, to approve the designation of revenue from fire suppression/alarm permits to the Fire and Inspection department. Motion carried.

Ordinance Amending Section 28-80 regarding Discharge of Firearms

Motion by Glynn, second by Koel, to waive the first verbatim reading of the ordinance amending section 28-80 Regarding Discharge of Firearms. Motion carried.

Motion by Glynn, second by Zabinski, to waive the second verbatim reading of the ordinance amending section 28-80 Regarding Discharge of Firearms. Motion carried.

Motion by Koel, second by Zabinski, to adopt the ordinance amending section 28-80 Regarding Discharge of Firearms. Motion carried.

ORDINANCE NO. 2022-03-06-D
Ordinance Amending Section 28-80 of the City of Tomah
Municipal Code Regarding Discharge of Firearms

The Common Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:
SECTION ONE: Section 28-80. – Discharge of Firearms is hereby amended to read the following:

Section 28-80. Discharge of Firearms.

No person shall fire or discharge any cannon, gun, pistol (air or spring gun), or any firearm of any description within the city limits with the following exceptions:

- (1). A law enforcement officer.
- (2). A person lawfully hunting waterfowl on Lake Tomah as described in subsection 28-53(b) of the City of Tomah Municipal Code.
- (3). A disabled or elderly participant who is accompanied by his/her North American Squirrel Association (NASA) mentor representative, and the NASA mentor representative while acting in said mentor capacity, lawfully turkey hunting on land leased by said organization.

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

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

Michael Murray, Mayor
ATTEST:

Rebecca Weyer, Clerk
READ: 03/15/2022
PASSED: 03/15/2022
PUBLISHED: 03/24/2022

Morgan Stanley Lease Renewal

Motion by Yarrington, second by Pater, to approve the renewal of the Morgan Stanley lease for a 9-month term ending April 30, 2023 at a rate of \$1,177 per month. Motion carried.

Resolution Authorizing Payment of Monthly Bills

Motion by Kiefer, second by Pater, to approve the resolution authorizing the payment of monthly bills in the amount of \$4,335,776.64. Motion carried.

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	\$3,672,642.75	Check #'s:	139749 -	139922
2. Payroll:		\$395,909.33	Dir Dep #'s:	9295012 -	9295251
3. Wire/ACH Transfers:		\$243,631.81			
4. Invoices:		\$23,592.75		140003 140005 140014 140016 139923 139949 139953 139956 139964 139977 139981 139983 139987 139989 139990 139991	
Total:		<u>\$4,335,776.64</u>			

Mayor

Clerk

Requested by: Finance Department

Submitted by: Committee of the Whole

March 9, 2022

Request for ARPA Funds Allocation for LED Crosswalk Signs

Motion by Zabinski, second by Glynn, to approve the use of ARPA funds in the amount of up to \$50,000 for new LED Crosswalk signs at the following locations:

STH 16 (W. Clifton Street) at Hollister Ave.

US 12 (Superior Ave) at Holton Street

US 12 (Superior Ave) at Foster Street

US 12 (N. Superior Ave) at Recreational Trail

Motion carried.

Planning Commission

Ordinance amendment regulating parking in the front yard

Motion by Pater, second by Zabinski to waive the first verbatim reading of the Ordinance amending sections 52-14, 52-116 and 52-206 regarding parking requirements and front yard parking. Motion carried with one negative vote (Yarrington).

Motion by Pater, second by Zabinski to waive the second verbatim reading of the Ordinance amending sections 52-14, 52-116 and 52-206 regarding parking requirements and front yard parking. Motion carried with one negative vote (Yarrington).

Motion by Pater, second by Kiefer, to approve the Planning Commission and Public Works Commission recommendation to adopt the Ordinance amending sections 52-14, 52-116 and 52-206 regarding parking requirements and front yard parking. Motion carried with one negative vote (Yarrington).

ORDINANCE NO. 2022-03-07-D

Ordinance Amending Sections 52-14, 52-116 and 52-206 of the City of Tomah Municipal Code Regarding Definitions, Parking requirements and Front yard parking

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

SECTION ONE: Section 52-14. – Definitions is hereby amended to add the following additional definitions:

Drive Apron means the connection between a driveway and the traveled portion of a street in the public right of way, including any sidewalk area abutting thereon.

Driveway means an improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

Front yard as it specifically relates to sec. 52-206 means any area between the street and main building line.

Improved Surface means a surface of hot mix/recycled asphalt, poured/precast concrete or other material that is dust-free. Grass, crushed rock, or gravel are prohibited. An improved surface shall provide a hard driving surface, resist rutting, provides for sufficient water runoff and is graded and surfaced. Alternative surfaces may be approved by the Zoning Administrator or Public Works Director.

Motor vehicle means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.

Parking Pad means an improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.

Recreational Vehicle means a vehicle primarily used for leisure activities, including but not limited to all- terrain vehicles, boats, with or without trailers, camping trailers, jet skis, motor home, utility trailers, snow mobiles, and like motorized & non-motorized vehicles.

SECTION TWO: Section 52-206. Parking in front yards is hereby amended to read as follows: 52-206. Parking in front yards.

(a) Definition. For purposes of this ordinance, front yard is defined as any area between the street and main building line.

(b) It shall be prohibited for any person owning or having control of a motor vehicle or recreational vehicle to park or allow to be parked at any time in the front yard and interior side yard other than on a driveway or parking pad that extends the full length and width of the vehicle. Parking pad and driveways areas shall be maintained in a safe and sanitary condition and shall not contribute to soil erosion. The parking pad and driveway area shall be installed so as to avoid creating standing water conditions. A person shall not park any motor vehicle or recreational vehicle on a corner side yard. The enforcement of this section shall be the responsibility of the building inspector, or any other code enforcement officer.

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

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

Michael Murray, Mayor ATTEST:

Rebecca Weyer, Clerk
READ: 03/15/2022
PASSED: 03/15/2022
PUBLISHED: 03/28/2022

Ordinance Rezoning Property Parcel #286-00037-0000 on Glendale Ave

Motion by Yarrington, second by Zabinski, to waive the first verbatim reading of the Ordinance Rezoning Property Parcel #286-00037-0000 on Glendale Ave. Motion carried.

Motion by Yarrington, second by Kiefer, to waive the second verbatim reading of the Ordinance Rezoning Property Parcel #286-00037-0000 on Glendale Ave. Motion carried.

Council President Gigous appealed to the public to ensure they reach out and ask questions of their Council members or City Clerk when items of note are on the agenda.

Motion by Kiefer, second by Zabinski, to adopt the Ordinance Rezoning Property Parcel #286-00037-0000 on Glendale Ave. Motion carried.

Ordinance No. 2022-03-08-D

ORDINANCE RE-ZONING PROPERTY PARCEL #286-00037-0000

The Common Council of the City of Tomah, do ordain as follows: SECTION ONE:
After Petition, Notice and Public Hearing in accordance with the Wisconsin Statutes and City of Tomah Ordinance, the Common Council of the City of Tomah hereby re-zone the following described real estate from C1-Conservancy to I-Institutional.

PART OF OL 42, 43, 47 & 48, ASSESSOR'S PLAT; A LEASE FOR NEW CINGULAR WIRELESS PCS LLC IN #666026

SECTION TWO:
All Ordinances or part thereof in conflict with the foregoing are hereby repealed.

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

Michael Murray, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ: 03/15/2022
PASSED: 03/15/2022
PUBLISHED: 03/28/2022

Plan Commission recommendation for contracting of Planning Consultants

Motion by Glynn, second by Zabinski, to approve the Planning Commission recommendation of contracting with Vandewalle & Associates for Planning Services for the City of Tomah. Motion carried.

Ordinance amendment designating the Plan Commission as sole authority over review of Conditional Use Permits.

Motion by Zabinski, second by Yarrington, to waive the first verbatim reading of the Ordinance Amending Sections 52-70 (a), 52-72, 52-73, 52-74, and 52-256 (e) of the City of Tomah Municipal Code. Motion carried.

Motion by Yarrington, second by Zabinski, to waive the second verbatim reading of the Ordinance Amending Sections 52-70 (a), 52-72, 52-73, 52-74, and 52-256 (e) of the City of Tomah Municipal Code. Motion carried.

Motion by Kiefer, second by Koel, to adopt the Ordinance Amending Sections 52-70 (a), 52-72, 52-73, 52-74, and 52-256 (e) of the City of Tomah Municipal Code. Motion carried.

ORDINANCE NO. 2022-03-09-D

Ordinance Amending Sections 52-70 (a), 52-72, 52-73, 52-74, and 52-256 (e) 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 (a) of 52-70 Conditions and guarantees is hereby amended to read as follows:
(a) The plan commission may stipulate such conditions and restrictions upon the establishment, maintenance, and operation of the conditional uses as it may find necessary to promote the public health, safety, and general welfare of the community and to secure compliance with the standards specified in section 52-71.

SECTION TWO: Section 52-72. Permit is hereby amended to read as follows:
Section 52-72. Permit.
The plan commission shall authorize the building inspector to issue a conditional use permit specified in this chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this chapter.

SECTION THREE: Section 52-73 Denial is hereby amended to read as follows:
Section 52-73 Denial and Appeal.
(a) No applications for a conditional use which has been denied wholly or in part by the plan commission shall be resubmitted for a period of one year from the date of denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.
(b) An appeal from the decision of the plan commission regarding an application for a conditional use permit may be taken to the Board of Appeals by any person aggrieved by the decision of the plan commission and must be filed in the office of the city clerk within ten days of the decision of the plan commission. Such appeal must specify the grounds therefor. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The decision of the plan commission shall be upheld unless the Board of Appeals by a favorable vote of two-thirds of the members of the Board of Appeals reverses or modifies the action of the plan commission.

SECTION FOUR: Section 52-74. Validity is hereby amended to read as follows:
Section 52-74. Validity.
Permits issued hereunder are valid only as to approved use and are not transferable without the approval of the plan commission.

SECTION FIVE: Section (e) of 52-256 Changes and amendments is hereby amended to read as follows:

(e) Hearings. The plan commission shall hold a public hearing on the proposed zoning change. Notice shall be provided as a Class 2 notice, under ch. 985 of Wis. Stats., published twice, once each week consecutively, with the last at least one week (seven days) before the hearing. The plan commission shall also give at least ten days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

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

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

Michael Murray, Mayor
ATTEST:

Rebecca Weyer, Clerk

READ: 03/15/2022
PASSED: 03/15/2022
PUBLISHED: 03/28/2022

Ambulance Commission

Tomah Area Ambulance Service, purchase a take home vehicle for the full-time Deputy EMS Chief

This is one of the vehicles that was previously brought before the Council to be purchased from Monroe County that did not become available. There is now a vehicle available for purchase. The funding for this vehicle will come from the Ambulance budget and not from the general fund which is funded by taxpayer dollars. Motion by Koel, second by Yarrington, to approve the purchase of a take home vehicle for the full time Deputy EMS Chief not to exceed \$9000. Motion carried.

Community Development Block Grant (CDBG)

Review & action(s) to be taken in consideration of discontinuing/closing City of Tomah - Community Development Block Grant (CDBG) Housing State Revolving Loan Fund (SRLF)

The City has operated this revolving loan fund since the 1980s. As the money is paid out it goes into a revolving loan fund. The money is spent to improve Tomah properties. A few years ago, the state mandated the money will not be repaid back to the program until after the house is paid. There are only two loans outstanding and there are not enough funds to continue to fund the program.

Motion by Yarrington, second by Pater, to approve the discontinuation/closing of the City of Tomah Community Development Block Grant Housing State Revolving Loan Fund. Motion carried.

ADJOURN

Motion by Zabinski, second by Pater, to adjourn. Meeting adjourned at 7:46 p.m.

Adam Gigous, Council Vice President

Attest: Rebecca Weyer, City Clerk

To be approved on 04/19/2022