

The COMMON COUNCIL of the City of Tomah met in REGULAR SESSION May 12, 2020 at 6:30 p.m. with Mayor Mike Murray presiding in the Municipal Building, 819 Superior Avenue, Tomah WI via Go to Meeting at 571-317-3122 – Meeting ID: 344-891-253#.

Following the Pledge of Allegiance, roll call was taken with the following members present: Mike Murray, Travis Scholze, Lamont Kiefer, Donna Evans, Dean Peterson, Shawn Zabinski, Jeff Cram, Richard Yarrington, and Adam Gigous. Absent: None. Quorum present. Also present: City Attorney Penny Precour and City Clerk JoAnn Cram. Gregg Hagen did not videotape the meeting due to COVID-19 restrictions.

Anyone Desiring to Appear Before the City Council. Lamont Kiefer advised the May Lake Committee meeting has been cancelled. The next scheduled meeting is Thursday, July 16th.

Designate Official Newspaper. Circulation numbers were received from the Tomah Journal/Monitor Herald and the Monroe County Herald. The Monroe County Herald advises they have 957 Tomah subscriptions, 66 online subscriptions, and approximately 150 sales in the newsstands. The Director of Audience Development from the River Valley Media Group advised the Tomah Journal has a circulation of 531 in the 54660 zip code. Both are eligible, the Tomah Paper is located in the City. Discussion was held regarding adding the information for legal notices to our website.

Motion by Yarrington, second by Evans to designate Monroe County Herald as the official newspaper for the City of Tomah. Motion passed with 3 negative votes from Zabinski, Peterson and Scholze.

Mayor. 1. Review of City Administrator Job Description and Discuss Job Posting. Discussion was held regarding adding 5 to 10 years of previous experience preferred. It was the consensus to leave it at “preferred” and not “required.” Further discussion was held regarding how the City Administrator position and the City Clerk position will “mesh” going forward as we look to replace both positions. It was the consensus of the Council to continue with the hiring of a City Administrator and use the current job description. It was the consensus of the Council to move forward and post the City Administrator job opening this week.

2. COVID 19 Update and Council Review. Mayor Murray has contacted the League of WI Municipalities regarding the “Safer at Home” stipulations ordered by the State and what, if any, action would result if there was a decision made to not adhere to the current order. Small businesses can now open and they can have up to 5 people in the business as long as there is an outside entrance. Enclosed malls are not eligible. Has there been a discussion with the County should the Supreme Court rule should the Dept. of Health order fall? Today is the end of Gov. Evers initial order but the “Safer at Home” stays in effect because of the Dept. of Health order. Mayor Murray will contact the County on Wednesday to discuss this issue with them. As of today, the state has met 5 of the 6 requirements of Badger Bounce Back. The City also needs to address the comp time issue that occurred during the early stages of COVID 19. Past practice has been that comp time cannot exceed 40 hours, however, the manual did not specific cap exempt comp time. The police chief exceeded the 40 hours with 31.5 hours extra hours worked, the assistant chief went over with an additional 69 hours, the City Clerk had accumulated 60.5 hours of additional time, and Ambulance Director Dunford also went over 40 hours with an additional 35.5 hours related to COVID 19 issues. Discussion was held and concern was voiced that salaries exist because exempt employees aren’t paid hourly but are paid to get a job done.

Motion by Gigous, second by Scholze to award comp time earned and tracked due to COVID-19 at the actual hours earned, but not to exceed an additional 40 hours maximum, as reported at the April meeting with the stipulation that additional comp time cannot be earned or banked until the total comp time bank falls below 40 hours. Motion passed without negative vote.

3. Discussion of Creating a Finance Committee. The whole intent of creating the Committee of the Whole was the fact that our Chief Financial Officer should be involved in discussions when it comes to monetary issues. Financial impacts need to be more thoroughly vetted on issues relating to city funds and expenditures. The County Board requires a financial impact attached to every Resolution. There needs to be more oversight into the financial area than in the recent past. City Attorney Precour recommended that some of the ways to memorialize this discussion is to create a policy of what is required when financial issues are brought forward. The policy can be amended when the new City

Administrator is hired. When the Committee of the Whole was created, several committees were lumped into one. We need to take a better look at what the Committee of the Whole function is and try to eliminate redundancy. A lot of the work should be done at the Committee of the Whole meeting with the Council making the formal decision. The CFO should be the one to advise whether or not projects or spending is feasible and speak to the financial end of it. The City Administrator should work with department heads to find the best routes to take to create projects and determine what is needed fiscally. The two positions need to work together. The Council controls the budget decisions in the end. City Attorney Precour would recommend having a meeting to further discuss this issue and bring this back to the June meeting.

4. Request for Moratorium Regarding Tax Incremental Financing Applications and Approval of Resolution. A comparison is being made and the policy and applications are being fine-tuned. This information should be available at the June meeting for additional discussion and action.

Motion by Yarrington, second by Kiefer to approve **Resolution No. 2020-05-12-14** Adopting a Temporary Moratorium Regarding Tax Incremental Financing Assistance Applications. Motion passed without negative vote.

RESOLUTION NO. 2020-05-12-14

RESOLUTION ADOPTING A TEMPORARY MORATORIUM ON TIF ASSISTANCE APPLICATIONS

WHEREAS, the City of Tomah utilizes TIF funding to promote rehabilitation and conservation within TID #8; and **WHEREAS**, the City of Tomah has decided to amend its TIF assistance policy for future applications; and **WHEREAS**, the City prefers that all new TIF assistance applications adhere to the amended TIF assistance policy. **NOW, THEREFORE, IT BE RESOLVED** that a moratorium is placed on all new TIF assistance applications until the new TIF assistance policy has been adopted by the City Council.

Dated this 12th day of May, 2020.

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

5. Extension of Emergency Declaration. It was determined that it would be beneficial to extend the Emergency Declaration.

Motion by Scholze, second by Gigous to extend the Declaration of Emergency to end on the State's Emergency Order end date or the June Council meeting, whichever comes first. Motion passes without negative vote.

City Clerk. City Clerk Cram provided updates on the Census, Board of Review, and the League of WI Municipalities 2020 Local Government 101 Training. The Clerk's office is also starting to work on the redistricting process with software and procedural training scheduled for June and July. The UW Green Bay classes will be done virtually this year and the Clerk's Conference in August has been cancelled. The educational District Meetings are also on hold at the present time. The Special District 7 Representative in Congress to replace Sean Duffy is being held today. The only City wards involved are 5B and 24 which are the Landfill Site and the Badger 5 field, both empty parcels owned by the City. We were not required to hold polling hours but were able to submit zero voter reports. Board of Review will be held June 4th from 8:30 a.m. to 10:30 a.m. and Open Book will be May 21st and City Hall will be open to the public that day to meet with the Assessor. Board of Review must also be an in-person meeting in the Council Chambers.

Election Tally for the April 7, 2020 Presidential Preference and Spring Election. Total votes cast were 1,888 which is 44% of registered voters. 1,258 citizens voted by absentee ballots compared to 134 in 2018. There were 69 registrations completed on Election Day. The turnout compared to 63% in 2016 when a similar election was held.

Motion by Scholze, second by Evans to accept the Election Tally for the April 7, 2020 Presidential Preference and Spring Election as presented. Motion passed without negative vote.

Library Monthly Report. Library Director Keller advised that 703 e-books were checked out. Curbside service has started. Director Keller is working on re-opening following the COVID guidelines.

Tomah Public Housing & Community Development Block Grant Monthly Report. Director Rachel Muehlenkamp provided a written monthly report.

Senior & Disabled Services Report. Senior & Disabled Services Coordinator Pam Buchda provided a monthly written report. The Senior Center remains closed with the exception of the Loan Closet and meal distribution through Monroe County. The Senior

Center will not be opening on May 26th due to guideline restrictions unless legislation changes regarding the phases of opening.

Planning/Building Inspection Monthly Report. Shane Rolff provided a written report. There is another 51 unit apartment complex being constructed off of Berry Avenue. Toro will begin the final phase of their development project on May 18th.

Chamber/Convention & Visitor's Bureau Monthly Report. Ex. Director Thompson advised that future events are in question during the COVID 19 re-opening guidelines. Income is based on hotel room stays. Recovery time for hotel stays are expected to take double the time it took to decline. Locations such as ours are rural hotels and these are expected to rebound much quicker based on historical data. They are planning on a small scavenger hunt which will take place on Friday. They are planning some sort of a July 4th parade. Retail opened today to a limited capacity.

Request for Flexible Dates for Downtown Thursday Night Event Related Permits. The Chamber is hoping to create a 12 week window that they can potentially hold the Downtown Thursday Night Events. The 12 week window would extend the weeks to September 24th adding potential dates of August 20 and 27 and Sept. 2, 10, 17 & 24. This would allow the dates to be moved depending on the COVID-19 restrictions this summer. Police Chief Nicholson has submitted the amended applications to the State for the highway closing.

Motion by Evans, second by Yarrington to create a 12 week window extending potential weeks from August 20th through September 24 in an effort to be flexible depending on COVID 19 restrictions as long as approved by the State for street closure. Motion passed without negative vote. (Cram abstained)

Consent Agenda Items.

Motion by Zabinski, second by Kiefer to approve the following Consent Agenda items. Motion passed without negative vote.

- A. **Minutes** of April 11, 2020 Special Council Meeting as presented.
- B. **Minutes** of April 14, 2020 Regular Council Meeting as presented.
- C. **Minutes** of April 28, 2020 Re-Organizational Meeting as presented.
- D. **Cash and Investment Reports** for April 2020.

Resolution Temporarily Amending Regulatory Fees Regarding Alcohol Licensing for Class B and Class C Licenses. Due to the state mandated restrictions of the COVID-19 Pandemic and the required shutdown of bars and restaurants who hold a Class B Beer and Class B Liquor License and restaurants that hold a Class C Wine License, it is requested that the fees be temporarily reduced for 2020 by 50%.

Motion by Zabinski, second by Scholze to approve **Resolution No. 2020-05-12-15** Temporarily Amending Regulatory Fees Regarding Alcohol Licensing for Class B and Class C licenses as specified for the 2020 renewal process. Motion passed without negative vote (Murray abstained).

RESOLUTION NO. 2020-05-12-15
RESOLUTION TEMPORARILY AMENDING REGULATORY FEES REGARDING
ALCOHOL LICENSING FOR CLASS B AND C LICENSES

WHEREAS, due to the state mandated restrictions of the COVID-19 Pandemic and the required shutdown of bars and restaurants who hold a Class B Beer and Class B Liquor License and restaurants that hold a Class C Wine License, the Common Council of the City of Tomah has authorized a temporary reduction of license fees for renewals effective July 1, 2020, and

WHEREAS, in an effort to assist these establishments during these difficult times, the following fees will be effective for the 2020 renewals of licenses expiring June 30, 2020:

- Class B Liquor – reduce the renewal fee from \$500 to \$250 for the year 2020
- Class B Beer – reduce the renewal fee from \$100 to \$50 for the year 2020
- Class C Wine – reduce the renewal fee from \$100 to \$50 for the year 2020

and,

WHEREAS, all other licensing fees will remain the same, and

NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Tomah Common Council does hereby authorize a temporary change in the 2020 Class B Liquor and Beer and Class C Wine licensing fees as designated above.

Dated this 12th day of May, 2020

Michael Murray, Mayor

ATTEST:

JoAnn M. Cram, City Clerk

Renewal of "Class B" Liquor & Class "B" Fermented Malt Beverage Licenses for 2020 - 2021

Motion by Kiefer, second by Cram to approve the "Class B" Liquor and Class "B" Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2020 – June 30, 2020 unless sooner revoked and contingent on any or all unpaid tax obligations, assessments, or other fees owed to the City are paid and must be compliant with building,

plumbing, electrical, zoning, health or fire codes at the time the license is to be renewed. Motion passed without negative vote.

1. American Legion Post 201 – Todd Steffel, Agent at 800 Wisconsin Avenue
2. The Break Room Sports Bar & Grill, Chad Madson, Agent at 1123 Superior Avenue
3. The Carlton LLC – Samantha Davis, Agent at 309 Superior Avenue
4. The Chillzone – Corey Williams, Agent at 1119 Superior Avenue
5. Dimensions II, LLC – Patrick Murphy, Agent at 1110 Superior Avenue
6. Don Cinco De Mayo Cantina Inc. – Andres Valencia, Agent at 918 E Mc Coy Blvd.
7. Franny's – James Frandsen, Agent at 1115 Superior Avenue
8. Kelsey's LLC – David Berndt, Agent at 201 Superior Avenue
9. Murray's on Main – Michael Murray, Agent at 810 Superior Avenue
10. Perkins Family Restaurant/Mr. P's – Justin Johnson, Agent at 1015 E McCoy Blvd.
11. Taphouse Twenty (T & J Hospitality, LLC), Tyson Koput – Agent at 201 Helen Walton Dr., Ste 1
12. Vino Anjo, LLC – Joline Powell, Agent at 800 Superior Avenue

Renewal of Class "A" Fermented Malt Beverage Licenses for 2020 – 2021

Motion by Kiefer, second by Evans to approve the Class "A" Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2020 to June 30, 2021 unless sooner revoked and contingent on any or all unpaid tax obligations, assessments, or other fees owed to the City are paid and must be compliant with building, plumbing, electrical, zoning, health or fire codes at the time the license is to be renewed. Motion passed without negative vote.

1. Vino Anjo LLC - Joline Powell, Agent at 800 Superior Avenue

Renewal of "Class A" Liquor & Class "A" Fermented Malt Beverage Licenses for 2020 – 2021.

Motion by Kiefer, second by Gigous to approve the "Class A" Liquor and Class "A" Fermented Malt Beverage Licenses in the City of Tomah as printed for the period of July 1, 2020 to June 30, 2021 unless sooner revoked and contingent on any or all unpaid tax obligations, assessments, or other fees owed to the City are paid and must be compliant with building, plumbing, electrical, zoning, health or fire codes at the time the license is to be renewed. Motion passed without negative vote.

1. Aldi Inc. (Store #52) – Troy Lenning, Agent – 1844 N Superior Avenue

Extension of Substantial Completion of Toro Project to December 31, 2020. The City of Tomah entered into a development agreement with the Toro Company in 2018 for a package of incentives related to the Company's Tomah facility expansion project. Toro is requesting an extension due to unavoidable delays and wants to allow the project to be extended until December 31, 2020 for substantial completion. The final phase of the project cannot be completed until the equipment can be fully installed. Toro expects that the final certificate of occupancy/substantial completion will likely be issued by the end of September 2020, however, they are requesting the extension to December 31st.

Motion by Gigous, second by Kiefer to direct the City Attorney to draft a resolution acknowledging that both the City and the Toro Company agree that there are unavoidable delays and it is agreed to delay substantial completion until Dec. 31, 2020 and the Mayor and City Clerk are authorized to sign the necessary documents. Motion passed without negative vote.

Resolution Regarding Sale of Property. Habitat for Humanity has agreed to purchase the lot described as Outlot 230 of the Assessor's Plat (West Juneau Street) of the City of Tomah, Monroe County, WI for the purchase price of \$15,000.

Motion by Gigous, second by Yarrington to approve **Resolution No. 2020-05-12-16** Regarding the Sale of Property as presented. Motion passed without negative vote.

RESOLUTION NO. 2020-05-12-16

RESOLUTION OF CITY COUNCIL OF CITY OF TOMAH - SALE OF PROPERTY

The City Council of the **CITY OF TOMAH**, a Municipal Corporation (the "City") approves the following actions:

RESOLVED: City is a valid and existing Municipal Corporation; and

RESOLVED: City approves the sale of property located at W. 428 West Juneau Street, Tomah, Wisconsin and legally described as Outlot 230 of the Assessor's Plat of the City of Tomah, Monroe County, Wisconsin, for the purchase price of \$15,000.00; and

RESOLVED: Mayor and the City Clerk of the City are authorized and directed for and on behalf of the City to execute and deliver any such instruments as may be required and to take such other action in the consummation of the transaction contemplated as the City Attorney shall deem to be necessary or desirable, and any and all acts previously taken by such City officers to such end are hereby expressly ratified and confirmed as the acts and deeds of the City. Dated this 12th day of May, 2020.

CITY OF TOMAH: By: Michael Murray, Mayor By: JoAnn Cram, City Clerk

Amendment to Chapter 8 Regarding Comp Time for Exempt Employees. At the April 28th Council meeting, City Clerk Cram was directed to include language capping the accrual of comp time for exempt employees at 40 hours.

Motion by Evans, second by Kiefer to approve the amendment to Chapter 8 regarding comp time accrual for exempt employees to include the language capping the accrual at 40 hours effective April 14. Motion passed without negative vote.

Ordinance Amending Chapter 44 Regarding All Terrain & Utility Terrain Vehicles (2nd Reading & Adoption)

Motion by Evans, second by Gigous to waive the second verbatim reading of the Ordinance Amending Chapter 44, Section 44-179 Regarding ATV/UTV routes. Motion passed without negative vote.

Motion by Evans, second by Cram to adopt **Ordinance No. 2020-05-04-D** Amending Chapter 44, Section 44-179 regarding ATV/UTV routes in the City of Tomah. Motion passed without negative vote.

ORDINANCE 2020-05-04-D

AN ORDINANCE AMENDING SECTION 44-179 OF THE MUNICIPAL CODE OF THE CITY OF TOMAH, MONROE COUNTY, WISCONSIN REGARDING ALL-TERRAIN AND UTILITY TERRAIN VEHICLES.

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

SECTION ONE: That section 44-179 of the Municipal Code of the City of Tomah, Wisconsin be amended to read as follows:

Chapter 44, Article VIII ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

Sec. 44-179. - ATV/UTV routes.

Except as otherwise specifically provided in Wisconsin Statutes Section 23.33, and subject to the conditions and limitations hereinafter set forth:

1. Under Wis. Stat. s. 23.33(8)(b)2, the City of Tomah designates all City-maintained roads, streets, alleys, and highways, including any city-maintained parking lots, except connecting highways, as all-terrain vehicle ("ATV") or utility terrain vehicle ("UTV") routes, except as otherwise posted; and
2. Under Wis. Stat. s. 23.33 (11)(am)4, the City of Tomah authorizes the operation of ATVs or UTVs on all state, connecting and county highways with a posted speed limit of 35 MPH or less within the territorial boundaries of the City of Tomah, except as otherwise posted.
3. The Tomah Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

SECTION TWO: Any Ordinance, or parts thereof, inconsistent herewith is hereby repealed.

SECTION THREE: This Ordinance shall be published as required by law after passage by the Common Council. This ordinance shall be in full force and effect from and after its passage and publication as required by law and shall remain in effect unless amended or repealed by action of the Common Council of the City of Tomah.

Michael Murray, Mayor ATTEST: JoAnn Cram, City Clerk

READ: 03/17/2020 & 5/12/2020 PASSED: 05/12/2020 PUBLISHED: 05/22/2020

Renewal of Contract Agreement for Consulting, Assessing, and Appraisal Services. The contract with Milde Appraisal Service is up for renewal. The proposed fee for 2021-2023 remains the same as the previous contract rates. Milde Appraisal is including an Interim Market Update in the tax year 2021 on all taxable property to bring all City property to full market value. For tax years 2022 and 2023, they would perform regular maintenance assessment cycles. They are not charging more for the market update year and we have been very happy with their services.

Motion by Cram, second by Yarrington to approve the 2021, 2022 and 2023 contract Agreement for Consulting Assessing and Appraisal Services with Milde Appraisal as presented. Motion passed without negative vote.

Resolution Authorizing Payment of Monthly Bills.

Motion by Cram, second by Evans to approve **Resolution No. 2020-05-12-17** authorizing payment of the monthly bills in the amount of \$1,619,745.39 as presented. Motion passed without negative vote.

**RESOLUTION NO. 2020-05-12-17
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	\$1,202,180.69	Check #'s	127290-127332 & 127369-127471
2. Payroll	\$ 234,032.34	Direct Deposit #'s	60447-60677 (59943)
3. Wire Transfers	\$ 33,983.74		
4. Invoices	\$ <u>149,548.62</u>	Check #'s	127572-127597
Mike Murray, Mayor		ATTEST:	JoAnn Cram, City Clerk

Motion by Kiefer, second by Gigous to adjourn. Motion passed with one negative vote. Meeting adjourned at 8:32 p.m.

Approved:

ATTEST:

Michael Murray, Mayor

JoAnn M Cram, City Clerk
Minutes to be approved on June 9, 2020