

## Common Council Meeting Minutes 12/20/2022

### CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting was called to order by Mayor Michael Murray at 6:00 p.m. After the Pledge of Allegiance, roll call was taken. Present: Michael Murray, Adam Gigous, Richard Yarrington, Shawn Zabinski, John Glynn, Mitchell Koel, (arrived at 6:02), Lamont Kiefer, and Nellie Pater. Absent: Dean Peterson. Also present: Kirk Arity, Molly Powell, Becki Weyer, Tim Adler, Pam Buchda, and Tina Thompson. All motions are unanimous unless otherwise noted.

### Adjourn into Closed Session

Motion by, Zabinski, second by Yarrington, to adjourn to closed session pursuant to Wisconsin State Statute 19.85 (1)(c) Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Motion carried.

Meeting adjourned to closed session at 6:02 p.m. All audience members present were asked to leave the meeting for the council to conduct the Senior Executive Team annual review.

The meeting resumed to open session at 7:04 p.m. Shawn Zabinski left the meeting after the closed session.

### Action on Closed Session Items

There were no actions on closed session items.

### Mayor

The Mayor read a resolution recognizing Stuart Westpfahl for his faithful service to the City of Tomah over the past 40 years.

### Resolution in Recognition of Honor to Stuart Westpfahl for Service to the City of Tomah



RESOLUTION NO.

#### RESOLUTION IN RECOGNITION OF HONOR TO STUART WESTPFAHL FOR SERVICE TO THE CITY OF TOMAH 1982-2022

**WHEREAS**, on February 17, 1982, Stuart Westpfahl began his 40 years of service to the City of Tomah as a sanitation operator for Public Works, he became a truck driver in July of 1986, and was promoted to equipment operator on April 30, 1995; and

**WHEREAS**, a few highlights of Stuart's City of Tomah career include a Certificate of Appreciation from the Public Works and Utility Commission for his 15 years of dedicated service to the City in February of 1997; and

**WHEREAS**, in addition to his duties with Public Works, Mr. Westpfahl also served on the Tomah Fire Department for nearly 40 years from February 2, 1973 to February 8, 2012 as a firefighter and eventually as a training officer, was appointed to Assistant Fire Chief on November 7, 1988 by then Fire Chief Tom Flock, Stuart also represented management on the Safety Committee; and

**WHEREAS**, he has distinguished himself in his training and qualifications for equipment operation and his knowledge of safety procedures and protocols. Mr. Westpfahl was often complimented on his ability to work well unsupervised and relay any problems or concerns to his supervisors; and

**WHEREAS**, Stuart continually acted as Department Foreman whenever the foreman was on vacation or unavailable. He was proficient at running operations in the foreman's place with little to no impact on the department; and

**WHEREAS**, his colleagues knew him as an independent, safe, reliable, self-starter who would always accept assignments with a willingness to go the extra mile.

**NOW THEREFORE, BE IT RESOLVED**, that I Michael Murray, Mayor, City of Tomah, do hereby express my sincere appreciation and gratitude for Mr. Westpfahl's dedication and commitment to the City, and congratulate him on the occasion of his retirement from the City of Tomah, and wish him the best, and continued success in his retirement and future endeavors.

Dated this 16th day of November, 2022.

\_\_\_\_\_  
Michael Murray, Mayor

ATTEST:

\_\_\_\_\_  
Rebeca Weyer

### Anyone Desiring to Appear to Council

## **Common Council – December 20, 2022**

Pete Thorson from 25822 Hyland Ave appeared to the Council and wished to speak on an encroachment issue at The Meadows. He requested a reply by January 1<sup>st</sup> to execute a project on his property in Tomah. He asked the Council to assist by January 1 to help bring the potential development to Tomah.

### **Mayor's report**

The Mayor thanked Joe Protz and the members of the community for making the special needs Christmas party a special and inclusive event in the City. Murray wished everyone a Merry Christmas and Happy new year.

### **Senior Executive Team**

Arity asked the Council for any agenda items that they would like to see the Senior Executive Team work on in the future. Pater asked about land on the north end of town by Walmart the city may be interested in purchasing. Yarrington asked for a report on where the SET is on commercial development Koel asked for additional information on forward momentum regarding the housing study that was presented to the Committee of the Whole on 12/19/22.

### **Public Safety November Monthly Report**

Chief Adler provided a monthly written report to the council.

Fire: Fully staffed, with an eligibility list. Lost a structure at 110 E Council street due to careless use of smoking materials. Adler gave an update on the progress of the public safety building. DSPS will be doing an audit on January 18<sup>th</sup>. Appreciate homeowners for digging out fire hydrants with the deep snow.

EMS: fully staffed. Some transfers were turned down due to inclement weather and multiple ambulances that were stuck in snow. The new NSURE program has been a return on investment. The new 2022 ambulance has arrived.

### **Senior & Disabled Services Dept. Monthly Report**

Dir. Buchda provided a monthly written report and covered the highlights with the Council. The Senior Center will be closed from 12/23-12/26 for the holidays and on January 2. During bad weather the Senior Center is generally open, but patrons should call ahead in case of inclement weather to be sure. The annual Christmas party was a success with 88 participants. Buchda covered the traveling services that are available at the Senior Center. The newsletter has information about donations and funds raised at the craft show held in November. There is a new intern that started in November through the Division of Vocational Rehab through Aptiv.

### **November Building Permit Report**

Building Inspector Rolff provided the council with a monthly written report.

### **Chamber/Convention & Visitors Bureau**

Heading into slow season. The Chamber's new website is complete, and Thompson is excited about the functionality. Council and school board meetings will be on their menu. Thank you to the City of Tomah with their help with the holiday parade. They are finalizing the area and are hoping to have it complete by mid-February next year. Thompson reminded the public that Tomah Bucks are available and make great holiday gifts.

### **CONSENT AGENDA**

Motion by Yarrington, second by Koel, to approve the following consent agenda:

- A. Approval of Minutes from November 15, 2022
- B. Special Beer and Wine Permit Application by North American Squirrel Association (n.a.s.a.) for the Annual n.a.s.a. Fundraising Banquet on March 25, 2023
- C. Annual renewal of Taxicab Licenses for Running, Inc. DBA Tomah Transit
- D. Secondhand Article & Jewelry Dealer Licenses Application for Antique Mall of Tomah
- E. November 30, 2022 Cash and Investments Report

Motion carried.

### **Resolution Accepting Donation of Land**

Motion by Koel, second by Pater, to approve the resolution accepting donation of land to the City of Tomah. Motion carried.

#### **RESOLUTION NO. \_\_\_\_\_ RESOLUTION ACCEPTING TRANSFER OF REAL ESTATE**

WHEREAS, Michelle L. DuBois is the owner of an interest in real property located on Brandon Street, Tomah, Wisconsin legally described as follows:

A parcel of land located in Lots 2 thru 4, Block 4, Lakeside Addition, City of Tomah, Monroe County, Wisconsin, being part of the SE¼-NE¼, Section 5, T17N-R1W described as follows: All that part of said Lots 2 thru 4 lying north and west of the following described line; Commencing at the E¼ corner of said Section 5; thence S88°51'06"W, a distance of 40.03 feet to the Southeast corner of Lot 1 of said Block 4; thence N1°19'19"E, a distance of 120.10 feet to the Northeast corner of said Lot 1; thence S88°52'19"W along the north line of said Lots 1 and 2, a distance of 90.97 feet, being the Beginning of the line being described; thence

## Common Council – December 20, 2022

S82°29'48"W, a distance of 39.58 feet; thence Southwesterly along a curve concave to the southeast, having a radius of 92.14 feet (the Long Chord of which bears S65°45'34"W, 53.07 feet) a distance of 53.83 feet; thence S49°01'20"W, a distance of 124.36 feet to the intersection with the East line of Ellen Drive extended; thence S1°00'57"W a distance of 15.18 feet to the south line of said Lot 4, being the End of the line being described. Subject to all easements and right-of-ways of record.

WHEREAS, the City of Tomah has completed a street and sidewalk improvement project of Brandon Street that includes the collection of special assessments for property owners benefiting from said improvements;

WHEREAS, during the course of surveying the land for the project, it was determined that part of Brandon Street, and the preferred expansion/location for that portion of the project, was actually located on property owned by Michelle DuBois; and

WHEREAS, Michelle L. DuBois has agreed to transfer the above-referenced property to the City of Tomah free and clear of any encumbrances in exchange for a waiver of her special assessment associated with the project in the amount of \$8,823.11 and

WHEREAS, the above-referenced property is now part of an existing road right of way and other Brandon Street improvements that generates limited property tax revenue; and

WHEREAS, the transfer of ownership interest in the above-referenced property to the City of Tomah will clear up title for the current location of the Brandon Street; and

WHEREAS, there is a need for a resolution to be filed with the Monroe County Register of Deeds formally accepting said land transfer along with the deed from Michelle L. DuBois to the City of Tomah and partial release of the existing mortgage on said property;

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Tomah hereby accepts the above-described transfer of real estate, free and clear of all encumbrances, in exchange for the waiving of the special assessment of Michelle L. DuBois.

BE IT FURTHER RESOLVED upon receipt and recording of the Quit Claim Deed from Michelle L. DuBois, for the transfer of the above-referenced property, free and clear of any encumbrances, the special assessment of Michelle L. DuBois in the amount of \$ \_\_\_\_\_ shall be considered paid in full.

\_\_\_\_\_  
Michael Murray, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Weyer, City Clerk

### **Design/Construction Management Agreement for Ice Center/Multi-Purpose Building Addition**

Motion by Glynn, second by Gigous, to approve the agreement with Keller Inc. for the Design/Construction of the Ice Center/Multi-Purpose building addition. Motion carried.

### **Approval of 2023 Public Transit Lease Agreement between City of Tomah and Running, Inc.**

Motion by Kiefer, second by Glynn, to approve the 2023 Public Transit Lease agreement between the City of Tomah and Running, Inc. Motion carried.

### **Resolution Declaring Official Intent to Reimburse Expenditures From Proceeds of Borrowing**

Motion by Yarrington, second by Kiefer, to approve the resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing. Motion carried.

RESOLUTION NO. \_\_\_\_\_

#### **RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING**

WHEREAS, the City of Tomah, Monroe County, Wisconsin (the "Issuer") plans to finance 2023 capital improvement projects, including those listed in Exhibit A attached hereto (collectively, the "Project");

WHEREAS, the Issuer expects to finance the Project on a long-term basis by issuing tax-exempt bonds or notes (collectively, the "Bonds");

WHEREAS, because the Bonds will not be issued prior to commencement of the Project, the Issuer must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, the Common Council (the "Governing Body") of the Issuer deems it to be necessary, desirable, and in the best interests of the Issuer to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Issuer that:

**Section 1. Expenditure of Funds.** The Issuer shall make expenditures as needed from its funds on hand to pay the cost of the Project until proceeds of the Bonds become available.

**Section 2. Declaration of Official Intent.** The Issuer hereby officially declares its intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, in an amount not expected to exceed \$4,700,000.

**Section 3. Unavailability of Long-Term Funds.** No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer pursuant to its budget or financial policies.

**Section 4. Public Availability of Official Intent Resolution.** The Resolution shall be made available for public inspection at the office of the Issuer's Clerk within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

**Common Council – December 20, 2022**

**Section 5. Effective Date.** This Resolution shall be effective upon its adoption and approval.

Adopted and recorded \_\_\_\_\_, 20\_\_

Approved \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Michael Murray  
Mayor

ATTEST:

(SEAL)

\_\_\_\_\_  
Rebecca Weyer  
City Clerk

**Exhibit A**

**City of Tomah  
2023 Capital Projects - Reimbursement Resolution**

DEPARTMENT	DESCRIPTION	COST
AIRPORT	ALP and Electrical Design	15,200.00
CITY HALL	Network Equipment	60,000.00
MASS TRANSIT	Transit 350XL	29,000.00
MASS TRANSIT	Transit 350XL	29,000.00
PARKS	Winnebago Park Roadway	100,000.00
PARKS	Veterans Park Roadway	40,000.00
PARKS	Firemans Park Shelter Roof	22,000.00
PARKS	Winnebago Park Shelter	50,000.00
PARKS	Toro 4010 Mower	130,000.00
POLICE	Copy Machine	8,500.00
POLICE	2 Marked Hybrid Squads	108,000.00
POLICE	UTV	33,000.00
POLICE	Record Management Software and Implementation	80,000.00
STREETS	Snow Removal Equip	85,000.00
STREETS	Pickup Truck	70,000.00
STREETS	Chipper Attachment	15,000.00
STREETS	Compressor	20,000.00
STREETS	Seal Coating	250,000.00
STREETS	ET Intersection Project	100,000.00
STREETS	Garbage Truck	360,000.00
STREETS	Glendale Avenue	150,000.00
TID 8	TID 8 Street Resurfacing	50,000.00
TOURISM	Ice Center Addition	1,300,000.00
TOURISM	Flare Avenue Ball Complex	1,500,000.00
		4,604,700.00

**Resolution Authorizing Payment of Monthly Bills**

Motion by Glynn, second by Kiefer, to approve the resolution authorizing payment of monthly bills in the amount of \$2,880,196.11. Motion carried.

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:	2022	\$817,646.61	Check #'s:	141474	141633
2. Payroll:		\$281,882.20	Dir Dep #'s:	9297552	9297825
3. Wire/ACH Transfers:		\$1,322,057.96			
4. Invoices:		\$458,609.34			
Total:		\$2,880,196.11			

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Requested by: Finance Department

Submitted by: Committee of the Whole

December 20, 2022

**Request by Tomah Public Housing Authority for Forgiveness of Shared Employee's Retirement**

Motion by Yarrington, second by Koel, to approve the request from the Tomah Public Housing Authority for forgiveness of \$11,847.59 for a retired employee payout. Motion carried.

**Ordinance revising Ordinance Sec. 38 Streets, Sidewalks & Other Public Places First Reading**

## Common Council – December 20, 2022

Motion by Pater, second by Glynn, to waive the first verbatim reading of the ordinance revising Sec. 38 Streets, Sidewalks & Other Public Places. Motion carried.

### **Tomah Area Ambulance Service Part Time Staff Wage Approval**

Motion by Gigous, second by Koel, to approve the increase to part-time ambulance service employees as presented. Motion carried.

	Current Wages	Proposed Increase
EMT-Basic	\$12.36	\$16.00
Advanced EMT	\$12.36	\$18.00
Paramedic	\$17.53	\$21.00
Critical Care Paramedic	\$17.53	\$21.00 plus \$50.00 stipend for CC-Transfer

### **Tomah Area Ambulance Service recruitment and retention benefit approval**

Motion by Glynn, second by Koel, to approve the use of funding received by an EMS flex grant in the amount of \$21,250 to be used for recruitment and retention bonus payments to Tomah EMS current employees. Motion carried.

### **Subletting of Tomah Ice Center**

Tomah Youth Hockey has requested approval from City Council to allow for subletting the Tomah Ice Center to a junior hockey team. Motion by Glynn, second by Gigous to approve Tomah Youth Hockey's request to sublet the Ice Center as requested. Motion carried.

### **Act from on Request Tomah Youth Hockey Club for extended use of Tomah Ice Center**

The current lease with Tomah Youth Hockey for the Tomah Ice Center is from September 1 – June 1 each year. Tomah Youth Hockey would like to extend the usage of the Ice Center to include the 2<sup>nd</sup> week of August to June 1 each year. Motion by Kiefer, second by Glynn, to approve the lease agreement change to include the additional dates as requested. Motion carried. The Director of Parks and Recreation and the City Attorney will work on drafting the new lease agreement.

### **Election Tally for the November 8, 2022, General Election**

Motion by Kiefer, second by Glynn, to accept the November 8, 2022, General Election results tally. Motion carried.

### **ADJOURN**

Motion by Kiefer, second by Pater, to adjourn. Meeting adjourned at 7:57 p.m.

---

Michael Murray, Mayor

---

Attest: Rebecca Weyer, City Clerk

To be approved on January 17, 2023