

# **MINUTES FOR COMMON COUNCIL AND REORGANIZATIONAL MEETING TUESDAY, APRIL 16, 2024**

## **Call to Order, Pledge of Allegiance, Roll Call**

Mayor Paul Dwyer called the Common Council and Reorganizational Meeting to order on **Tuesday, April 16, 2024 at 6:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI. After the Pledge of Allegiance, Clerk Weyer took roll call. Present: Paul Dwyer, Travis Scholze, Richard Yarrington, Shawn Zabinski, John Glynn, Patrick Devine, Nicole Hart (remote), and Dean Peterson. Absent: Nellie Pater. Also present: Kirk Arity, Becki Weyer, Molly Powell, Pam Buchda, and Joe Protz. The meeting was available via Zoom and was recorded by Hagen Sports Network. All motions are unanimously approved unless otherwise notated.

## **ANYONE DESIRING TO APPEAR TO COUNCIL**

No one desired to appear to Council.

## **Elect President of the Council**

Yarrington Nominated John Glynn. There were no other nominations. John Glynn was duly elected President of the Council.

## **Elect Vice-President of the Council**

John Glyn nominated Travis Scholze. There were no other nominations. Travis Scholze was duly elected Vice-President of the Council.

## **Designate Official Newspaper**

Motion by Yarrington, second by Zabinski, to appoint the Monroe County Herald as the official City Newspaper. Motion carried.

## **Designate Broadcaster**

Motion by Scholze, second by Scholze, to appoint Hagen Sports Network as the official city Broadcaster. Motion carried.

## **Appointment of City Attorney**

Motion by Scholze, second by Glynn, to appoint Penny Precour as the City Attorney. Motion carried.

## **Weed Commissioner**

Motion by Peterson, second by Scholze, to appoint Kirk Arity as the Weed Commissioner. Motion carried.

## **Ambulance Commission**

Motion by Scholze, second Zabinski by to appoint Jerry Steele and Joyce Stenklyft to the Ambulance Commission. Motion carried.

## **Board of Appeals**

Motion by Peterson second by Zabinski to appoint John Glynn and Chuck Schaeve to the Board of Appeals. Motion carried.

## **Board of Review**

Motion by Scholze, second by Yarrington, to appoint Patrick Devine, Nicole Hart, and Shawn Zabinski to the Board of Review. Motion carried.

## **Convention & Visitor's Bureau Board of Directors Steering Committee**

Motion by Zabinski, second by Glynn, to appoint Caitlin Henry, Garrett Nelson, Carrie Moake, Molly Powell, and Travis Scholze to the Convention & Visitor's Bureau Board of Directors Steering Committee. Motion carried.

## **Ethics Board**

Motion by Zabinski, second by Zabinski, to appoint Eric Prise and Chuck Schaeve to the Ethics Board. Motion carried.

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### **Historic Preservation Committee**

Motion by Scholze, second by Zabinski, to appoint Nellie Pater, John Glynn and Suzanne Baker-Young to the Historic Preservation Committee. Motion carried.

### **Housing Authority**

Motion by Zabinski, second by Yarrington, to appoint Max Brohaugh and Patrick Devine to the Tomah Housing Authority. Motion carried.

### **Joint City School Committee Representatives**

Motion by Zabinski, second by Yarrington, to appoint Nellie Pater and Nicole Hart to the Joint City-School Committee. Motion carried.

### **Lake Committee**

Motion by Scholze, second by Zabinski, to appoint Joanne Klinker, Richard Yarrington, and Lamont Kiefer to the Lake Committee. Motion carried.

### **Library Board**

Motion by Zabinski, second by Scholze, to appoint Max Brohaugh, Paul Skofronick, and Suzanne Baker-Young to the Library Board. Motion carried.

### **Long Range Planning Committee**

Motion by Yarrington, second by Peterson, to appoint Shawn Zabinski and Pete Reichardt to the Long-Range Planning Committee. Motion carried.

### **Parks and Recreation Commission**

Motion by Zabinski, second by Yarrington, to appoint Donna Evans, Oak Moser, Dean Peterson, and Travis Scholze to the Parks and Recreation Commission. Motion carried.

### **Planning Commission**

Motion by Zabinski, second by Peterson, to appoint John Glynn, Travis Scholze, and Brian Rice to the Planning Commission. Motion carried.

### **Police and Fire Commission**

Motion by Peterson, second by Zabinski to appoint John Cram to the Police and Fire Commission. Motion carried.

### **Public Works and Utilities Commission**

Motion by Scholze, second by Yarrington, to appoint John Glynn, Richard Yarrington, Patrick Devine, Dean Peterson, and Brian Rice to the Public Works and Utilities Commission. Motion carried.

### **Senior and Disabled Services Board**

Motion by Peterson, second by Scholze, to appoint Jenna Moser, Lauri Shumway, Nicole Hart, and Shawn Zabinski to the Senior and Disabled Services Board. Motion carried.

### **Mayor**

Mayor Dwyer addressed the Council and those in attendance and asked for patience as he acclimates to his new position and expressed his hope to bring positive things to the city.

### **Senior Executive Team Monthly Report**

The Senior Executive Team provided a monthly written report. Kirk Arity gave an update and summary of the meeting held by the Monroe County Economic Development meeting. Arity explained that the modern thought process of economic development has shifted from one of job creation to providing amenities and a city that people want to live in. Available affordable housing is top on the list followed closely by good schools, public safety, and parks and recreational activities amongst other items.

## **Common Council and Reorganizational Meeting – April 16, 2024**

### **Public Safety March Monthly Report**

Chief Adler provided a written report for the Tomah Area Ambulance Service and Fire Department. He was not present for the meeting.

### **Tomah Parks and Recreation Program Report**

Protz provided a monthly written report. May 1 is the tentative date to open the park bathrooms. There has already been activity at the parks with the nice weather. Protz gave an update on upcoming events in the parks and Recreation Park. The astro turf at the new baseball field is being installed this week at the Flare Ave. baseball complex. The new kayak launch at Winnebago Park will be installed soon. The Ice Center addition construction has begun.

### **Library**

Director Keller was not present for the meeting.

### **Senior & Disabled Services Department Monthly Report**

Director Buchda gave an update on upcoming activities at the Senior Center. Volunteer appreciation week is April 21-27, 2024. She continues to look for names and information for resource guides for people who do lawn care and other activities. She is also looking for activity instructors.

### **March Building & Code Enforcement Reports**

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

- A. Approval of Minutes from March 19, 2024
- B. Secondhand Article Dealer License Application for ecoATM, LLC of Tomah.
- C. Temporary Class "B" license by VFW Post 1382 for their event on May 4, 2024.
- D. Temporary Class "B" license by VFW Post 1382 for their event on September 7, 2024.
- E. Appointment of 2024-2025 Election Officials
- F. March 31, 2024 Cash and Investments Report

Motion carried.

### **Ordinance Amending Chapter 2 Sec. 2-543 of the City of Tomah Municipal Code First Reading, Second Reading, Adoption**

Motion by Scholze, second by Zabinski, to waive the first verbatim reading of the Ordinance Amending Chapter 2 Sec. 2-543 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 Chapter 2 Sec. 2-543 of the City of Tomah Municipal Code. Motion carried.

Motion by Scholze, second by Yarrington, to adopt the Ordinance Amending Chapter 2 Sec. 2-543 of the City of Tomah Municipal Code.

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ORDINANCE NO. \_\_\_\_\_

Ordinance Amending Chapter 2 Sec. 2-543 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 2-543 Composition is hereby amended to read as follows:

The emergency management committee shall consist of the mayor, chief of police, Public Safety Director/fire chief, director of public works and utilities, representative as designated by Tomah Health, Tomah VA Medical Center and Tomah Area School District , Monroe County Emergency Management Coordinator, and the city attorney.

**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:

Resolution Authorizing Payment of Monthly Bills

Motion by Zabinski, second by Scholze, to approve the resolution authorizing payment of monthly bills in the amount of \$1,368,572.83. 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:	2024	\$695,034.06	Check #'s:	144501	144532
				144547	144659
2. Payroll:		\$282,967.70	Dir Dep #'s:	9302119	9302349
3. Wire/ACH Transfers:		\$380,002.05			
4. Invoices:		\$10,569.02			
Total:		<u>\$1,368,572.83</u>			

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Requested by: Finance Department

Submitted by: Committee of the Whole

April 15, 2024

Plan Commission recommendation to amend ordinance section 52-209(b)(3)-2<sup>nd</sup> reading and Adoption

## Common Council and Reorganizational Meeting – April 16, 2024

Motion by Zabinski, second by Glynn, to waive the 2<sup>nd</sup> verbatim reading of the ordinance amending ordinance section 52-209(b)(3). The motions were withdrawn from Zabinski and Glynn to allow for new council members to get additional information on this ordinance prior to adoption and will be brought to the next Council meeting.

### **Plan Commission recommendation to amend ordinance section 52-231—2<sup>nd</sup> reading and Adoption**

Motion by Zabinski, second by Scholze, to waive the second reading of the ordinance amending section 52-231 of the City of Tomah Municipal Code. Motion carried.

Motion by Peterson, second by Scholze, to adopt the ordinance amending section 52-231 of the City of Tomah Municipal Code. Motion carried.

ORDINANCE NO. \_\_\_\_\_

#### **Ordinance Creating Section 52-231(g)(3) 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 52-231(g)(3) of the City of Tomah Municipal Code is hereby created as follows:

(3) Temporary uses. Zoning Administrator shall review and may grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do no involve the erection of a substantial structure(s), and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Administrator and shall be issued for a period not to exceed 30 days. Compliance with all other provisions of this article shall be required.

**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 amend ordinance section 52-40-Schedule of Regulations—2<sup>nd</sup> reading and Adoption**

Motion by Scholze, second by Zabinski, to waive the second verbatim reading of the ordinance amending section 52-40 of the City of Tomah Municipal Code. Motion carried.

Motion by Peterson, second by Scholze, to adopt the ordinance amending section 52-40 of the City of Tomah Municipal Code. Motion carried.

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ORDINANCE NO. \_\_\_\_\_

## Ordinance Amending Sections 52-40 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 52-40 of the City of Tomah Municipal Code is hereby amended to read as follows:

### Sec. 52-40. Schedule of regulations.

Following is the schedule of regulations as they apply to each zoning district:

#### SCHEDULE OF REGULATIONS

			Minimum Yard Requirements (Ft.)									
	Lot Requirements		Principal Buildings			Accessory Buildings		Maximum Building Height				
Zone	Area in Sq. Ft.	Frontage in Ft.	Front	Each Side	Rear	Each Side	Rear	Stories	Feet	% Max. Lot Coverage	Min. Lot Area Per Dwelling	Use
R-1 Residential	7,200	60	(h) 25	(c) 10	(j) 30	(c) 3	3 (g)	2	30	30	7,200	1-family dwelling
R-2 Residential	7,200	60	(h) 25	(c), (j) 10	(j) 30	(c) 3	3 (g)	2	35	40	3,600	2-family dwelling
R-3 Residential	7,200	60	(h) 25	(c), (j) 10	(j) 20	(c) 3	3 (g)	3	40	60	1,800	Multi-family dwelling
B Business	(a) 3,000	20	None	(d) None	(d) 10	None	10	3	45	95	—	General business
B-2 Business	20,000	100	50	25	30	10	10	4	55 (k)	50	—	Highway business
M-1 Industrial	20,000	100	25	(e) 15	(e) 20	10	10	3	45	50	(b)	Limited industrial
B-1 Office Business	10,000	75	25	15	10	10	10	3	45	75	—	Office business
R-6 Zero Lot Line	7,200	50	25	(c), (j) 10	30	(c) 3	3 (g)	2	30	40	3,600	Duplex; single family dwelling
M-2 Industrial	20,000	100	25	(f) 25	(f) 20	10	10	3	45	60	(b)	General industrial
M-3 Industrial	20,000	100	25	25	20	10	10	3	45	60	(b)	Highway industrial
A-1 Agricultural	2 acres	100	100	50	50	50	50	—	50 (k)	—	—	Agricultural
C Conservancy	—	—	—	—	—	—	—	2	30	—	—	Parks & recreation
I Institutional	5,000	50	5	5	5	3	10	—	60 (k)	—	—	Hospitals, schools, government, churches

- (a) Shopping centers require a minimum of four acres, minimum frontage 300 feet, maximum height 35 feet, front yard 100 feet, rear 40 feet and side 40 feet.
- (b) Dwelling units not permitted except for watchman's/caretaker's quarters, not for rental.
- (c) Minimum side yard for street side of corner lot, 15 feet.
- (d) Minimum side or rear yard when abutting a residential district is 15 feet.

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- (e) Minimum side or rear yard when abutting a residential district must be 50 feet.
- (f) Minimum side or rear yard when abutting a residential district must be 100 feet.
- (g) Accessory buildings must be placed in the rear yard or conform to the yard requirements of a principal building.
- (h) Front yards. On every lot in a residential district, and every existing residence in the business district, there shall be a front yard having a depth of not less than 25 feet, provided that: Where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building, the front yard depth of said main building shall govern but shall not be less than ten feet in any case; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case.
- (i) Rear yards. On every lot in a residential district and every existing residence in the business district there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided such rear yard shall not in any case be less than 15 feet in depth.
- (j) Zero feet on side of common wall with adjacent structure. Opposite interior side-yard setback shall be ten feet.
- (k) All structures exceeding three floor levels or a height above grade of 45 feet shall require approval from the City of Tomah Fire Department.

**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 amend ordinance section 52-74 & 52-82(7)(e) & (h)-- 2<sup>nd</sup> reading and Adoption**

Motion by Glynn, second by, Zabinski to waive the 2<sup>nd</sup> verbatim reading of the ordinance amending sections 52-74 & 52-82(7)(e) & (h) of the City of Tomah municipal code. Motion carried.

Motion by Peterson, second by Scholze, to adopt the ordinance amending sections 52-74 & 52-82(7)(e) & (h) of the City of Tomah municipal code. Motion carried.

# Common Council and Reorganizational Meeting – April 16, 2024

ORDINANCE NO. \_\_\_\_\_

## Ordinance Amending Sections 52-74 and 52-82 (7) (e) and (h) 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 52-74 of the City of Tomah Municipal Code is hereby amended to read as follows:

### **Sec. 52-74. Validity.**

Permits issued hereunder are valid only as to the approved use.

**SECTION TWO:** Sections 52-82 (7) (e) and (h) of the City of Tomah Municipal Code that specifies required conditions for the conditional use permitting of telecommunication facilities is hereby amended to read as follows:

- e. Furnishing a policy of liability insurance in form approved by the city attorney naming the city as an additional insured with policy limits approved by the Plan Commission.
- h. Facilities may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are not needed to send or receive transmissions as reasonable determined by the Plan Commission.

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

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

\_\_\_\_\_  
Paul Dwyer, Mayor

ATTEST:

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

READ:

PASSED:

PUBLISHED:

## **Election Tally for the April 2, 2024 Election**

Motion by Zabinski, second by Yarrington, to accept the election tally for the April 2, 2024 Election. Motion carried.

## **Resolution Adopting Adjusted Urban Area Boundary**

Motion by Yarrington, second by Peterson, to approve the resolution adopting the adjusted urban Area boundary. Motion carried.



## Common Council and Reorganizational Meeting – April 16, 2024

### RESOLUTION No:

#### Resolution Adopting Adjusted Urban Area Boundary

**WHEREAS**, the Wisconsin Department of Transportation every 10 years, following the release of decennial census data, leads a process to adjust Urban Area Boundaries (UABs) across the state of Wisconsin, in conjunction with the Federal Highway Administration of Wisconsin; and

**WHEREAS**, the Federal Highway Administration allows states to adjust the census-defined urban area boundaries for planning and funding purposes; and

**WHEREAS**, the Wisconsin Department of Transportation has submitted an adjusted urban area boundary for the City of Tomah urban area; and

**WHEREAS**, the adjustments proposed to the City of Tomah urban area boundary are summarized in the change table, as shown in Exhibit 1 to this Resolution; and

**WHEREAS**, after review by the Director of Public Works and Utilities, Public Works and Utilities Commission and staff, the proposed adjusted Urban Area Boundary has been found to be justified.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Tomah, Monroe, Wisconsin that the City of Tomah informs the Wisconsin Department of Transportation that the Adjusted Urban Area Boundary as outlined in the change table, as shown in Exhibit 1, and reflected in the City of Tomah map, as shown in Exhibit 2 to this Resolution are approved and adopted on this 16<sup>th</sup> day of January, 2024.

By: \_\_\_\_\_  
Paul Dwyer, Mayor

Attest: \_\_\_\_\_  
Rebecca Weyer, City Clerk

**Adjourn to closed session pursuant to Wis Stat § 19.85 (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session**

Motion by Peterson, second by Zabinski, to adjourn to closed session pursuant to Wis Stat § 19.85(e). Motion carried. The meeting was adjourned at 8:25 p.m.

\_\_\_\_\_  
Mayor Paul Dwyer

\_\_\_\_\_  
Attest: Rebecca Weyer, City Clerk

