

March 12<sup>th</sup>, 2013

*Note: These minutes are subject to review and approval at the next regular Common Council meeting.*

The Common Council of the City of Merrill met on the above date in Regular Session, at the City Hall Council Chambers, 1004 East First Street. Mayor William R. Bialecki called the meeting to order at 7:00 P.M.

**130310** Invocation by Pastor Bob Smallman, Bible Presbyterian Church

**130315** Pledge of Allegiance

**130320** Roll Call showed the following Common Council members present (8 of 8): Alderman Chris Malm (First District), Alderman Steve Hass (Second District), Alderman Ryan Schwartzman (Third District), Alderwoman Kandy Peterson (Fourth District), Alderman John Burgener (Fifth District), Alderman Dave Sukow (Sixth District), Alderman Rob Norton (Seventh District) and Alderwoman Anne Caylor (Eighth District).

The following were also in attendance: Community Enrichment Center Director Jane Deau, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Utility Superintendent Kim Kriewald, Street Commissioner Richard Lupton, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, City Hall Maintenance Supervisor Ramona Pampuch, Fire Chief Dave Savone, Library Director Stacy Stevens and Park & Recreation Director Dan Wendorf. Airport Manager/FBO John Miller and Finance/Technology Director Kathy Unertl had excused absences.

**130330** Minutes of February Meeting

Motion (Hass/Sukow) to dispense with the reading of the minutes of the February 12<sup>th</sup>, 2013 Common Council meeting and approve them as published. Carried.

**130340** Revenue and Expense Reports – February 2013

Motion (Hass/Burgener) to approve, as submitted, the February 2013 Revenue and Expense report. Carried.

**130360** Communications and Petitions

**130361** Employee Recognition

City Clerk Heideman read certificates of recognition for the following City employees: Steven D. Hintze, 20 years of service; James R. Dallmann, 10 years of service. Note: At the meeting, this occurred before the Revenue and Expense report was approved (see above).

**1303120** Board of Public Works

**1303121** The Board recommends approving a Quit Claim Deed to Craig Nienow for a 2.5 foot strip of land along the west side of the site of the former Courtview Apartments, next to the Craig J. Nienow Law Office, 1105 East Main Street.

Motion (Schwartzman/Peterson) to adopt. Carried 8-0 on roll call vote.

**1303122** The Board recommends approving removal of the sidewalk on Tyler Street, at the following addresses: 402 Tyler Street, 404 Tyler Street and 406 Tyler Street. The Street Department would do the removal, at a time most convenient to them. If sidewalk is ever reinstalled at any or all of the three addresses, the City would be responsible for all costs associated with the reinstallation.

Motion (Hass/Burgener) to adopt. Carried 8-0 on roll call vote.

**1303123** The Board recommends approving the installation of flashing stop signs (two) at the northeast and southwest corners of the intersection of East Ninth Street and Mill Street.

Motion (Schwartzman/Hass) to adopt. Motion failed 3-5 on roll call vote. Voting Yes – Alderman Hass, Alderman Schwartzman and Alderman Burgener.

**1303130** Health and Safety Committee

**1303131** The Committee recommends approving the request from Berlin's Trophy Bar, 808 East Main Street, for an extension of premises (a tent at the rear of their establishment) beginning at 6:00 P.M. on Friday, April 12<sup>th</sup>, 2013, in conjunction with a birthday party.

Motion (Sukow/Caylor) to adopt. Carried.

**1303140** Personnel and Finance Committee

- 1303141** The Committee recommends approving the sale (and related bill of sale) of the 1990 Pierce fire truck (aka Engine #2) to Northcentral Technical College (NTC) for \$1. Under the terms of the bill of sale, the City shall retain the right to use the vehicle in situations where, in the sole discretion of the City, said use is required. NTC agrees and acknowledges that all repairs, maintenance, insurance and similar matters related to vehicle ownership are the sole and exclusive responsibility of NTC.

Motion (Schwartzman/Burgener) to adopt. Carried 8-0 on roll call vote.

- 1303142** The Committee recommends reclassifying Utility Superintendent Kriewald from Grade 7, Step G (\$58,287.00 annually) to Grade 9, Step F (\$64,489.63 annually) on the Administrative, Professional, Supervisory and Technical Personnel Compensation Schedule.

Motion (Hass/Burgener) to adopt. Carried 8-0 on roll call vote.

- 1303230** Placing Committee Reports on file

Motion (Sukow/Schwartzman) to place the following committee reports on file: Housing Authority, Community Development Committee, Parks and Recreation Commission, Board of Public Works, Health and Safety Committee, Personnel and Finance Committee, Library Board, Community Enrichment Center Committee on Aging and Board of Canvass. Carried.

- 1303250** **ORDINANCE NO. 2013-04**

Alderman Hass requested that the rules be suspended in order to allow City Attorney Hayden to provide an explanation of the ordinance in lieu of a first reading. Without objection it was so ordered. City Attorney Hayden provided verbal information related to the ordinance.

Motion (Hass/Caylor) to suspend the rules and give the ordinance a second reading and a third reading by title only. Carried.

SECOND READING OF AN ORDINANCE ANNEXING TERRITORY FROM THE TOWN OF PINE RIVER ON A PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO WISCONSIN STATE STATUTES SECTION 66.0217(2); ASSIGNING ALDERMANIC DISTRICT

THIRD READING OF AN ORDINANCE ANNEXING TERRITORY FROM THE TOWN OF PINE RIVER ON A PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO WISCONSIN STATE STATUTES SECTION 66.0217(2); ASSIGNING ALDERMANIC DISTRICT

Motion (Caylor/Peterson) to adopt. Carried 8-0 on roll call vote.

**1303260 RESOLUTION NO. 2294**

**A RESOLUTION APPROVING A POST ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS**

WHEREAS, the City's Bond Counsel, Quarles & Brady, has reviewed various policies and procedures utilized by the City of Merrill in the issuance of tax-exempt or tax-advantaged obligations; and,

WHEREAS, a review of those policies has suggested that adoption of a Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations is in the best interest of the City and purchasers of said obligations;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12<sup>th</sup> day of March, 2013, that the Post Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations, as previously presented, be approved.

Motion (Sukow/Burgener) to adopt. Carried.

**1303261 RESOLUTION NO. 2295**

**A RESOLUTION APPROVING SUBMISSION OF AN APPLICATION FOR A WISCONSIN DEPARTMENT OF NATURAL RESOURCES STEWARDSHIP GRANT**

WHEREAS, the River District Development Foundation is a proponent of the River Bend Trail Project; and,

WHEREAS, the River District Development Foundation is in need of funds to make the River Bend Trail Project a reality; and,

WHEREAS, a portion of the required funds could be provided through a Wisconsin Department of Natural Resources Stewardship Grant for which a municipality must apply; and,

WHEREAS, the River District Development Foundation has agreed to provide any and all required matching funds for any grant received; and,

WHEREAS, the City of Merrill Parks and Recreation Commission at their meeting on March 6, 2013, authorized Dan Wendorf, Park and Recreation Director for the City of Merrill to work in cooperation with the Parks and Recreation Commission to act on behalf of the City of Merrill and the Parks and Recreation Commission to:

- Submit an application to the State of Wisconsin Department of Natural Resources, prepared by the River District Development Foundation in partnership with the City of Merrill, for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date
- Submit signed documents
- Coordinate with the River District Development Foundation to ensure proper utilization of any funds received from the Stewardship Grant to make the River Bend Trail Project a reality.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of March, 2013, the Common Council and the Parks and Recreation Commission of the City of Merrill hereby authorizes Dan Wendorf, Parks and Recreation Director of the City of Merrill to work in cooperation with the Parks and Recreation Commission to act on behalf of the City of Merrill and the Parks and Recreation Commission to apply for such Stewardship Funds as are available to assist the River Bend Trail Project, and to:

- Submit an application to the State of Wisconsin Department of Natural Resources, prepared by the River District Development Foundation in partnership with the City of Merrill, for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date
- Submit signed documents
- Coordinate with the River District Development Foundation to ensure proper utilization of any funds received from the Stewardship Grant to make the River Bend Trail Project a reality

BE IT FURTHER RESOLVED that, City of Merrill, Parks and Recreation Department will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Motion (Sukow/Schwartzman) to adopt. Carried 7-1 on roll call vote. Voting No – Alderwoman Caylor.

**1303262 RESOLUTION NO. 2296**

**A RESOLUTION APPROVING AN APPLICATION FOR FUNDS FOR DEVELOPMENT OF THE MERRILL MEMORIAL FOREST**

WHEREAS, the City of Merrill Parks and Recreation Commission is interested in facilitating improvements at the Merrill Memorial Forest as described in the application; and,

WHEREAS, financial aid is required to carry out the project; and,

WHEREAS, the City of Merrill Parks and Recreation Commission at their meeting on March 6, 2013, authorized Dan Wendorf, Park and Recreation Director for the City of Merrill to work in cooperation with the Parks and Recreation Commission to act on behalf of the City of Merrill and the Parks and Recreation Commission to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available for such Merrill Memorial Forest improvements;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date
- Submit signed documents
- Take necessary action to undertake, direct and complete the approved project.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12<sup>th</sup> day of March, 2013 the Common Council and the Parks and Recreation Commission of the City of Merrill hereby authorizes Dan Wendorf, Parks and Recreation Director of the City of Merrill to work in cooperation with the Parks and Recreation Commission to act on behalf of the City of Merrill and the Parks and Recreation Commission to apply for such funds as are available to facilitate improvements at the Merrill Memorial Forest, and to take appropriate action as outlined above;

BE IT FURTHER RESOLVED that, City of Merrill, Parks and Recreation Department will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Motion (Sukow/Burgener) to adopt. Carried.

**1303263**

**RESOLUTION NO. 2297**

**A RESOLUTION HONORING MARK L. LINDSTROM FOR HIS EXTENDED SERVICE AND GREAT CONTRIBUTION TO THE CITY OF MERRILL**

WHEREAS, the City of Merrill offers a solid stable community environment for all of its citizens; and,

WHEREAS, the City of Merrill has a strong foundation on which to expand, progress, and develop towards an even better community; and,

WHEREAS, Mark L. Lindstrom has served in the Water Utility and in the Street Department from February 20, 1985 to March 1, 2013; and,

WHEREAS, the personal commitment and unselfish dedication Mark L. Lindstrom has put forth has contributed greatly to the growth, progress and stability of the City of Merrill; and,

WHEREAS, the City of Merrill offers a solid stable community environment for all of its citizens in part because of Mark L. Lindstrom's dedicated service; and,

WHEREAS, Mark L. Lindstrom's cheerful manner and hard work will be missed at the City of Merrill Street Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12<sup>th</sup> day of March, 2013, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Mark L. Lindstrom has given to the City of Merrill and commends him for those years of service.

Motion (Common Council/Common Council) to adopt. Carried.

**1303270** Mayor's Communications

The Spring Election will be held on April 2<sup>nd</sup>. The City Clerk's office will be open until 5:00 P.M. on Good Friday, March 29<sup>th</sup>, since that is the last day for in-office absentee voting for the April 2<sup>nd</sup> election.

**1303280** Public Comment Period

Judy Woller thanked the Common Council members who supported the resolution approving submission of a DNR grant application to help fund the River Bend Trail Project.

**1303999** Motion (Hass/Caylor) to adjourn. Carried. Adjourned at 7:38 P.M.

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William R. Bialecki  
Mayor

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William N. Heideman, WCMC  
City Clerk

I, William N. Heideman, City Clerk of the City of Merrill, Wisconsin, do hereby certify that the Mayor approved the above action of the Common Council on March 13<sup>th</sup>, 2013.

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William N. Heideman, WCMC  
City Clerk