

May 14<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.

**130510** Invocation by Pastor Bob Smallman, Bible Presbyterian Church

**130515** Pledge of Allegiance

**130520** Roll Call showed the following Common Council members present (7 of 8): Alderman Chris Malm (First District), Alderman Steve Hass (Second District), Alderman Ryan Schwartzman (Third District), Alderwoman Kandy Peterson (Fourth District), Alderman Dave Sukow (Sixth District), Alderman Rob Norton (Seventh District) and Alderwoman Anne Caylor (Eighth District). Alderman John Burgener (Fifth District) had an excused absence.

The following were also in attendance: City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Street Commissioner Richard Lupton, Airport Manager/FBO John Miller, Police Chief Ken Neff, City Hall Maintenance Supervisor Ramona Pampuch, Fire Chief Dave Savone, Finance/Technology Director Kathy Unertl and Park & Recreation Director Dan Wendorf (arr. 7:18). Community Enrichment Center Director Jane Deau, Transit Director Rich Grenfell and Library Director Stacy Stevens had excused absences.

**130530** Minutes of April Meeting

Motion (Hass/Sukow) to dispense with the reading of the minutes of the April 9<sup>th</sup>, 2013 Common Council meeting and approve them as published. Carried.

**130540** Revenue and Expense Reports – April 2013

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

**130560** Communications and Petitions

- 130561** Presentation of 2012 Audit by Dave Maccoux from Schenck SC
- 130562** Employee Recognition
- City Clerk Heideman read certificates of recognition for the following City employee: Kortney L. Pike, 10 years of service.
- 130590** Committee of the Whole
- 130591** Consider recommendation(s) from May 14<sup>th</sup>, 2013 meeting regarding the bid (\$156,780 from C & D Excavating, LLC) for the asbestos abatement and demolition of the Lincoln House, 120 South Mill Street.
- At that meeting, the Committee took no action on the bid. Per City Attorney Hayden, no Common Council action is necessary, because the action related to the Lincoln House property that was taken at the Committee of the Whole meeting was a de facto rejection of the bid.
- 1305120** Board of Public Works
- 1305121** The Board recommends offering Lincoln County four parking spaces in the new parking lot at the former Courtview Apartments site and six parking spaces in Municipal Lot #1 (off East First Street), to fulfill the obligation of the City obtaining the former Lincoln County Normal property on Center Avenue, between East Sixth Street and East Seventh Street.
- Motion (Hass/Caylor) to adopt. Carried.
- 1305122** The Board recommends reversing the motion adopted at the April 9<sup>th</sup>, 2013 Common Council meeting (Motion #1304162) to remove the sidewalk on Tyler Street near the site of the new fire station. Instead the Board of Public Works now recommends that the sidewalk remain.
- Motion (Hass/Peterson) to adopt. Carried.
- 1305130** Health and Safety Committee
- 1305131** The Committee recommends approving the applications from Lincoln County Rodeo Association Inc. for three temporary Class "B" (picnic) licenses to sell fermented beverages at the Lincoln County Fairgrounds during a Wisconsin River Pro Rodeo event on June 7-9, 2013.
- Motion (Caylor/Sukow) to adopt. Carried.

- 1305132** The Committee recommends approving the applications from V.F.W. Post 1638 for five temporary Class “B” (picnic) licenses to sell fermented malt beverages at the V.F.W. Fair Stand (Lincoln County Fairgrounds) during the Lincoln County Fair, July 17-21, 2013.

Motion (Schwartzman/Sukow) to adopt. Carried.

- 1305133** The Committee recommends approving the applications from the Fraternal Order of Eagles for five temporary Class “B” (picnic) licenses to sell fermented malt beverages at the Eagles Fair Stand (Lincoln County Fairgrounds) during the Lincoln County Fair, July 17-21, 2013.

Motion (Sukow/Peterson) to adopt. Carried.

- 1305134** The Committee recommends approving the applications from Merrill Alumni Wrestling Club for five temporary Class “B” (picnic) licenses to sell fermented beverages in a fenced-in tent at the Lincoln County Fairgrounds during the Lincoln County Fair, July 17–21, 2013.

Motion (Schwartzman/Hass) to adopt. Carried.

- 1305135** The Committee recommends approving the applications from Merrill Baseball Boosters for 31 temporary Class “B” picnic licenses to sell fermented malt beverages at Athletic Park during baseball games on the following dates in 2013: June 5<sup>th</sup>, June 6<sup>th</sup>, June 7<sup>th</sup>, June 10<sup>th</sup>, June 11<sup>th</sup>, June 13<sup>th</sup>, June 16<sup>th</sup>, June 17<sup>th</sup>, June 18<sup>th</sup>, June 19<sup>th</sup>, June 21<sup>st</sup>, June 23<sup>rd</sup>, June 24<sup>th</sup>, June 26<sup>th</sup>, June 27<sup>th</sup>, June 29<sup>th</sup>, July 1<sup>st</sup>, July 2<sup>nd</sup>, July 3<sup>rd</sup>, July 7<sup>th</sup>, July 8<sup>th</sup>, July 11<sup>th</sup>, July 12<sup>th</sup>, July 13<sup>th</sup>, July 14<sup>th</sup>, July 17<sup>th</sup>, July 18<sup>th</sup>, July 22<sup>nd</sup>, July 24<sup>th</sup>, July 26<sup>th</sup> and July 27<sup>th</sup>.

Motion (Schwartzman/Caylor) to adopt. Carried.

- 1305136** The Committee recommends approving the application from Club Modern, Inc., Stephen J. Blake, Agent, for a Class “B” (beer) license and a “Class B” (liquor) license for Club Modern, 1005 South Center Avenue, effective June 1<sup>st</sup>, 2013.

Motion (Sukow/Caylor) to adopt. Carried.

- 1305137** The Committee recommends approving the request from V.F.W. Mar-Lin Post #10203 to close Prospect Street (from West Main Street to Grand Avenue) from noon to 6:00 P.M. on Monday, May 27<sup>th</sup>, 2013, in conjunction with Memorial Day activities.

Motion (Schwartzman/Peterson) to adopt. Carried.

**1305138** The Committee recommends approving the request from Ballyhoo's, 124 North Prospect Street, for an extension of premises to allow the sale and consumption of alcohol in a fenced-in area (width of Ballyhoo's property extending to the curb on the east side of Prospect Street) from noon to 6:00 P.M on Monday, May 27<sup>th</sup>, 2013, in conjunction with Memorial Day activities.

Motion (Sukow/Hass) to adopt. Carried.

**1305140** Personnel and Finance Committee

**1305141** The Committee recommends approving, as presented the 2013-2017 auditing services contract with Schenck SC. The proposed fees, payable from the City to Schenck SC, would be as follows: Audit year 2013, \$33,150; Audit year 2014, \$33,750; Audit year 2015, \$34,350; Audit year 2016, \$34,950; Audit year 2017, \$35,550.

Motion (Schwartzman/Hass) to adopt. Carried 7-0 on roll call vote.

**1305160** City Plan Commission

**1305161** The Commission recommends approving, as submitted, the site plan from the Merrill Area Public Schools for an outdoor shelter at Jefferson Elementary School, 1914 West Jackson Street.

Motion (Hass/Caylor) to adopt. Carried.

**1305185** Redevelopment Authority

**1305186** The Authority recommends accepting the purchase offer from Brion and Nicole Hoffman for the property at 811 and 813 East First Street. The purchase price of \$35,000 includes a \$2,000 credit from Buyer's Brokerage Compensation and is subject to property appraisal.

Motion (Schwartzman/Caylor) to adopt. Carried 7-0 on roll call vote.

**1305230** Placing Committee Reports on file

Motion (Sukow/Caylor) to place the following committee reports on file: Housing Authority, Committee of the Whole, Community Development Committee, Parks and Recreation Commission, Board of Public Works, Tree Board, Health and Safety Committee, Personnel and Finance Committee, Water and Sewage Disposal Committee, City Plan Commission, Transit Commission, Library Board, Redevelopment Authority, Enrichment Center Committee on Aging, Airport Commission, Zoning Board of Appeals and Board of Canvass. Carried.

**1305240** Mayor's Appointments

Melissa Schroeder, to the Parks & Recreation Commission, term to expire May 1<sup>st</sup>, 2018

Sue Kunkel, to the Transit Commission, term to expire May 1<sup>st</sup>, 2016

Mike Geisler, to the Library Board, term to expire June 30<sup>th</sup>, 2016

Motion (Hass/Malm) to approve the appointments as presented. Carried.

**1305250** **ORDINANCE NO. 2013-**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 4, SECTION 36 TO ADD A 15-MINUTE PARKING ZONE

Motion (Hass/Schwartzman) to table the ordinance. Carried.

**1305251** **ORDINANCE NO. 2013-**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, SECTION 2-23 TO ADD (6) ON-DUTY MEMBER OF THE MERRILL POLICE DEPARTMENT AUXILIARY

**1305252** **ORDINANCE NO. 2013-**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II, SECTION 24 TO ADD (25) MERRILL POLICE DEPARTMENT AUXILIARY

**1305253      ORDINANCE NO. 2013-**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTION 26-33 TO ADD (B) AND (C) RELATED TO MERRILL POLICE DEPARTMENT AUXILIARY

**1305254      ORDINANCE NO. 2013-05**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 1, SECTION 36-26 TO INCREASE PARKING VIOLATION FORFEITURES

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 AMENDING CHAPTER 36, ARTICLE II, DIVISION 1, SECTION 36-26 TO INCREASE PARKING VIOLATION FORFEITURES

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 1, SECTION 36-26 TO INCREASE PARKING VIOLATION FORFEITURES

Motion (Hass/Schwartzman) to adopt. Carried 6-1 on roll call vote. Voting No – Alderman Norton.

**1305255      ORDINANCE NO. 2013-06**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 4, SECTION 36-119(7) TO DELETE TWO-HOUR PARKING ON NORTH SCOTT STREET IN THE 100 BLOCK (EAST SIDE OF STREET ONLY)

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 4, SECTION 36-119(7) TO DELETE TWO-HOUR PARKING ON NORTH SCOTT STREET IN THE 100 BLOCK (EAST SIDE OF STREET ONLY)

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 4, SECTION 36-119(7) TO DELETE TWO-HOUR PARKING ON NORTH SCOTT STREET IN THE 100 BLOCK (EAST SIDE OF STREET ONLY)

Motion (Hass/Schwartzman) to adopt. Carried 7-0 on roll call vote.

**1305256      ORDINANCE NO. 2013-07**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-285 TO FOLLOW PSC GUIDELINES RELATING TO THE MAINTENANCE OF LATERALS AND METERS

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-285 TO FOLLOW PSC GUIDELINES RELATING TO THE MAINTENANCE OF LATERALS AND METERS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-285 TO FOLLOW PSC GUIDELINES RELATING TO THE MAINTENANCE OF LATERALS AND METERS

Motion (Norton/Hass) to adopt. Carried 7-0 on roll call vote.

**1305260      RESOLUTION NO. 2302**

**A RESOLUTION AUTHORIZING THE ORGANIZATION OF A MERRILL POLICE DEPARTMENT AUXILIARY**

WHEREAS, a group of interested citizens of the City of Merrill has proposed to form an Merrill Police Department Auxiliary for the purpose of cooperating with and assisting the Police Department of the City of Merrill; and,

WHEREAS, the Health and Safety Committee, at its April 22, 2013 meeting, reviewed the proposed rules and regulations, and approved the formation of a Merrill Police Department Auxiliary for the City of Merrill;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of May, 2013, that a Merrill Police Department Auxiliary be approved for the City of Merrill subject to the following:

1. That the proposal of the citizens group concerned to form a Merrill Police Department Auxiliary is hereby implemented.
2. That said Merrill Police Department Auxiliary shall be formed under the rules and regulations attached to this Resolution, marked Exhibit "A" and made a part hereof by reference.
3. That said rules and regulations may be changed from time to time, in such manner as may be determined to be necessary and/or desirable by the Common Council, upon recommendation of the Chief of Police.

Motion (Caylor/Norton) to adopt. Carried.

**1305261**

**RESOLUTION NO. 2303**

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE WISWARN MUTUAL AID AND ASSISTANCE PROGRAM**

WHEREAS, Wis. Stats. §66.0301, authorizes a municipality to enter into an agreement with other municipalities for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law; and,

WHEREAS, pursuant to Wis. Stats. §66.0301, Wisconsin municipalities together seek to create and participate in an intrastate program for mutual aid and assistance for water and wastewater systems called WisWARN; and,

WHEREAS, the purpose of WisWARN is to provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response, and recovery for municipal water and wastewater systems; and,

WHEREAS, WisWARN is established by municipalities adopting the WisWARN Mutual Aid and Assistance Agreement pursuant to Wis. Stats. §66.0301 and becoming a member of WisWARN; and,

WHEREAS, the governing body of the City of Merrill considers it to be in the best interests of the City to be a party to the WisWARN Mutual Aid and Assistance Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of May, 2013, that it:

1. Authorizes Kim Kriewald, Utilities Superintendent, to sign the WisWARN Mutual Aid and Assistance Agreement, and deliver it to (a) the Chair of the WisWARN Steering Committee, or (b) if the WisWARN Steering Committee has not yet been established, the Wisconsin Department of Natural Resources, c/o Zoe McManama, Water Infrastructure Security Specialist, Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, Wisconsin 53707-7921; and,
2. Agrees the City of Merrill will comply with all terms of the Agreement.

Motion (Sukow/Schwartzman) to adopt. Carried.

**1305270** Mayor's Communications

Mayor Bialecki reminded everyone that, as Memorial Day approaches, we take time to remember those who made the supreme sacrifice in defending our freedom. There will be two Memorial Day observances this year, one in the morning at the cemetery, and a World War I veteran plaque dedication at the Cenotaph in the afternoon.

Everyone was urged to support the upcoming Poppy Sales event being conducted by the V.F.W.

Several construction projects will begin soon, including the new fire station and Wal-Mart.

This week is National Bicycle Week.

**1305280** Public Comment Period

None.

**1305999** Motion (Hass/Caylor) to adjourn. Carried. Adjourned at 7:33 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 May 15<sup>th</sup>, 2013.

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William N. Heideman, WCMC  
City Clerk