

July 9<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.

**130710** Silent Prayer

Before the prayer, Mayor Bialecki noted the passing of Steve Krause, a retired City of Merrill firefighter, and he asked that Mr. Krause and his family be included in the silent prayer.

**130715** Pledge of Allegiance

**130720** 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, Airport Manager/FBO John Miller, Police Chief Ken Neff, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director/Treasurer/Comptroller/RDA Secretary Kathy Unertl and Park & Recreation Director Dan Wendorf. Street Commissioner Richard Lupton had an excused absence.

**130730** Minutes of June Meeting

Motion (Hass/Sukow) to dispense with the reading of the minutes of the June 11<sup>th</sup>, 2013 Common Council meeting and approve them as published. Carried.

**130731** Discuss voucher for \$590 (Invoice #171562), a payment to Ruder Ware, LLSC for Outside Legal Expense (referred from June 24<sup>th</sup>, 2013 Personnel and Finance Committee meeting)

Motion (Hass/Caylor) to accept the voucher and to charge it to the Mayor's budget. Roll call vote resulted in a 4-4 tie vote. Voting Yes – Alderman Malm, Alderman Hass, Alderman Norton and Alderwoman Caylor. Mayor Bialecki broke the tie by voting No. Therefore, the motion failed.

**130740** Revenue and Expense Report – June 2013

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

**130760** Communications and Petitions

**130761** Employee Recognition

City Clerk Heideman read certificates of recognition for the following City employees: Dale A. Bacher, 25 years of service; Roger J. Drewek, 15 years of service; Angela M. Holz, 15 years of service.

Mayor Bialecki announced that, although the City policy is to not recognize elected officials for years of service, he wanted to recognize Street Commissioner Richard Lupton who, including his time as Street Commissioner, has now served the City for 35 years.

**1307120** Board of Public Works

**1307121** The Board recommends approving the 2013 sidewalk maintenance projects for an area generally confined to the First Ward and the Second Ward, east of Center Avenue, and also the project including curb, gutter and sidewalk for the parking lot on East Main Street (former Courtview Apartments site).

Motion (Schwartzman/Peterson) to adopt. Carried.

**1307122** The Board recommends approving the removal of ten feet of street curb at Center City Citgo, 105 South Center Avenue, to enhance vehicle access to the business. If approved, the property owner would be 100% responsible for all costs associated with the removal.

Motion (Schwartzman/Burgener) to adopt. Carried.

**1307123** The Board recommends approving the quote of \$78,814.04 from Quinlan's Equipment for the City purchase of a 2014 plow truck chassis and recommends approving the quote of \$78,376.00 from Monroe Truck Equipment for the City purchase of associated equipment for the truck.

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

- 1307124** The Board recommends accepting the offer from the Town of Merrill to purchase, for \$3,000, the 1988 Ford F350 Bucket Truck currently in the Street Department fleet.

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

- 1307130** Health and Safety Committee

- 1307131** The Committee recommends approving the applications from Merrill Fire Department Charities for three temporary Class “B” (picnic) licenses to sell fermented malt beverages at Ott’s Park during the Muscular Dystrophy Association (MDA) softball tournament/fundraiser at Ott’s Park, August 2-4, 2013.

Motion (Hass/Burgener) to adopt. Carried.

- 1307132** The Committee recommends approving the request from Humphery’s Pub, 500 West Main Street, to close off Genesee Street, from Main Street to the southern edge of the alley, from 5 P.M. to midnight, on Crazy Daze, Thursday, August 15<sup>th</sup>, 2013, and to extend their premises to sell alcoholic beverages in that area. Outdoor music would be allowed from 7:00 P.M. to 11:00 P.M. that night.

Motion (Schwartzman/Sukow) to adopt. Carried.

- 1307133** The Committee recommends approving the request from Merrill Youth Hockey for an extension of premises to sell alcoholic beverages in a fenced-in area outside the Smith Center, 1100 MARC Drive, from 10:00 A.M. to 7:00 P.M. on Saturday, September 14<sup>th</sup>, 2013, in conjunction with a “Pork in the Park” event. In addition to the fencing, wristbands would be used to ensure compliance.

Motion (Schwartzman/Caylor) to adopt. Carried.

- 1307134** Consider applications from the Merrill Hockey Association for seven temporary Class “B” picnic licenses to sell fermented malt beverages at Normal Park, Center Avenue, during Gazebo Nights on the following dates in 2013: July 11<sup>th</sup>, July 25<sup>th</sup>, August 1<sup>st</sup>, August 8<sup>th</sup>, August 15<sup>th</sup>, August 22<sup>nd</sup> and August 29<sup>th</sup>. (Alderwoman Caylor is bringing these applications directly to the Common Council)

Motion (Caylor/Hass) to adopt. Alderwoman Caylor stated that she was making the motion for discussion purposes only.

Alderman Hass requested a roll call vote. Motion failed 0-8 on roll call vote.

**1307140** Personnel and Finance Committee

**1307141** The Committee recommends approving the hiring of an employee to perform building maintenance and seasonal duties at the Bus Storage Facility. The hiring would be in cooperation with Lincoln Industries.

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

**1307142** The Committee recommends authorizing the sale of the three Fire Department “old” cardiac monitors to Northcentral Technical College for \$14,000.

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

**1307150** Water and Sewage Disposal Committee

**1307151** The Committee recommends approving the quote of \$84,934 from Lane Tank Co., for work to be done on the East Street water tower in early 2014.

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

**1307230** Placing Committee Reports on file

Motion (Sukow/Norton) to place the following committee reports on file: Housing Authority, Committee of the Whole, Parks and Recreation Commission, Board of Public Works, Health and Safety Committee, Personnel and Finance Committee, Water and Sewage Committee, Library Board, Redevelopment Authority, Enrichment Center Committee on Aging, Airport Commission, Tourism Commission and Board of Review. Carried.

**1307260** **RESOLUTION NO. 2308**

**A RESOLUTION APPROVING CITY OF MERRILL PARTICIPATION IN A MUTUAL AID BOX ALARM SYSTEM PROGRAM**

WHEREAS, the City of Merrill provides fire and/or emergency medical services under contract with Merrill Fire Department in accordance with Chapters 146 and 213 of the Wisconsin Statutes.

WHEREAS, whenever an emergency in the City of Merrill takes place, or another community requests the City of Merrill to provide mutual aid in such an event, the Merrill Fire Department could act swiftly to mitigate the incident.

WHEREAS, the City of Merrill has reviewed the agreement which is entitled the "Mutual Aid Box Alarm System Agreement" (Agreement) and has determined that it would be in the best interest of the City of Merrill to allow the Merrill Fire Department under contract with said City participate in the Agreement for the provision of fire and/or emergency medical services,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013:

1. That the Mutual Aid Box Alarm System Agreement submitted for consideration and approval is hereby approved;
2. That pursuant to the contract for fire and/or emergency medical services between Merrill Fire Department and the City of Merrill, Merrill Fire Department may participate in the Mutual Aid Box Alarm System Agreement in accordance with its terms.
3. That Merrill Fire Department shall keep on file with the City Clerk current proof of insurance and other certifications required in the execution of this contract.
4. That the Mayor and the City Clerk shall be, and are duly authorized to sign the Mutual Aid Box Alarm System Agreement the form presented and submit it to the Mutual Aid Box Alarm System Executive Board.
5. That each of the fire and/or emergency medical service organizations within the City of Merrill be furnished with a copy of the signed agreement and of this Resolution.

Motion (Sukow/Schwartzman) to adopt. Carried.

**1307261 RESOLUTION NO. 2309**

**A RESOLUTION SETTING FORTH ADDITIONAL PROVISIONS FOR THE MUTUAL AID BOX ALARM SYSTEM AGREEMENT**

WHEREAS, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state, as provided in Wisconsin Statute 66.0303(3)(b); and

WHEREAS, the Wisconsin Statute, 323.13.(1)(d), provides that the standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response throughout Wisconsin and neighboring states; and

WHEREAS, the Attorney General of the State of Wisconsin must approve any agreement between a Wisconsin municipality and a municipality of another state, and said agreement was approved by the Attorney General of the State of Wisconsin on December 22, 2000; and

WHEREAS, said agreement was submitted to the governor of the State of Wisconsin for his concurrence, which was obtained and later adopted under Wisconsin Statute 66.0303(3) (a) and (b); and

WHEREAS, the City of Merrill Common Council believes that intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the Mutual Aid Box Alarm (MABAS) Agreement would afford these benefits to county residents by coordinating fire protection and emergency medical services, as recommended in Resolution #2308 and Dated: July 9, 2013 ; and

WHEREAS, it is in the best interest of the City of Merrill to enter into the proposed Mutual Aid Box Alarm System (MABAS) Agreement to provide for the coordination of fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the Mutual Aid Box Alarm System (MABAS) Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved and the Mayor and City Clerk, be authorized to execute the same on behalf of the City of Merrill.

Motion (Schwartzman/Peterson) to adopt. Carried.

**1307262 RESOLUTION NO. 2310****A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MERRILL, WISCONSIN AND MARK AND JERI COOPER**

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 and Redevelopment Area No. 1 on September 13, 2005 and amended the area on July 11, 2006; and,

WHEREAS, Mark and Jeri Cooper are rehabilitating exterior façade on Central Carpet business property located within TID No. 3 and Redevelopment Area No. 1; and,

WHEREAS, the City of Merrill finds that the proposed development and the fulfillment of the items and conditions of the attached Development Agreement are in the vital and best interest of the City of Merrill, the Merrill Redevelopment Authority and City residents and serves a public purpose in accordance with State law; and,

WHEREAS, new property tax base will be generated at this highly visible corner location and existing jobs maintained, and,

WHEREAS, Mark and Jeri Cooper have negotiated the development agreement to provide an incentive payment not to exceed \$8,000 to facilitate the exterior façade improvements;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Mark and Jeri Cooper and to facilitate the implementation thereof.

Motion (Schwartzman/Norton) to adopt. Carried 7-1 on roll call vote. Voting No – Alderman Malm.

At this time (7:33 P.M.), Alderman Burgener departed.

**1307263 RESOLUTION NO. 2311****AN INITIAL RESOLUTION AUTHORIZING \$235,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS IN TAX INCREMENTAL DISTRICTS NO. 5 AND 6**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$235,000 by issuing its general obligation bonds for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wis. Stats., in the City's Tax Incremental Districts No. 5 and 6.

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

**1307264 RESOLUTION NO. 2312**

**AN INITIAL RESOLUTION AUTHORIZING \$50,000 GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO PARKS AND PUBLIC GROUNDS**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$50,000 by issuing its general obligation bonds for the public purpose of financing improvements to parks and public grounds.

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

**1307265 RESOLUTION NO. 2313**

**AN INITIAL RESOLUTION AUTHORIZING \$320,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENT PROJECTS**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$320,000 by issuing its general obligation bonds for the public purpose of financing street improvement projects.

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

**1307266 RESOLUTION NO. 2314**

**AN INITIAL RESOLUTION AUTHORIZING \$345,000 GENERAL OBLIGATION BONDS TO ACQUIRE A FIRE ENGINE**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$345,000 by issuing its general obligation bonds for the public purpose of financing the acquisition of a fire engine.

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

**1307267 RESOLUTION NO. 2315**

**AN INITIAL RESOLUTION AUTHORIZING \$3,315,000 GENERAL OBLIGATION BONDS FOR CONSTRUCTING AN ENGINE HOUSE**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$3,315,000 by issuing its general obligation bonds for the public purpose of financing the construction of an engine house.

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

**1307268 RESOLUTION NO. 2316**

**AN INITIAL RESOLUTION AUTHORIZING \$25,000 GENERAL OBLIGATION BONDS FOR AIRPORT PROJECTS**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$25,000 by issuing its general obligation bonds for the public purpose of financing airport projects.

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

**1307269 RESOLUTION NO. 2317**

**A RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS**

WHEREAS, initial resolutions authorizing general obligation bonds have been adopted by the Common Council of the City of Merrill, Wisconsin and it is now necessary that said initial resolutions be published to afford notice to the residents of the City of their adoption; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official newspaper of the City, the Merrill Courier, as a class 1 notice under Ch. 985, Wis. Stats.

Motion (Sukow/Peterson) to adopt. Carried.

**1307269A RESOLUTION NO. 2318**

**A RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED \$4,290,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS**

WHEREAS, the Common Council of the City of Merrill, Lincoln County, Wisconsin (the "City") has adopted initial resolutions authorizing the issuance of general obligation bonds for the following public purposes and in the following amounts:

\$235,000 to finance community development projects in the City's Tax Incremental Districts No. 5 and 6;

\$50,000 to finance improvements to park and public grounds;

\$320,000 to finance street improvement projects;

\$345,000 to finance a acquisition of a fire engine;

\$3,315,000 to finance construction of an engine house; and

\$25,000 to finance airport projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that:

Section 1. Combination of Issues. The issues referred to in the preamble hereof are hereby combined into one issue of bonds designated "General Obligation Corporate Purpose Bonds" and the City shall issue bonds in an amount not to exceed \$4,290,000 for the purposes above specified.

Section 2. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by the City's financial advisor, Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

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

**1307269B RESOLUTION NO. 2319**

**A RESOLUTION PROVIDING FOR THE SALE OF \$2,890,000  
GENERAL OBLIGATION PROMISSORY NOTES**

WHEREAS, the City of Merrill, Lincoln County, Wisconsin (the "City") is presently in need of approximately \$2,890,000 for public purposes, including, among other capital projects, paying the costs of acquiring vehicles, equipment, constructing building improvements and refunding obligations of the City, including interest on them; and

WHEREAS, it is desirable to borrow said funds through the issuance of general obligation promissory notes pursuant to Section 67.12(12), Wis. Stats.;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of July, 2013, that:

Section 1. Sale of Notes. The City shall issue its General Obligation Promissory Notes in an approximate amount of \$2,890,000 (the "Notes") for the purposes above specified.

Section 2. Sale of Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Note Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Notes to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Note Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by the City's financial advisor, Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

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

**1307269C RESOLUTION NO. 2320**

**A RESOLUTION HONORING RICKY R. VOIGT 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, Ricky R. Voigt has served in the Street Department from January 3, 1983 to July 8, 2013; and,

WHEREAS, the personal commitment and unselfish dedication Ricky R. Voigt 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 Ricky R. Voigt's dedicated service; and,

WHEREAS, Ricky R. Voigt'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 9<sup>th</sup> day of July, 2013, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Ricky R. Voigt has given to the City of Merrill and commends him for those years of service.

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

**1307270** Mayor's Communications

Mayor Bialecki thanked the Personnel and Finance Committee and City staff for their work on the borrowing resolutions and related documents.

The 2013 Lincoln County Fair will be July 17-21. Mayor Bialecki urged all to attend and enjoy the fair.

The annual Muscular Dystrophy Association fundraiser is scheduled for August 2-4 at Ott's Park. Mayor Bialecki urged community support for this cause.

**1307280** Public Comment Period

None.

**1307999** Motion (Hass/Caylor) to adjourn. Carried. Adjourned at 8:18 P.M.

---

William R. Bialecki  
Mayor

---

William N. Heideman, CMC, 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 July 11<sup>th</sup>, 2013.

---

William N. Heideman, CMC, WCMC  
City Clerk