

CITY OF MERRILL
CITY PLAN COMMISSION
Tuesday, September 3, 2013 at 5:15P.M.
City Hall Council Chambers
1004 East First Street

Voting members: Mayor William Bialecki, Chairperson, Alderperson Steve Hass, James Koppelman, Ken Maule, Melissa Schroeder, Dan Novitch, and Peter Lokemoen

AGENDA

1. Call to order
2. August 6, 2013 meeting minutes
3. Consider petition from Development and Leasing Corporation to vacate the north-south 20 foot wide alley lying west of Lots 10, 11 and 12 of said Block 3, and east of Lots 6,7,8 and 9 of said Block 3, all in said Mrs. Stewarts's Addition to Jenny. The petition was considered at the August 28, 2013 Board of Public Works meeting.
4. Discussion and recommendation on approval of Final Plat for Wittman Heights Subdivision, being a Subdivision of part of lot 1 and all of Lot 2 of Certified Survey Map number 2318, along Alexander Street and corner of Jackson Street.
5. Consider Certified Survey map for 201 S. Prospect Street, Merrill, WI. The Certified Survey Map will be supplied at the meeting by Jack Sroka, Lincoln County Economic Development Director.
6. Schedule date and time of next meeting
7. Public comment
8. Adjourn

NOTE: It is possible that a quorum of the Common Council will be present at this meeting. However, no Common Council action will be taken.

Agenda prepared by Shari Wicke at the request of Mayor William Bialecki

The Merrill City Hall is accessible to the physically disadvantaged. If special accommodations are needed, please contact Merrill City Hall at 715-536-4880.

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**City of Merrill
City Plan Commission
Tuesday, August 6, 2013 at 5:30 P.M.
City Hall Common Council Chambers, 1004 East First Street**

Voting members present: Mayor Bill Bialecki (Chairperson), Alderman Steve Hass, Ken Maule (arr. 5:35), Melissa Schroeder, Dan Novitch and Pete Lokemoen.

Other attendees: City Administrator Dave Johnson, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Alderman Dave Sukow (arr. 5:40), Alderwoman Kandy Peterson, Darryl Landeau, Collin Lueck (Foto News) and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

The following attended only the public hearings portion of the meeting: William Sheldon, Verena Sheldon, Arthur Sheldon, Delbert Lunders and Julie Weber.

Call to order

Mayor Bialecki called the meeting to order at 5:30 P.M.

Minutes of June 4th, 2013 meeting

The minutes were in the meeting packet.

Motion (Hass/Schroeder) to approve, as presented, the minutes of the June 4th, 2013 City Plan Commission meeting. Carried.

Presentation on Pine Ridge Avenue & State Highway 64 Study

Information was distributed at the meeting.

Representing North Central Wisconsin Regional Planning Commission, Darryl Landeau gave a presentation on an upcoming study on the State Highway 64/Pine Ridge Avenue area. The presentation included the following:

- Topics to be addressed in the study
- Issues identified
- Next steps/Meeting schedule
- Questions & Comment

This presentation will also be made at an upcoming Board of Public Works meeting. No action was necessary, requested or taken.

Recess

At 5:50 P.M., Mayor Bialecki declared a recess until 6:00 P.M., the time of the scheduled public hearings.

Public Hearing – Conditional Use Permit application from Our Way, Inc.

At 6:00 P.M., Mayor Bialecki called the meeting back to order.

Information was in the meeting packet. Our Way Inc. (Julie Weber) has submitted an application and paid the fee for a Conditional Use Permit for a duplex on Eugene Street, to be licensed and operated as an Adult Family Home.

City Attorney Hayden read the notice for both of the scheduled public hearings.

Motion (Maule/Novitch) to open the first public hearing. Carried.

Building Inspector/Zoning Administrator Pagel reported that the property is currently zoned R-3.

Julie Weber spoke in favor of the Conditional Use Permit.

Motion (Maule/Hass) to close the first public hearing. Carried.

Motion (Schroeder/Lokemoen) to approve the Conditional Use Permit application submitted by Our Way Inc. (Julie Weber), for a duplex on Eugene Street, to be licensed and operated as an Adult Family Home. Carried.

A resolution on the Conditional Use Permit will be on the August 13th, 2013 Common Council meeting agenda.

Public Hearing – Preliminary Plat for Wittman Heights Subdivision

Information was in the meeting packet.

Motion (Hass/Novitch) to open the second public hearing. Carried.

The City of Merrill has submitted a Preliminary Plat for the Wittman Heights Subdivision. The proposed plat is located on Alexander Street and on the corner of Alexander Street and Jackson Street, and includes four lots.

Building Inspector/Zoning Administrator Pagel reported that the property is currently zoned Industrial.

City Administrator Johnson stated that the City would like to sell the land, in order to return it to the tax roll.

William Sheldon asked what the City has planned for the land. He was told that there were no definite plans at this time. Because the property is currently zoned industrial, rezoning would need to occur prior to the building of any type of residential structure.

Arthur Sheldon stated that he is not in favor of apartment buildings on the site.

Delbert Lunders stated that is not in favor of apartments or housing units on the site.

Verena Sheldon questioned the City's future plans for the site. She is not in favor of houses or factories at the site.

Alderman Dave Sukow commented that, at previous meetings, no decision had been made on the use of the land. In his opinion, there will not be a "rush" of people wanting to purchase the land, much less place apartments on the site.

Motion (Maule/Schroeder) to close the second public hearing. Carried.

Motion (Maule/Lokemoen) to approve the Preliminary Plat for Wittman Heights Subdivision, located on Alexander Street and on the corner of Alexander Street and Jackson Street. Carried.

A resolution on the Preliminary Plat will be on the August 13th, 2013 Common Council meeting agenda.

Next meeting

Tuesday, September 3rd, 2013 at 5:15 P.M.

Public Comment

None.

Adjournment

Motion (Hass/Schroeder) to adjourn. Carried. Adjourned at 6:30 P.M.

Minutes prepared and submitted by:

William N. Heideman, CMC, WCMC
City Clerk

COPY

RECEIVED
BY: JUL 29 2013

PETITION TO VACATE

\$175.00

~~(STREET)~~ ~~(PORTION OF STREET)~~ ~~(ALLEY)~~ (PORTION OF ALLEY)
(Cross out inapplicable portion of title above)

Fee \$175.00
pd 7/29/13
Rec# 106050

(Note: See attached instructions for form and map)

TO: The Common Council
City of Merrill, Wisconsin

1. We, the undersigned owners of lots and lands in the City of Merrill, Wisconsin, as hereafter set forth following our signatures and on the attached map, petition the Common Council of the city of Merrill, Wisconsin, to vacate and discontinue the following described Street(s) and/or alley(s) in said City, in accordance with Section 66.296, Wisconsin Statutes, to-wit:

SEE ATTACHED EXHIBIT A

(here fully describe as accurately as possible the street(s) and alley(s) you seek to vacate indicating exact beginning & ending points)

2. Our reasons for seeking vacation are as follows:

PORTION OF ALLEY HAS NOT BEEN USED OR MAINTAINED BY THE CITY OF MERRILL FOR SEVERAL DECADES OR MAYBE NEVER.
— ALSO —
THIS WILL PROVIDE A MORE PRACTICAL SHAPED LAND PARCEL FOR POTENTIAL FUTURE DEVELOPMENT.

7/29/13 Copy to:
City Administrator
Mayor
Zoning Administrator

INSTRUCTIONS FOR PETITIONS AND MAP; VACATING STREETS AND ALLEYS

1. The petition must be signed by all owners of all frontage of lots and lands abutting streets and alleys, or portions thereof, sought to be vacated.
2. If you seek to vacate only a portion of a street and not the entire street, the petition must also be signed by the owners of more than one-third (1/3) of the frontage of the lots and lands abutting the remainder of the street which lies within 2,650 feet of the end or ends of the portion sought to be vacated, or lies within so much of that 2,650 feet as shall be within the corporate limits of the City of Merrill.

(NOTE: If the vacation will leave a portion of the street on both sides of the vacated portion, signatures of the owners of more than one-third (1/3) of the frontage of the lots and lands on both sides of the vacated portion are necessary.)
3. If you seek to vacate only a portion of an alley the petition must also be signed by the owners of more than one-third (1/3) of the frontage of the lots and lands abutting the remainder of the alley. For purposes of vacating an alley you may consider the beginning and ending of an alley to be within the block in which it is located.

(NOTE: If the vacation will leave a portion of the alley on both sides of the vacated portion, signatures of the owners of more than one-third (1/3) of the frontage of the lots and lands on both sides of the vacated portion are necessary.)
4. The petition cannot be acted upon if there are insufficient signers.
5. If any lot or lands for which signatures are required are OWNED BY MORE THAN ONE PERSON, such as a husband and wife together, then each and every owner of that lot or land MUST SIGN the petition.
6. If any lot or land is owned by the State, County, City, Minor or Incompetent Person, or if the title is held in trust, the petition may be signed by the Governor, County Board Chairman, Mayor, Guardian of the Minor or Incompetent, or Trustee, respectively. If owned by a Corporation the President, Secretary or other principal officer or managing agent may sign.
7. No street, alley or portion thereof may be vacated by petition unless the required number of qualified petitioners join in the petition for vacation and discontinuance.
8. File petition with the City Clerk at the City Hall.
9. All petitions improperly, insufficiently or incompletely filled out will be returned to the person who filed the same.

2
Signatures of all owners of all land abutting the street or alley to be vacated. (use additional paper if necessary)

NAME Alan K. Malin ADDRESS 401. South Kyes Street
Description PROPERTY FORMERLY OWNED BY DIVERTMENT & LEASING CORP.
Footage 20' ALONG SOUTH, 190.23 ALONG WEST & 186.40 ALONG EASTSIDE

NAME _____ ADDRESS _____
Description _____
Footage _____

NAME _____ ADDRESS _____
Description _____

Footage _____

3. The following utilities are in or upon said (street) (alley):

NONE

(List all sanitary sewer and storm sewer mains and laterals, telephone, electric and gas lines. Describe Location. If none, so state.)

4. We (have) ~~(have no)~~ objections to the City reserving the right to maintain present and installing future utilities in the vacated portion.

IT IS BETTER FOR CONTIGUOUS AND CONTINUOUS LAND AREA WITHOUT EASEMENTS OR ENCUMBRANCES

(If you have objections, list them and your reasons)

5. FOR ALLEY VACATION ONLY. The date of recording the plat if less than five (5) years ago is: _____
(if more than five (5) years ago, so state): MORE THAN 5 YEARS

6. FOR ALLEY VACATION ONLY: This alley ~~(has been)~~ (has not been) used as a public alley the last five (5) years.

NO ONE USES THE ALLEY

(If anyone uses the alley, state who and for what purpose)

7. FOR ALLEY VACATION ONLY: This alley ~~(has been)~~ (has not been) worked on by the City, such as repairs, maintenance, service and snowplowing within the last five (5) years.

NONE

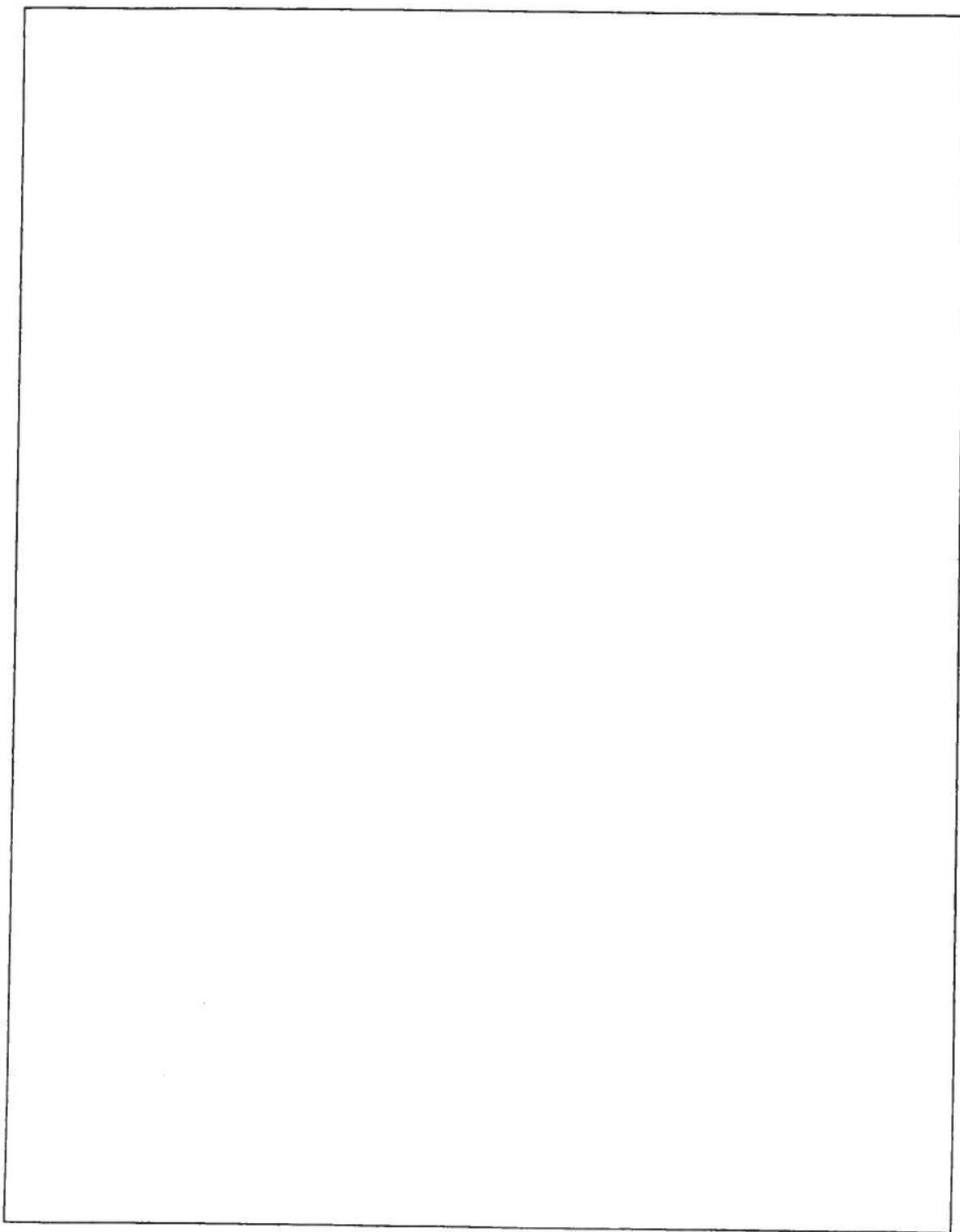
(State those occurring in last five (5) years, if any)

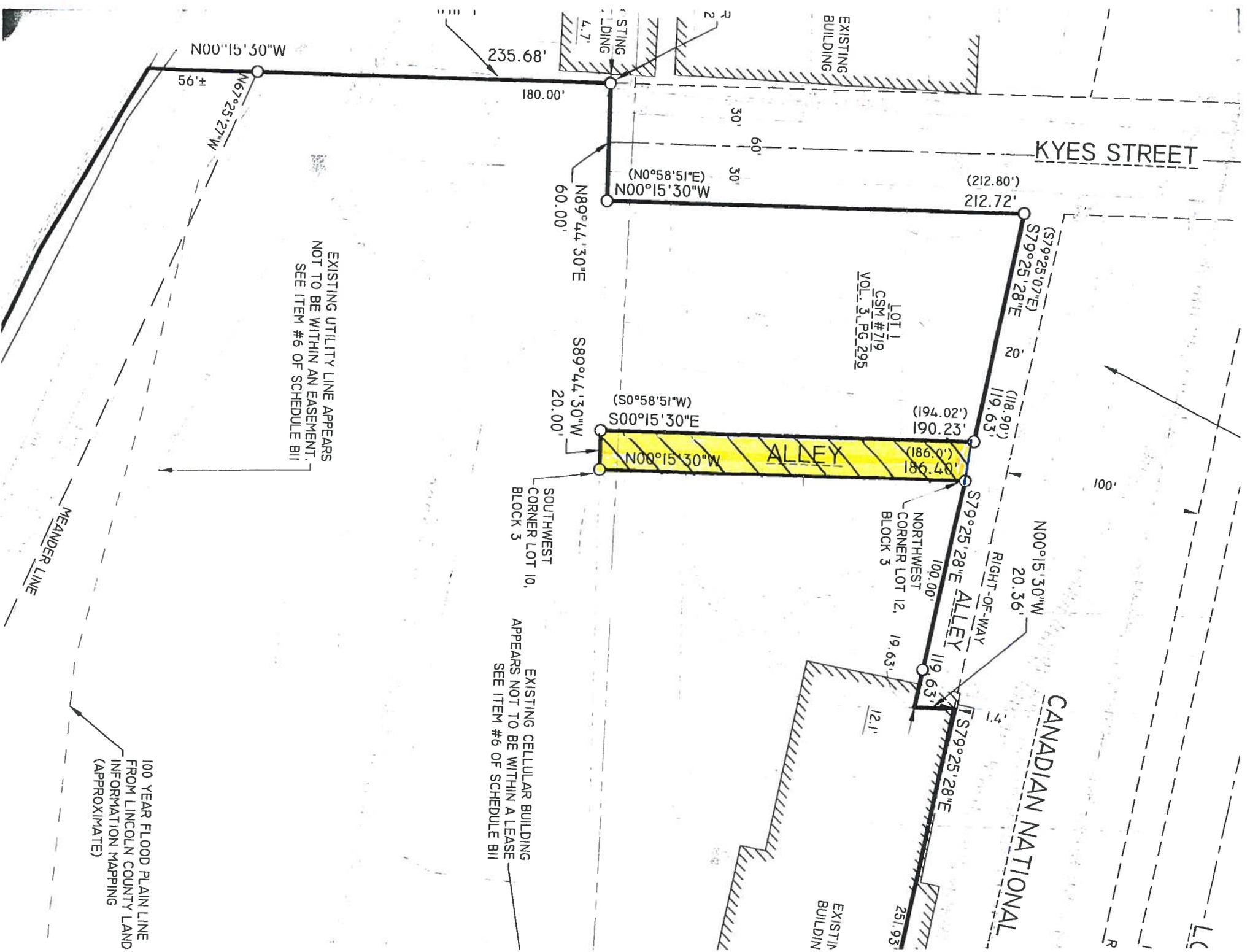
8. A fee of \$175.00 to cover costs of publication of notice of hearing is enclosed.

9. INSTRUCTION FOR MAP:

- a. Need not be to scale
- b. Should cover area for which signatures are required. Use additional sheets if necessary
- c. Name streets or alleys and width in feet
- d. Shade portion to be vacated
- e. List the addition, block and lot numbers
- f. Insert names of all lot owners of each lot
- g. Indicate abutting footage on street or alley to be vacated
- h. Show direction of north

10. MAP OF AREA





KYES STREET

CANADIAN NATIONAL

LOT 1
CSM # 719
VOL. 3, PG. 295

ALLEY

NORTHWEST
CORNER LOT 12,
BLOCK 3

SOUTHWEST
CORNER LOT 10,
BLOCK 3

EXISTING CELLULAR BUILDING
APPEARS NOT TO BE WITHIN A LEASE
SEE ITEM #6 OF SCHEDULE BII

EXISTING UTILITY LINE APPEARS
NOT TO BE WITHIN AN EASEMENT.
SEE ITEM #6 OF SCHEDULE BII

100 YEAR FLOOD PLAIN LINE
FROM LINCOLN COUNTY LAND
INFORMATION MAPPING
(APPROXIMATE)

N00°15'30"W

N67°25'27"W

235.68'

180.00'

60.00'

89°44'30"E

S89°44'30"W

20.00'

(S0°58'51"W)

S00°15'30"E

N00°15'30"W

(186.00')

190.23'

(194.02')

(118.90')

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

(212.80')

212.72'

(S79°25'07"E)

S79°25'28"E

20'

(118.90')

119.63'

20.36'

N00°15'30"W

20.36'

(S79°25'28"E)

S79°25'28"E

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

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119.63'

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119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

119.63'

MEANDER LINE

100 YEAR FLOOD PLAIN LINE

FROM LINCOLN COUNTY LAND
INFORMATION MAPPING
(APPROXIMATE)

100'

R

LC

EXHIBIT A

Alley Vacation

The vacation of an alley lying West of Lots 10, 11, 12 of Block 3 and East of Lots 6, 7, 8, and 9 of Block 3, in Mrs. Stewarts Addition, being located in the Southeast 1/4 of the Southeast 1/4 of Section 12, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin.

Enter agenda no.}

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE VACATION OF A NORTH-SOUTH 20 FOOT WIDE ALLEY LYING BETWEEN LOTS 10, 11, 12, AND 6, 7, 8, 9, IN BLOCK 3 OF MRS. STEWART'S ADDITION

WHEREAS, Alan K. Malm, on behalf of Development and Leasing Corporation, has requested the vacation of an alley located between Lots 10, 11, 12 and 6, 7, 8, 9 in Block 3 of Mrs. Stewart's Addition to Jenny, in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on August 28, 2013, and the City Plan Commission on September 3, 2013, have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of November, 2013, that the following described alley be vacated:

A part of Block Three (3) of Mrs. Stewart's Addition to Jenny located in the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Twelve (12), Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin; more particularly described as follows:

The North-South 20 foot wide alley lying West of Lots Ten (10), Eleven (11), and Twelve (12) of said Block Three (3), and East of Lots Six (6), Seven (7), Eight (8) and Nine (9) of said Block Three (3), all in said Mrs. Stewart's Addition to Jenny.

The City reserves to itself, for the benefit and welfare of the general public, an easement within the vacated area for the construction, repair, and maintenance of utilities, services and storm drainage features.

BE IT FURTHER RESOLVED, that the City hereby declares that the alley to be vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

RECOMMENDED BY: Board of Public Works and City Plan Commission

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki, Mayor

Passed: _____

William N. Heideman, City Clerk

DRAFT

Agenda No.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A FINAL PLAT OF WITTMAN HEIGHTS
SUBDIVISION ADDITION IN THE CITY OF MERRILL BY THE CITY OF
MERRILL**

WHEREAS, the City of Merrill ("The Applicant") has applied for final approval of a subdivision plat pursuant to Code of Ordinances Sec.111-114 for land located in part of Lot 1 and all of Lot 2 of certified survey map number 2318, recorded in Volume 13, on pages 27 and 28, as document number 491253, in Lincoln County Register of Deeds Office, located in part of Government Lot 3, Section 15, and part of Government Lot 1, Section 16, all in Township 31 North, Range Six East, City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, The City Plan Commission considered the application at a meeting on September 3, 2013; and

WHEREAS, The City Plan Commission found that the Final Plat submitted by the Applicant complied with the preliminary plat approval in Resolution No. 2323;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of September, 2013, that:

1. The Common Council Adopts the City Plan Commissions findings and incorporates them into this resolution.
2. The final plat of Wittman Heights Subdivision presented by City of Merrill and prepared by Joshua Prentice for REI and involving a subdivision plat pursuant to Code of Ordinances Sec.111-114 for land located in part of Lot 1 and all of Lot 2 of certified survey map number 2318, recorded in Volume 13, on pages 27 and 28, as document number 491253, in Lincoln County Register of Deeds Office, located in part of Government Lot 3, Section 15, and part of Government Lot 1, Section 16, all in Township 31 North, Range Six East, City of Merrill, Lincoln County, Wisconsin is hereby approved.

BE IT FURTHER RESOLVED That the applicant, City of Merrill City Clerk is directed to record the final plat with the Lincoln County Register of Deeds in accordance with the requirement of Chapter 111, Article II, Section 111-115 of the Code of Ordinances of the City of Merrill and present the final plat for review by the City Plan Commission.

Recommended by: City Plan
Commission

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki
Mayor

Passed: _____

William N. Heideman
City Clerk