

**CITY OF MERRILL  
COMMON COUNCIL  
TUESDAY, OCTOBER 8, 2013  
7:00 P.M.  
CITY HALL COUNCIL CHAMBERS**

**AGENDA**

- 131010** Invocation by Pastor Paul Hohman, New Testament Church
- 131015** Pledge of Allegiance
- 131020** Roll Call
- 131030** Minutes of September 5<sup>th</sup>, 2013, September 10<sup>th</sup>, 2013 and September 24<sup>th</sup>, 2013 Common Council meetings
- 131040** Revenue & Expense Report – September 2013
- 131060** Communications and Petitions
- 131061** Employee Recognition
  - Robert A. Dickey, 30 years (Street Department)
  - Linda S. Schuster, 15 years (Library)
  - Diane M. Wais, 15 years (City Attorney's office)
- 131080** Housing Authority – No Action
- 1310110** Parks and Recreation Commission – No Action
- 1310120** Board of Public Works – No Action
- 1310130** Health and Safety Committee
- 1310131** Consider application from Wisconsin Inc., Fredrick B. Juan, Agent, for a Class "B" (beer) license and a Reserve "Class B" (liquor) license for Los Meszcales, 3340 East Main Street, effective November 1<sup>st</sup>, 2013 (Aldерwoman Caylor is bringing this application directly to the Common Council)
- 1310140** Personnel and Finance Committee – No Action
- 1310150** Water and Sewage Disposal Committee – No Action

**1310160** City Plan Commission

**1310161** The Commission recommends approving, as submitted, the site plan for a fence on the east property line of the Merrill Historical Society History and Culture Center, 100 East Third Street.

**1310170** Transit Commission – No Action

**1310180** Library Board – No Action

**1310185** Redevelopment Authority – No Action

**1310200** Enrichment Center Committee on Aging – No minutes submitted

**1310210** Airport Commission – No Action

**1310230** Placing Committee Reports on File

### **ORDINANCES**

**1308250** An Ordinance amending Code of Ordinances Chapter 10, to change from a municipal court to a joint municipal court (ordinance was referred from the September 10<sup>th</sup>, 2013 Common Council meeting)

**1310250** An Ordinance amending City of Merrill Code of Ordinances Chapter 6, Article IV, Section 6-96 to include keeping of fowls (Alderman Norton is bringing the ordinance directly to the Common Council)

### **RESOLUTIONS**

**1310260** A Resolution amending the Administrative Procedure Manual at Chapter 2, Operations – Scheduled Hours and Overtime, Section 7-5-2 Fire Department Supervisory Personnel (referred from September 24<sup>th</sup>, 2013 Personnel and Finance Committee meeting with no recommendation)

**1310261** A Resolution authorizing conveyance of the River Bend Trail property to the City of Merrill and approval of funding method for such acquisition (from September 25<sup>th</sup>, 2013 Board of Public Works meeting)

**1310270** Mayor's Communications

**1310280** Public Comment Period

**1310999** Adjournment

William N. Heideman, CMC, WCMC  
City Clerk

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131080

REGULAR MONTHLY MEETING OF THE HOUSING AUTHORITY  
COMMISSIONERS OF THE CITY OF MERRILL, WISCONSIN

Wednesday, September 11, 4:00 P.M. Jenny Towers Library, Merrill, WI

PRESENT: Chairman Kathy Colclasure, Denise Humphrey, Paul Wagner, Amanda Kostman, Rob Norton (Ex-Officio), LaDonna Fermanich and Kay Tautges.

ABSENT: Richard Weissinger

PUBLIC HOUSING - PARK PLACE and WESTGATE MEETING called to order by Chairman Kathy Colclasure. LaDonna requested that "Other Legal Matters" be added to the Closed Session portion of the agenda. A motion to excuse Richard Weissinger from both meetings, to revise the Closed Session portion of the agenda and approve the minutes of August 14<sup>th</sup>, 2013 meeting. Kostman/Wagner. Motion passed unanimously.

Discussion and motion to approve Checks #21349 thru #21391 and Billings to date for August 2013 with attached list of expenditures: Kostman/Humphrey. Passed unanimously by roll call vote: Kostman - aye, Colclasure -aye, Wagner - aye and Humphrey - aye. LaDonna will check into the possibility of paying for the elevator service/maintenance contract on a quarterly basis for next year.

Move-ins and Move-outs for August 2013: La Donna reported that she has had a few people stopping by to look at apartments. HUD has given the approval for some of the apartments to be "vacant due to market conditions". This means that fewer vacancies will be included in HUD reports and should help our HUD scoring. Motion to accept report and place on file. Wagner/Humphrey. Motion passed unanimously.

Report on Park Place Investments: LaDonna changed the format of the report so that it will be easier to read. She reported that the two accounts at River Valley Bank realized a gain of \$233.11 during the past month. Motion to accept report and place on file. Kostman/Wagner. Passed unanimously.

Review Annual Financial Audit for year ending December 31, 2012: Some Commissioners did not bring their copies of the Audit report to the meeting. LaDonna gave a brief overview of the audit reporting that it was a clean audit with no findings or concerns. The opinions noted on page 3 & 4 of the report give standard wording to what is considered a good audit. Motion to table the review of the Annual Financial Audit until next meeting. Kostman/Wagner. Passed unanimously.

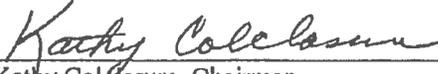
Closed Session - Discussion of Developer Proposals and Interviews, Final Vote and Other Legal Matters: Motion to go into closed session. Kostman/Humphrey. Passed unanimously. LaDonna recommended going with Paul Dombrowski for our Tax Credit Attorney. Motion to continue to explore options of going with Paul Dombrowski as Tax Credit Attorney. Wagner/Kostman. Passed unanimously. Motion to not take any action on the current RFQ, continue to evaluate our options and readdress current or potential revised RFQ in March or April of 2014. Kostman/Wagner. Passed unanimously. Motion to return to open session: Kostman/Wagner. Passed unanimously.

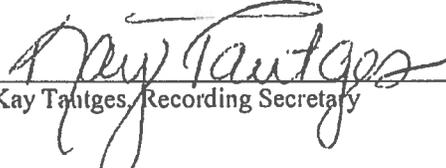
For the Good and Betterment of the Public Housing Program:

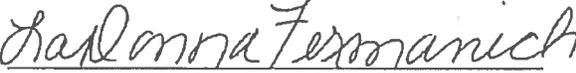
1. Commissioner Items/Comments: None.
2. Executive Director's Report: LaDonna will be attending the WAHA Fall Conference on Wednesday next week and will be on vacation for the rest of the week. Lynn will be attending COS training the week of the 25<sup>th</sup>.
3. Public Comment Period: None

The next regular meeting of the Commissioners of the Housing Authority will be held on October 9, 2013, 4:00 p.m., Jenny Towers Library, 711 E. 1<sup>st</sup> Street, Merrill, WI.

Motion to adjourn at 4:50 P.M. and open Section-8 Housing - Jenny Towers Meeting. Kostinan/Humphrey.  
Passed unanimously.

  
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Kathy Colclasure, Chairman

  
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Kay Tautges, Recording Secretary

  
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LaDonna Fermanich, Executive Director

**REGULAR MONTHLY MEETING OF THE HOUSING AUTHORITY  
COMMISSIONERS OF THE CITY OF MERRILL, WISCONSIN**

Wednesday, September 11, 2013, 4:50 P.M., Jenny Towers Library, Merrill, WI 54452

PRESENT: Chairman Kathy Colclasure, Amanda Kostman, Denise Humphrey, Paul Wagner, Rob Norton (Ex-Officio), LaDonna Fermanich and Kay Tautges.

ABSENT: Richard Weissinger

SECTION-8 HOUSING - JENNY TOWERS and SCATTERED SITES MEETING called to order by Chairman Kathy Colclasure. Motion to approve minutes of August 14, 2013 meeting and today's agenda: Kostman/Humphrey. Motion passed unanimously.

Discussion and motion to approve Checks #16547 thru #16596 and Billings to date for August 2013 with attached list of expenditures: Kostman/Wagner. Passed unanimously by roll call vote: Colclasure-aye, Kostman-aye, Humphrey-aye, and Wagner-aye.

Discussion and Approval of Move-ins and Move-outs for August 2013: LaDonna reported that most of the vacancies have now been filled. The brochure has been updated and revised. She will e-mail Commissioners a copy of it. We will be representing MHA at the Healthy Living Expo on October 8<sup>th</sup> at the Marc and hope to generate some interest and applications. Motion to accept report and place on file. Kostman/Humphrey. Motion passed unanimously.

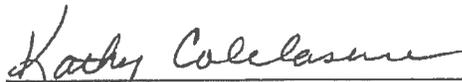
Report on Jenny Tower Investments: LaDonna reported a gain of \$9,317.79 in the BMO Harris Bank Trust Investment. Motion to accept and place on file the Investment Report. Humphrey/Kostman. Passed unanimously.

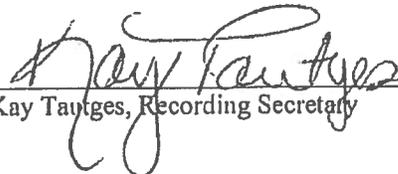
For the Good and Betterment of the Section-8 Housing Program:

1. Commissioner Items/Comments – Commissioners think that since we will be holding off on the RFQ we should consider if it would pay to have a market study done. LaDonna mentioned that the U.S. Census report does have some useful market information. Rob Norton was asked if he knew of any market surveys completed by the City which could give us more information.
2. Executive Director's Report – None
3. Public Comment - None.

The next regular meeting of the Commissioners of the Housing Authority will be held on Wednesday, October 9, 2013, 4:00 p.m. Jenny Towers Library, 711 E. 1<sup>st</sup> Street, Merrill, WI.

Motion to adjourn meeting at 5:07 p.m. Kostman/Weissinger. Motion passed unanimously.

  
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Kathy Colclasure, Chairman

  
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Kay Tautges, Recording Secretary

  
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LaDonna Fermanich, Executive Director

1310110

PARKS AND RECREATION COMMISSION

September 4, 2013

The Merrill Parks and Recreation Commission met on Wednesday, September 4, 2013 at 4:15 p.m. at the City Hall.

Members Present: Dan Novitch, Ralph Sturm, Dorwin Harris, Brian Artac, Melissa Schroeder

Members Excused Absent: Anne Caylor, Mike Willman

Department Staff Present: Dan Wendorf and Dawn Smith

Visitors: Dave Johnson and Candy Peterson

\*\*\*Motion by Schroeder, seconded by Artac, to approve the minutes from the previous meeting.

\*\*\*Carried unanimously.

\*\*\*Motion by Sturm, seconded by Harris, to approve the claims.

Sturm questioned the bill from Parisi Speed School. Wendorf explained that it was an addition on summer playground and it was paid for through Merrill Park and Recreation fees, than reimbursed to Parisi Speed School.

\*\*\*Carried Unanimously.

The first item on the agenda was to revisit the parking at the MARC. Wendorf stated that he spoke with Merrill Pavers on what the cost would be to put a new drive way and some more parking stalls in along side the north side of the building by the storage shed. Wendorf stated that there would be extra 35 to 40 stalls added with the new parking lot. The cost from Merrill Pavers to complete the work would be around \$21,000. Wendorf also stated that it would be a one way drive in and than you would need to circle around and use the one way exit drive out. This would make in and out easier at the MARC. Harris questioned why we would not put the parking lot on the side where the soccer fields are and make the parking lot an area for only elderly and handicapped parking. After some discussion it was decided that Wendorf should come back to next months meeting on how much the cost would be from Merrill Street Department and Lincoln County to perform the work and to come in with some drawing on where the new parking lot would be most beneficial. Schroeder also requested that Wendorf bring in some funding options for the new parking lot. This agenda item will be placed on the October agenda.

The next item on the agenda was the pool location discussion continued. Wendorf stated that at the August meeting Sturm suggested putting the pool over by Lions Park by the southeast parking lot. Wendorf stated that he and Dave Johnson worked on a good location and setting for the pool and it was decided that they could utilize half the parking lot and some grass area to put the pool and none of the ball diamonds would be disturbed. Johnson stated that he reconfigured the pool but would have the same square footage as originally planned. Sturm and Harris were concerned with the dimension of the pool, stating the pool looks bigger than planned. Wendorf stated it was same size as indicated from previous plans and wanted to focus on location. Wendorf was asked to bring back the dimensions of the pool at next months meeting. Schroeder suggested that the final location for the pool should be made by Decembers meeting so that planning and fund raising can begin on the pool. Wendorf was asked to bring more information back to the October meeting regarding the pool.

\*\*\*Motion by Schroeder, seconded by Sturm to eliminate Streeter Square and the MARC as locations for the future site of the Merrill Outdoor Pool.

\*\*\*Sturm, Schroeder, Novitch, and Harris voted yes

\*\*\*Artac opposed.

The next item on the agenda was preliminary discussion on Capital Equipment and Improvements. Novitch asked if Kathy Unertl would be giving us guidance and direction again on the budget. Johnson stated that you will be receiving the same budget as 2013; no changes will be made in the budget. Wendorf stated that he will be putting together a list of capital improvements for next months meeting and hopefully go over some of the budget if it will be prepared by then.

The next item on the agenda was monthly reports by Wendorf. Wendorf asked if anyone had any questions. Wendorf stated that the Labor Day celebration went good. Fair grounds was busy, car show turned out great and it seemed everyone had a good time. Wendorf also stated that the 1<sup>st</sup> annual Summer Stride went well, about 72 runners for the first year. Wendorf stated that our parks have been getting vandalized a lot and clean up and repairs and costing the department some money to fix. Wendorf stated that Kitchenette and Stanges have been getting vandalized the worst. Wendorf stated that he would also like to get Normal Park on the agenda so that planning can begin with the park. Wendorf would like to be able to start renting Normal Park instead of first come first serve basis.

\*\*\*Motion by Schroeder, seconded by Artac to approve the monthly report.

\*\*\*Carried Unanimously

The next regular meeting is scheduled for October 2, 2013 at 4:15 p.m.

No public comment. Sturm requested to see the concession contract between the City of Merrill and Merrill Youth Hockey. Wendorf stated that the contract would have to be done in closed session. Sturm stated that he would still like to see it. This agenda item will be on the October agenda in closed session. Schroeder questioned if all the vendors at the Labor Day Celebration needed to have proof of insurance. Wendorf stated they did, Schroeder feels there was one party down there who did not display proof of insurance, she explained to Wendorf in private who that party was.

\*\*\*Motion by Schroeder, seconded by Artac, to adjourn at 5:40 p.m.

\*\*\*Carried unanimously.

Dawn Smith  
Recording Secretary

1310120

**City of Merrill  
Board of Public Works  
Wednesday, September 25, 2013 at 5:30 P.M.  
City Hall Basement Conference Room, 1004 East First Street**

Members Present (5 of 5): Mayor Bill Bialecki (Chairperson), Street Commissioner Richard Lupton, Alderman Steve Hass, Alderman John Burgener and Alderman Chris Malm.

Others Present Included: City Administrator Dave Johnson, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Finance Director Kathy Unertl, City Hall Maintenance Supervisor Ramona Vanderkam, Alderwoman Kandy Peterson, Lynn Zentner, Sue Weith, Phil Valitchka, Mike Willman, Judy Woller, Gene Bebal, Collin Lueck (arr. 5:33 P.M.), Eric Malm (arr. 5:38 P.M.), Jim Wedemeyer, Gary Gartmann and City Clerk Bill Heideman.

**Call to order**

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

**Vouchers**

The vouchers were in the meeting packet.

Motion (Hass/Burgener) to approve the vouchers, as presented. Carried.

**Consider signage placement for four self-guided walking paths**

This agenda item was requested by Sue Weith and Lynn Zentner.

As a result of a recent workshop titled "For the Love of Merrill", a group was formed to determine self-guided walking paths in the City of Merrill. The group has determined four paths, focusing on the following:

- Historical
- Retail
- Fitness
- Parks

This group is now seeking the approval and support of the Street Department to install signs along each of the paths. Representing the group, Sue Weith and Lynn Zentner gave a presentation on this proposed signage.

It was suggested that it might be preferable to place the signs on private property, rather than in the right-of-way. In that case, the City Plan Commission, not the Board of Public Works, would have jurisdiction.

It was noted that, to date, approximately half of the funding necessary for funding the signs has been collected.

Alderman Hass suggested that the group making the request determine where they want to place the signs, since the location would determine which City committee/board will have authority. In response, Sue Weith and Lynn Zentner agreed to begin determining the proposed sign locations. They will then contact Street Commissioner Lupton.

At this time, the board voiced no objections to the signs and seemed in favor of installing them.

No action was taken at this time.

### **Consider acquiring railroad-owned right-of-way for River Bend Trail**

A proposed resolution was in the meeting packet. The resolution would approve the conveyance, from the Canadian National Railroad to the City of Merrill, a 12 acre parcel of abandoned right-of-way to be used as part of the River Bend Trail being developed.

The resolution is being proposed because the River Bend Foundation has applied for stewardship grant through the Knowles-Nelson Stewardship and Recreation Trail Act Grant Program. To ensure receipt of the grant, the land must be owned by a public entity. The River Bend Foundation has agreed to advance funds for purchase of the trail property, with the understanding that, when the City of Merrill receives the grant funds, those funds will be reimbursed to the River Trail Foundation.

It was mentioned that there is no doubt that, upon application, the grant will be awarded to the applicant. In short, the grant is a "sure thing".

Motion (Hass/Burgener) to recommend approving the resolution. Carried.

The resolution will be on the October 8<sup>th</sup>, 2013 Common Council meeting agenda.

### **Continue discussion on potential changes garbage/recycle collection program**

This was introduced at the August 28<sup>th</sup>, 2013 Board of Public Works meeting.

The expiration of the current recycling contract is imminent, and the current recycling process is outdated. Street Commissioner Lupton distributed information related to potential changes to improve the recycling program.

The changes being considered would result in:

- + All recyclables could be placed in one container (no sorting)
- + More kinds of recyclables could be picked up
- + Reduction in garbage hauled to landfill, resulting in reduced tipping fees

If single stream recycling is implemented, it would require the purchase of an additional garbage truck. This new truck could then be used for collecting garbage, and the current truck, a 2009 model, could be used to collect recyclables. The approximate cost of the truck is \$160,000, but Street Commissioner Lupton explained that, if a truck is purchased, it is anticipated that garbage and recycling would not need any equipment replacement for the next eight to ten years. It was agreed that the potential truck purchase should be included in the 2014 capital projects discussion.

City Administrator Johnson stated that, if a recycling contract is considered, it should be for two years, with an option to extend for additional year(s). Based on his experience, he is not in favor of an automated system.

The board agreed to continue exploring this, and to include consideration of it as part of the 2014 budget process.

Street Commissioner Lupton was directed to prepare a proposal for future Committee of the Whole and/or Common Council consideration. No action was taken at this time.

### **Monthly report - Street Commissioner**

The report was in the meeting packet. Street Commissioner Lupton added verbal information.

### **Monthly report – Exterior Maintenance**

The report was in the meeting packet.

### **Monthly report – Northwinds Inspection**

The report was in the meeting packet. Building Inspector/Zoning Administrator Pagel reported that 2014 sidewalk projects have been completed. Invoices related to the projects are being mailed this week.

**Monthly report – City Hall Maintenance Supervisor**

No report submitted. City Hall Maintenance Vanderkam and City Administrator Johnson provided verbal information related to potential 2014 City Hall capital projects.

**Monthly report from contracted engineering firms**

No report(s) submitted.

**Next meeting**

Wednesday, October 30<sup>th</sup>, 2013 at 5:30 P.M.

**Public Comment**

Gary Gartmann, a representative from Advanced Disposal (Weston, WI), introduced himself.

**Adjournment**

Motion (Hass/Burgener) to adjourn. Carried. Adjourned at 6:15 P.M.

Minutes prepared and submitted by:

A handwritten signature in blue ink, appearing to read "William N. Heideman", is written over a large, hand-drawn blue oval. The signature is fluid and cursive.

William N. Heideman, CMC, WCMC  
City Clerk

1310130

**City of Merrill  
Health and Safety Committee  
Monday, September 23, 2013 at 4:30 P.M.  
City Hall Basement Conference Room, 1004 East First Street**

Voting Members Present (3 of 3): Alderwoman Anne Caylor (Chairperson), Alderwoman Kandy Peterson and Alderman Dave Sukow.

Others Present: City Administrator Dave Johnson, Deputy Health Officer Norbert Ashbeck, Fire Chief Dave Savone, Police Chief Ken Neff, Alderman Ryan Schwartzman, Jared Schmidt, Fredrick Juan, Dale Bacher, Michael Caylor Jr. and City Clerk Bill Heideman. For a portion of the meeting, a student was in attendance to videotape the meeting for the Cable Access Channel.

**Call to order**

Alderwoman Caylor called the meeting to order at 4:30 P.M.

**Nuisance complaints and exterior maintenance report**

The report was in the meeting packet. It was noted that a few new complaints have been received.

**Vouchers**

The vouchers were in the meeting packet. Fire Chief Savone answered questions related to the vouchers.

Motion (Sukow/Peterson) to approve the vouchers, as presented. Carried.

**Liquor license application for 1212 Sports Lounge**

1212 Sports Lounge, Jared Lee Schmidt, Agent, has applied and paid the fee for a Class "B" (beer) license and a "Class B" (liquor) license for 1212 Sports Lounge, 1212 South Center Avenue, effective October 1<sup>st</sup>, 2013.

Alderman Sukow stated that he has concerns regarding the application. He noted that the establishment is already advertising the business as the 1212 Sports Lounge, when the license for the name has not been approved yet.

Currently, the business is operating under the license of the current licensee at that address (Back to Eden Restaurant, LLC, Frederick W. E. Piepenbrok, Agent, for The Arena). Alderman Sukow explained that a license is a privilege, not a right, and that this advertising, including postings on social media, is premature, since no license for 1212 Sports Lounge has been approved.

### **1309131S2**

Motion (Peterson/Caylor) to approve the application from 1212 Sports Lounge, Jared Lee Schmidt, Agent, for a Class "B" (beer) license and a "Class B" (liquor) license for 1212 Sports Lounge, 1212 South Center Avenue, effective October 1<sup>st</sup>, 2013. Carried.

### **Liquor license application for Los Meszcales**

Wisconsin Inc., Fredrick B. Juan, Agent, has applied for a Class "B" (beer) license and a Reserve "Class B" (liquor) license for Los Meszcales, 3340 East Main Street, effective November 1<sup>st</sup>, 2013.

Prior to the meeting, Fredrick Juan informed City Clerk Heideman that Wisconsin Inc. would like to amend the application by changing the agent. Based on that information, and because the application was published with Fredrick Juan as the agent, the Committee decided to take no action at this time.

Alderwoman Caylor stated that she would bring the application directly to the October 8<sup>th</sup>, 2013 Common Council meeting, after a final decision on the agent has been made and all publishing requirements have been met.

### **Other beer and/or liquor license applications**

None. City Clerk Heideman reported that a change of agent application for Kwik Trip was received the day of the meeting. It will be considered at the October meeting.

### **Continue considering potential steps to address train whistle noise at night**

This has been an ongoing issue. City Administrator Johnson reported that he has made some progress on this issue. He has accessed a website which provides information on railroad crossings. He reported that much of the information regarding the City of Merrill crossings is not accurate and/or not current. He will submit updated information and then wait for a response from the railroad. City Administrator Johnson will continue to work on this.

This item will continue to appear on monthly agendas, as efforts continue to resolve the issue.

**Monthly Report – Fire Chief Savone**

The report was in the meeting packet. Fire Chief Savone reported that union negotiations are ongoing. Discussions with townships for ambulance services are also ongoing. The new firefighter/EMT seems to be working well. Construction of the new fire station is still on schedule.

Fire Chief Savone addressed a question from Alderwoman Caylor regarding the Fire Department webpage.

Alderwoman Caylor remarked that it appears, based on the call-in log included in the meeting packet, that sufficient replacements are reporting for duty when extra staff is called in. She was curious as to response times.

**Monthly Report – Police Chief Neff**

The report was in the meeting packet. Police Chief Neff reported that the crime prevention initiative seems to be going well.

Police Chief Neff stated that it appears that Nextdoor.com will be a valuable tool for communicating information via social media.

The Police Department is working with Merrill High School on the formation of a student academy. At this time, it is anticipated that the academy will be operating in October.

Police Chief Neff was pleased to report that Officer Mark Heckendorf has returned to work after being injured recently.

**Monthly Report – Lincoln County Humane Society**

City Clerk Heideman stated that the report was received the day of the meeting. It will be included in the October meeting packet.

**Place monthly reports on file**

Motion (Sukow/Peterson) to place the monthly reports on file. Carried.

**Schedule next meeting**

Monday, October 28<sup>th</sup>, 2013 at 4:30 P.M.

**Public Comment**

None.

**Adjournment**

Motion (Sukow/Peterson) to adjourn. Carried. Adjourned at 5:14 P.M.

Minutes prepared and submitted by:



William N. Heideman, CMC, WCMC  
City Clerk

1310140

**City of Merrill  
Personnel and Finance Committee  
Tuesday, September 24, 2013 at 5:15 P.M.  
Basement Conference Room at City Hall, 1004 East First Street**

Voting Members Present (3 of 3): Alderman Steve Hass (Chairperson), Alderwoman Anne Caylor and Alderman Ryan Schwartzman

Others Present Included: Mayor Bill Bialecki, City Administrator Dave Johnson, Street Commissioner Richard Lupton, City Attorney Tom Hayden, Finance Director Kathy Unertl, Building Inspector/Zoning Administrator Darin Pagel, Library Director Stacy Stevens, Fire Chief Dave Savone, Police Chief Ken Neff, Alderman Dave Sukow, Alderwoman Kandy Peterson, Dale Bacher, Mike Hamann, Vince Conrad, Roger Drewek, Kortney Pike, Cody Gipple, Michael Caylor Jr., Vicki Thoreson (arr. 5:18) and City Clerk Bill Heideman.

**Call to order**

Alderman Hass called the meeting to order at 5:15 P.M.

**Vouchers**

The vouchers were in the meeting packet.

Motion (Schwartzman/Caylor) to approve the vouchers. Carried.

**Change order of agenda items**

Alderman Hass requested that he be allowed to change the order that agenda items are considered, to delay the discussion of employee health insurance until later in the meeting. Without objection, it was so ordered.

**Overview of Fire Department Administrative Captain position**

Information was in the meeting packet.

Fire Chief Savone provided additional details on the Fire Department Administrative Captain position.

Alderman Hass and Alderwoman Caylor stated that they assumed that, when a shift captain was absent, the administrative captain would assume those duties. Finance Director Unertl noted that overtime has been reduced since Fire Chief Savone became chief.

Alderman Hass and Alderwoman Caylor responded that they were disappointed that the policy they assumed was in place had never been implemented.

Fire Chief Savone responded to that by stating the policy had been tried and proved to be a failure. City Administrator Johnson also mentioned that the overtime has been reduced since Fire Chief Savone became chief.

No action was taken.

**Employee health insurance options and related matters (delayed earlier)**

This item was delayed earlier in the meeting. Information was in the meeting packet.

Representing M-3 (the company that oversees the City's employee health insurance program with Security Health), Vicki Thoreson gave a presentation on the following:

- Calculation of employee health insurance premiums
- 2014 City of Merrill health insurance renewal info
- Affordable Care Act (Obamacare)
- Spouse Surcharge (being proposed by City staff)

Discussion was then held on the spouse surcharge, which is being proposed by City staff. The surcharge would require all employees who meet the following two conditions to pay a \$200 monthly surcharge:

1. The employee's spouse or domestic partner is eligible for medical coverage through his/her employer.
2. The employee's spouse is enrolled in the City of Merrill's medical plan.

Alderman Hass and Alderwoman Caylor stated they would rather research the possibility of budget adjustments to help pay for health insurance, rather than implement a spouse surcharge.

All three committee members then suggested that there are better health insurance options to consider instead of the spouse surcharge.

Alderwoman Caylor suggested that the implementation of a wellness program be researched and considered.

Alderman Hass and Alderwoman Caylor repeated that they are in favor of considering and offering various health insurance options, but the spouse surcharge should not be one of them.

The committee suggested that various employee health insurance options be presented and considered at the next meeting. Finance Director Unertl suggested that the options be presented and considered at a Committee of the Whole meeting scheduled for October 7<sup>th</sup>, 2013.

No action was taken at this time.

**Resolution: Hours & Overtime for Fire Dept. Supervisory personnel**

A proposed resolution related to scheduled hours and overtime for Fire Department supervisory personnel was in the meeting packet.

This resolution was originally discussed at the August 27<sup>th</sup>, 2013 Personnel and Finance Committee meeting. At that meeting, the Personnel and Finance Committee recommended adopting the resolution, with the amendment that all references to Battalion Commander be changed to Captain.

At the September 10<sup>th</sup>, 2013 Common Council meeting, the resolution was referred back to the Personnel and Finance Committee.

It was noted the Fire Department personnel affected by the resolution are normally scheduled to work a 45 hour week, and that they are eligible for overtime after 53 hours in a week.

Motion (Caylor/Schwartzman) to refer, with no recommendation, to the October 8<sup>th</sup>, 2013 Common Council meeting. Carried.

**Monthly Report – Municipal Court**

The report was in the meeting packet.

**Monthly Report – Finance Director Unertl**

The report was in the meeting packet.

**Monthly Report – City Attorney Hayden**

The report was in the meeting packet.

**Monthly Report – City Clerk Heideman**

No report was submitted. In October, City Clerk Heideman will submit monthly reports for both September and October.

**Monthly Report – City Administrator Johnson**

The report was in the meeting packet.

**Monthly Report – Building/Zoning Permits**

The report was in the meeting packet.

**Place monthly reports on file**

Motion (Caylor/Schwartzman) to place the monthly reports on file. Carried.

**Next meeting**

Tuesday, October 29<sup>th</sup>, 2013 at 5:15 P.M.

**Public Comment**

Kortney Pike suggested that all options related to employee health insurance be researched and considered.

Michal Caylor Jr. complimented Alderman Hass for suggesting that budget reductions be explored during the 2014 budget process.

**Motion to convene in closed session**

Motion (Caylor/Schwartzman) to convene in closed session pursuant to Wis. State Statutes Sec. 19.85(1)(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 to consider Police Union and Fire Union negotiation strategy; and pursuant to Wis. State Statutes Sec. 19.85(1)(c) and (f) for the purpose of consideration of employment status of City employee over which the Common Council exercises jurisdiction to discuss specific personnel matters including employee medical history. Carried 3-0 on roll call vote.

**Closed session #1 – Union negotiation strategies**

The first closed session began at 6:28 P.M. Attending: Hass, Caylor, Schwartzman, Peterson, Sukow, Bialecki, Johnson, Hayden, Unertl and Heideman. The first closed session minutes will be filed separately and confidentially.

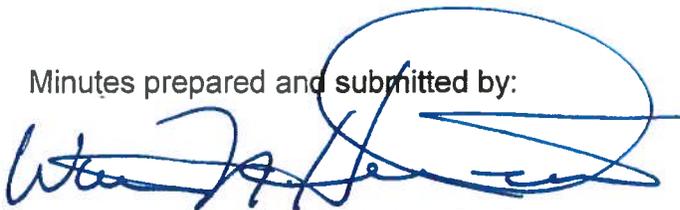
**Closed session #2- Employee medical history**

The second closed session began at 6:45 P.M. Attending: Hass, Caylor, Schwartzman, Peterson, Sukow, Bialecki, Johnson, Hayden, Unertl and Heideman. The second closed session minutes will be filed separately and confidentially.

**Adjournment**

Motion (Schwartzman/Caylor) to adjourn. Carried. Adjourned (from closed session) at 6:50 P.M.

Minutes prepared and submitted by:



William N. Heideman, CMC, WCMC  
City Clerk

1310150

**City of Merrill  
Water & Sewage Disposal Committee  
Wednesday, September 25, 2013 at 5:00 P.M.  
Basement Conference Room, City Hall, 1004 East First Street**

Members Present (3 of 3): Alderman John Burgener (Chairperson), Alderwoman Kandy Peterson and Alderman Rob Norton.

Others Present: Mayor Bill Bialecki, City Administrator Dave Johnson (arr. 5:01), Utility Superintendent Kim Kriewald, Finance Director Kathy Unertl (arr. 5:03) and City Clerk Bill Heideman.

**Call to order**

Alderman Burgener called the meeting to order at 5:00 P.M.

**Vouchers**

The vouchers were in the meeting packet.

Motion (Peterson/Norton) to approve the vouchers as presented. Carried.

**Consider 2014 Capital Budget requests**

Information was in the meeting packet. The following projects are to be considered as part of the 2014 capital budget process:

<u>Project</u>	<u>Est. cost</u>	<u>Priority (1=high, 5=low)</u>
Install generator @ Riverside Ave. lift station	\$30,000	1
Replace pumps @ Riverside Ave. lift station	\$25,000	2
Replace existing garage doors @ WWT Plant	\$16,000	3
Grit removal system @ WWT Plant (A proposal has already been approved)	\$123,800	1
Replace force main – West Main Street	\$620,000	1
Replace roof @ WWT Plant	\$150,000	1

Utility Superintendent Kriewald provided additional verbal details on the requests. He noted that, in addition to the project listed above, a project involving work on the East Street water tower has already been approved by the Common Council and is to be scheduled as a 2014 capital project.

Utility Superintendent Kriewald reported that all capital projects being considered for 2015 and beyond will be submitted to either the next Water and Sewage Disposal Committee meeting or to a future budget meeting.

Motion (Norton/Peterson) to recommend approving, as presented, the 2014 capital projects, and referring them to the 2014 capital budget process.  
Carried.

**Operations Report**

The report was in the meeting packet.

**Public Comment**

None.

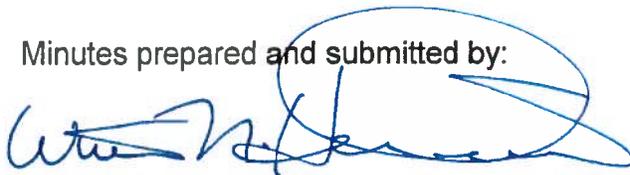
**Next meeting**

Wednesday, October 30<sup>th</sup>, 2013 at 5:00 P.M.

**Adjournment**

Motion (Peterson/Norton) to adjourn. Carried. Adjourned at 5:16 P.M.

Minutes prepared and submitted by:



William N. Heideman, CMC, WCMC  
City Clerk

1310160

**City of Merrill  
City Plan Commission  
Monday, September 30, 2013 at 5:15 P.M.  
City Hall Basement Conference Room, 1004 East First Street**

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

Other attendees: City Administrator Dave Johnson, City Attorney Tom Hayden (arr. 5:25), Building Inspector/Zoning Administrator Darin Pagel, Alderwoman Kandy Peterson, Randy Williams and City Clerk Bill Heideman.

**Call to order**

Mayor Bialecki called the meeting to order at 5:15 P.M. The location of the meeting was changed to the City Hall Basement Conference Room because Municipal Court was being held in the Common Council Chambers. Signs had been posted to indicate this change in meeting site.

**Minutes of September 3<sup>rd</sup>, 2013 meeting**

The minutes were in the meeting packet.

Motion (Schroeder/Hass) to approve, as presented, the minutes of the September 3<sup>rd</sup>, 2013 City Plan Commission meeting. Carried.

**Site Plan for fence: Merrill Historical Society History & Culture Center**

Information was in the meeting packet.

The Merrill Historical Society has submitted a site plan for a fence on the east property line of the Merrill Historical Society History and Culture Center, 100 East Third Street. Building Inspector/Zoning Administrator Pagel explained that, because the property is zoned public, City Plan Commission and Common Council review/approval is required. He has no concerns with the site plan as submitted.

Randy Williams, who has been involved in the Merrill Historical Society building project, answered questions on the site plan.

1310161

Motion (Hass/Novitch) to approve, as submitted, the site plan for a fence on the east property line of the Merrill Historical Society History and Culture Center, 100 East Third Street. Carried.

**Discussion on temporary structures**

Information was in the meeting packet.

Building Inspector/Zoning Administrator Pagel has requested that this item be placed on the agenda.

Building Inspector/Zoning Administrator Pagel began by explaining what constitutes a temporary structure. He is seeking clarification on issues related to these structures, because he has received requests from people who want to modify temporary structures to make them permanent structures. At this time, City ordinances do not allow conversion of a temporary structure into a permanent structure.

Currently, a \$10 registration fee allows the use of a temporary structure for 180 days.

Pete Lokemoen stated that he sees no reason to change the current ordinances and/or policy. Alderman Hass agreed with Mr. Lokemoen.

No action taken.

**Next meeting**

Tuesday, November 4<sup>th</sup>, 2013 at 5:15 P.M.

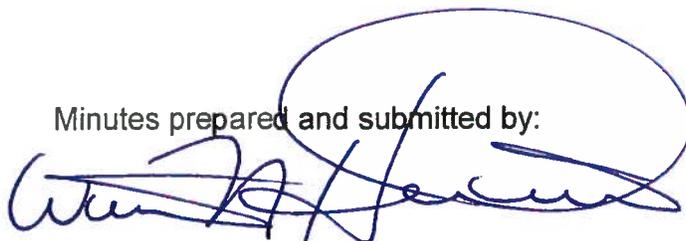
**Public Comment**

None.

**Adjournment**

Motion (Hass/Novitch) to adjourn. Carried. Adjourned at 5:33 P.M.

Minutes prepared and submitted by:

A handwritten signature in blue ink, which appears to be "William N. Heideman". The signature is written in a cursive style and is enclosed within a hand-drawn blue oval.

William N. Heideman, CMC, WCMC  
City Clerk

1310170

## Transit Meeting September 23, 2013

Present; Mr. Rick Blake – Chairman, Mr. Steve Willis, Mr. Gordon Geiger, Ms. Susan Kunkel, Mr. Tony Kusserow and Rich Grenfell – Transit Administrator.

Guest; Nick Meyer –Merrill Productions

A motion to approve the minutes of the July 29, 2013 meeting was made by Mr. Geiger and seconded by Mr. Willis. C.U. Ms. Kunkel suggested that Lifting / Ergonomic Training be presented every 2-years as a good practice for loss control.

Transit Commission welcomed Mr. Tony Kusserow to the Commission.

Administrator's Report;

WisDOT has informed Tier C Transit properties, (population -50,000) that there will be a reduction in combined State & Federal funding of 3.1% for 2014. This calculates to approximately -\$19,000 for Merrill.

A proposed service level change was presented to the Commission to help reduce the impact of the funding loss. 1-hour headway service was introduced and discussed as the most effective and efficient approach to the funding crisis by combining service request each hour and eliminating overlap trafficking. It is also the most logical approach given the expanding service areas and the relocation of Merrill's Walmart Super Center which make it impossible to obtain 30 minute service.

City Administration has approached Transit with the concept of relocating our operations into the soon to be vacated East side Fire Station Property.

Transit will need to apply for an 80/20 (20% Local Share) Capital Improvement Grant through the Section 5311 program of the Federal Transit Administration.

Our first consideration is to raise the dilapidated 1917 portion of the building and design a New Transit Center with bus canopy and public access. Becher-Hoppe has provided the Transit Commission with an "esthetically correct" conceptual design with an estimate of \$1,012,455. The Commission will also be procuring an automated dispatch / mobile data terminal system to assist with efficiencies at an estimate of \$130,000 through the Capital Improvement Grant. The first consideration has a \$250,000 local share price tag.

The second consideration is the renovation of the First Street Fire Station Building. This will require an environmental review and energy review, general inspection and repair estimates for FTA consideration. No cost estimation at this time.

It was suggested By Mr. Willis that our third consideration is to stay in our existing buildings, with the purchase of the I.T. dispatch system and the renovation of the existing bus storage facility, pending approval from the FTA. No cost estimation at this time.

A motion to approve a public hearing on Wednesday, October 2, 2013 for the proposed 2014 Service Level Change was made by Ms. Kunkel and seconded by Mr. Willis. C.U.

A motion to table the Notice of Public Hearing for the renovation /relocation of the Transit Facility was made by Mr. Willis and seconded by Mr. Kusserow. C.U.

No public Comment.

A motion to adjourn was made by Ms. Kunkel and seconded by Mr. Geiger.

Next transit meeting Monday, October 28, 2013.

**T. B. Scott Free Library Board of Trustees  
REGULAR MEETING  
September 18<sup>th</sup>, 2013**

**Minutes**

**1. Opening**

Vice-President Gene Bebel called the Regular Meeting of the Board of Trustees to order at 4:02 p.m. in the Library Board Room. Present: Katie Breitenmoser, Paul Gilk, Chris Malm, Tim Meehean, and Jim Wedemeyer. Excused: Mike Geisler, Richard Mamer and Vickie Yelle. Also present: Don Litzer and Mike Schroeder (-4:30).

Correspondence received: a request for contributions to the After the Bell Program.  
There was no public comment.

**2. Consent Items**

M Gilk/S Malm/C to approve August meeting minutes as printed. M Meehean/S Breitenmoser/C to accept August Monthly Revenue and Expense Printouts and Monthly Statistical Report as printed.

**3. Reports/Discussion Items/Action Items**

**A. Long Range Planning:** Ms. Stevens reviewed the planning timeline and current activities. A copy of the report from the initial Long Range Planning Committee meeting was presented. Board members were asked to set aside December 6<sup>th</sup> from 3-6pm and December 7<sup>th</sup> 9am to noon for Long Range Planning retreat.

**B. Building and Grounds Report and Requests:** Mr. Schroeder was present to answer questions. A proposal for the remediation of the water issue in the elevator pit was presented. M Meehean/S Wedemeyer/C to initiate the process of directing water into the sump pump per the proposal with funds from Endowment Funds of \$5,076.57, pending a reference check on vendors. Board members directed staff to consult with Myron Construction regarding the current plan of action, and to then proceed with the proposal if no alternative plan is indicated.

Mr. Schroeder gave an update on continuing issues with various roof leaks.

A proposal was presented for upgrading the furnishing in the lower level workroom. Staff were directed to request quotes from local businesses and report at the next board meeting with recommendations.

**C. Merrill Firefighters Memorial Request:** M Malm/S Breitenmoser to give \$200 from the Endowment Fund for the Memorial request. Discussion ensued. Mr. Malm withdrew his motion.

**D. After the Bell Program Request:** In consideration of the library's interest in the success of community afterschool youth activities, M Meehean/S Wedemeyer/C to give \$2,500 from the Endowment Fund to the After the Bell Program.

**E. Good Samaritan Foundation Event Request:** The Foundation will be holding their annual Wine and Cheese Social at the Ministry Good Samaritan Health Center and will not be requesting use of our facility this year.

**F. Trustee Essential #5-Hiring a Library Director:** Ms. Stevens provided copies of Trustee Essential #5.

**E. Reports from Friends/WVLS Representative:** The Friends met on September 13<sup>th</sup> and plans are underway for the upcoming booksale on October 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>. WVLS Board met on August 17<sup>th</sup> and their next meeting is September 21<sup>st</sup>.

**4. Forthcoming Events & Library Director Report**

- Winter hours, including Sunday hours, have resumed.

**5. Adjournment:**

The meeting adjourned at 5:18 p.m. The next regularly scheduled meeting of the Board of Trustees will be held on October 16<sup>th</sup> at 4:00 p.m. in the Library Board Room.

Stacy D. Stevens, Secretary

1910185

**City of Merrill  
Redevelopment Authority (RDA)**

**Tuesday, September 10<sup>th</sup>, 2013 at 5:30 P.M.  
City Hall Council Chambers**

RDA Present: Bill Bialecki, Ryan Schwartzman, Wally Smith, Karen Karow,  
David Hayes, Jill Laufenberg, and Ralph Sturm

RDA Absent: None

Others: Alderpersons Steve Hass, Dave Sukow, and Kandy Peterson, Brian Reilly from Ehlers & Associates, City Administrator Dave Johnson, Finance Director Kathy Unertl, City Attorney Tom Hayden, Street Commissioner Dick Lupton, Mike Morrissey from Redevelopment Resources, City Building Inspector/Zoning Administrator Darin Pagel from Northwinds Inspection, Dewey Pfister, Collin Lueck from FotoNews, about forty members of the public, and student taping for Merrill Productions

**Call to Order:** Chair Bialecki called the meeting to order at 5:30 p.m.

**Approval of meeting minutes from August 6<sup>th</sup>, 2013:**

**Motion (Schwartzman/Smith) to approve the meeting minutes. Carried.**

**Update on Lincoln House tenant relocations, demolition plan, and apartment developer recruitment efforts:**

Mike Morrissey from Redevelopment Resources advised that the two residential tenants have been successfully relocated. City contractors and staff continue to work on the move of the radio station as technical requirements are determined and resolved.

The demolition project award to C&D Excavating, LLC will be on the September 10<sup>th</sup>, 2013 Common Council agenda. Insurance proceeds will cover the majority of the demolition expense.

Morrissey advised that about six residential developers have been contacted. Laufenberg asked about potential mixed use. Morrissey noted the City team has been looking at potential underground parking, potential 1<sup>st</sup> floor commercial, and then residential floors. Having a vacant site should assist in recruiting a potential developer.

**Update on proposed 201 South Prospect Street site redevelopment, including planned Site Assessment Grant (SAG) and potential Idle Industrial Site Redevelopment Program:**

City Administrator Johnson advised that a Special Common Council meeting was held on Thursday, September 5<sup>th</sup> to assist in moving the proposed redevelopment project forward. Merrill Area Development Corp. (MADC) has made an offer to purchase the thirty-three acre site from the individual who purchased from Hurd Windows & Doors.

MADC would be selling two buildings to a manufacturing company. About thirty-five jobs would be relocated to the site with planned doubling of workforce in near future. Average wage for these jobs is about \$18.00 per hour.

City TIF development incentives would include the following:

- City \$100,000 purchase of five acre site north of Zastrow's (TID No. 5) for stormwater drainage and development site along North Pine Ridge Ave.; and
- City \$200,000 TID No. 8 loan to MADC to facilitate site acquisition and environmental remediation cash flow; and
- City submission of proposed \$150,000 Site Assessment Grant (SAG) for some demolition and additional environment assessment with local match from MADC; and
- Potential Idle Industrial Site Redevelopment Program grant application for demolition, environmental remediation, and potential construction of new public infrastructure (such as new water and sanitary sewer mains, stormwater drainage, street, sidewalk, street lighting, etc.) to facilitate business park redevelopment.

**Consider potential damage settlement for 316 Grand Ave. in TID No. 8:**

Property owner Jo Ellen James has decided not to proceed with major façade improvements. City staff noted that due to demolition of adjacent building that there are some water issues in the basement, about 250 missing bricks on the northwest corner of the front façade, and some holes from former common floor joists.

***Motion (Schwartzman/Karow) to authorize damage settlement of \$3,500 to the property owner. Carried.***

**Consider Resolution 2013-01 recommending dissolving Redevelopment District No. 1 and related Redevelopment Plan for Redevelopment District No. 1:** This redevelopment district area and plan was combined in the Tax Increment District No.3/Redevelopment District No.1 Plan – authorized in September 2005 and amended in July 2006.

Unertl advised that this was a technical resolution to dissolve the Redevelopment District No. 1 and related Plan since the majority of the “blighted” properties are proposed to be deleted from TID No. 3 and then included within the new TID No. 9.

***Motion (Schwartzman/Karow) to adopt RDA Resolution No. 2013-01 recommending dissolving Redevelopment District No. 1 and related Redevelopment Plan for Redevelopment District No 1. Carried.***

**Next RDA meeting:** Next meeting scheduled for Tuesday, October 1<sup>st</sup> at 8:00 a.m.

***The Redevelopment Authority meeting recessed from 5:50 p.m. to 6:00 p.m.***

**Public Hearing @ 6:00 p.m. – “Blighted Property”:**

**Consider the designation of the following properties: 419 W. Main St. - vacant commercial building and 413 W. Main St. - vacant lot east of 419 W. Main St. building as “blighted property” within the meaning of Wisconsin Statutes Section 66.1333:**

Bialecki opened the public hearing at 6:00 p.m. Pagel and Unertl highlighted the existing “blighted” conditions and code enforcement orders. No one interested in testifying. Hearing adjourned at 6:03 p.m.

**Consider adoption of Resolution No. 2013-02 determining property to be blighted and submitting proposed acquisition and redevelopment to Common Council for Approval – 413 & 419 W. Main St.:**

***Motion (Schwartzman/Laufenberg) to adopt RDA Resolution No. 2013-02 determining property to be blighted and submitting proposed acquisition and redevelopment to Common Council for Approval – 413 & 419 W. Main St. Carried.***

**Consider RFP response related to demolition/site redevelopment of 413 & 419 W. Main St.:**

There was one RFP response received – C&D Excavating, LLC. Proposal to remove the building and clear lot by June 1<sup>st</sup>, 2014. Future plan is for possible restaurant or retail commercial business construction. There will be no TIF development incentive for demolition; however, the RFP emphasized that RDA/City will discuss potential TIF development assistance for the future new development.

***Motion (Schwartzman/Hayes) to recommend the sale of 413 & 419 West Main Street to C & D Excavating, LLC. for \$1.00 to facilitate demolition and future site redevelopment.*** Carried.

**Public Hearings – Various Tax Increment Districts (TIDs):**

City Attorney Tom Hayden highlighted the public hearing notices to consider potential boundary and plan changes to various Tax Increment Districts (TIDs) and potential creation of new Tax Increment District, including:

- TID 3 – Project Plan and Boundary Amendment
- TID 4 – Project Plan and Boundary Amendment
- TID 5 – Project Plan Amendment
- TID 8 – Project Plan and Boundary Amendment
- TID 9 – Creation [Proposed as “Blighted” Area TID]

Unertl highlighted changes to the various TIDs as shown on larger scale maps. Unertl emphasized that both TID No. 8 and proposed TID No. 9 are “blighted” area TIDs. City Building Inspector Darin Pagel and Unertl noted that the definition of “blight” is very broad. The City provided copies of Section 66.1105 Tax Increment Law and Section 66.1333 Blight Elimination and Slum Clearance.

Brian Reilly from Ehlers & Associates reported that both TID No. 8 and TID No. 9 meet the “blighted” area criteria of more than 50% “blighted” and with less than 25% of the TID land area considered vacant. Unertl noted that City management had removed Merrill Equipment parcel from the TID No. 9 preliminary “blighted” property designation.

Unertl advised that the City of Merrill and the Redevelopment Authority is not interested in condemning property. Just like 419 West Main Street, the City/RDA wants to work with property owners. The objectives of using tax increment financing are to create expanded tax base and facilitate new jobs.

Public testimony began about 6:12 p.m. with the following comments/questions:

**Mike Nolan** asked why the St. Vincent Help Center on West Main Street was being included in TID No. 8. Unertl responded that the RDA views the west side as historical business district and is interested in maintaining historical facades (such as 406 West Main Street). RDA would like to remove the white bubble façade on the St. Vincent building and restore the historical brick façade using TIF development incentive.

**Lisa Miller – 703 S. Center Ave.** advised that their corner property is available for sale.

**Dave Schumitsch – Merrill Sand & Gravel** noted that their property is being split between TID No. 3 and TID No. 9 and wondered about intent to implement the waterfront plan? Unertl reported that to meet the 25% vacant land criteria for proposed TID No. 9, it was necessary to drop several vacant parcels on the north side of the Wisconsin River that remain in TID No. 3. Unertl added that any redevelopment is dependent upon interested property owners.

**Bill Weber – representing Development & Leasing Corp.** asked why moving properties into to TID No. 9? Unertl advised that a “blighted” area TID has lifespan of 27 years vs. only 20 years for mixed-use TID. Since TID No. 3 was created in 2005, moving properties into TID No. 9 provides an opportunity to restart the TID timeframes to facilitate redevelopment. Weber also asked about the \$5 million TID budget. Unertl noted that this was preliminary budget. Depending upon projects, it is likely that the TID No. 9 budget/plan will need to be amended in the future.

**Joe Rudolph – Merrill Equipment** emphasized that he keeps his property up and didn't feel that “blighted” definition fit his property. Unertl re-emphasized that City management had review this property and had removed from the “blighted” designation. This change will be reflected in final TID No.3 and TID No. 9 plans and maps.

***Motion (Schwartzman/Sturm) to close the public hearings at 6:25 p.m. Carried.***

**Consideration of Resolution No. 2013-03: Amending the Boundaries of and Adopting an Amended Project Plan for Tax Incremental District No. 3 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval:**

***Motion (Schwartzman/Smith) to adopt Resolution No. 2013-03: Amending the Boundaries of and Adopting an Amended Project Plan for Tax Incremental District No. 3 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval. Carried.***

**Consideration of Resolution No. 2013-04: Amending the Boundaries of and Adopting an Amended Project Plan for Tax Incremental District No. 4 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval:**

*Motion (Schwartzman/Karow) to adopt Resolution No. 2013-04: Amending the Boundaries of and Adopting an Amended Project Plan for Tax Incremental District No. 4 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval. Carried.*

**Consideration of Resolution No. 2013-05: Adopting an Amended Project Plan for Tax Incremental District No. 5 of the City of Merrill, Wisconsin, and Submitting such Plan to the Common Council for Approval:**

*Motion (Schwartzman/Smith) to adopt Resolution No. 2013-05: Adopting an Amended Project Plan for Tax Incremental District No. 5 of the City of Merrill, Wisconsin, and Submitting such Plan to the Common Council for Approval. Carried.*

**Consideration of Resolution No. 2013-06: Amending the Boundaries of and Adopting an Amended Project Plan for Tax Incremental District No. 8 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval:**

*Motion (Schwartzman/Smith) to adopt Resolution No. 2013-06: Adopting an Amended Project Plan for Tax Incremental District No. 8 of the City of Merrill, Wisconsin, and Submitting such Plan to the Common Council for Approval. Carried.*

**Consideration of Resolution No. 2013-07: Designating the Boundaries of and Adopting a Project Plan for Tax Incremental District No. 9 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval:**

*Motion (Schwartzman/Sturm) to adopt Resolution No. 2013-07: Designating the Boundaries of and Adopting a Project Plan for Tax Incremental District No. 9 of the City of Merrill, Wisconsin, and Submitting such Boundaries and Plan to the Common Council for Approval. Carried.*

**Consideration of a TIF development incentive overview recommending development agreement by and between the City of Merrill, Wisconsin and Neumann Lot 2 (for Burgener Contract Carriers) for property located in proposed Tax Increment District No. 9:**

*Motion (Schwartzman/Karow) to recommend TIF development incentive overview recommending development agreement by and between the City of Merrill, Wisconsin and Neumann Lot 2 (for Burgener Contract Carriers) for property located in proposed Tax Increment District No. 9. Carried.*

**Public Comment:** None.

Motion (Schwartzman/Smith) to adjourn the meeting at 6:30 p.m. Carried.

Minutes prepared by RDA Secretary Kathy Unertl

1310210

**Minutes**  
**Airport Commission Meeting**  
**Wednesday, July 24, 2013**

**Present:** Gary Schwartz, Joe Malsack, Gary Schulz, Lyle Banser, Chris Malm and Airport Manager John Miller

**Also Present:** Larry Wenning

**(1) Call to Order:** Gary Schwartz called the meeting to order at 7:00 PM.

**(2) Approval of the June 19, 2013 Minutes:** Chris Malm made a motion to ratify the minutes of the June 19, 2013 meeting. The motion was seconded by Joe Malsack. The motion passed.

**(3) Approval of Vouchers:** The vouchers were reviewed and signed by all. Joe Malsack made a motion to approve the vouchers. The motion was seconded by Lyle Banser. The motion passed.

**(4) Update on 2006 Project:** Gary Schwartz said the ribbon cutting ceremony was held Tuesday, July 23<sup>rd</sup>. Gary said he was very happy with the turn out. Gary said that about 48 people attended including Mayor Bialecki, City Administrator David Johnson, City Attorney Tom Hayden and Council Person Kandy Peterson from the City. Also attending was Randy Van Natta, Steve Opatik and Nick Golla from Beecher Hoppe and Mark Arnold and Eric Johnson from the Bureau of Aeronautics. The ceremony was also attended by personnel from the Chamber of Commerce, Merrill Police and Fire Department, NTC, local news media and WSAW Channel 7 from Wausau. John Miller said the ceremony went well.

John Miller said there are still larger than allowed rocks in the landscaping dirt. John also said he showed Nick Golla areas where the landscaping is too high and rain water is collecting on the edge of the taxiways. John said there are still quite a few problems with the electric gate and delays from Per Mar, the contractor handling the security system connecting the new gate to the old system. John said the delay with the gate is not a big issue at this time but everything will need to be corrected before they get paid.

John Miller also said the test plugs in the blacktop are too high and the plow will catch them this winter. John also said the hand gates are too far apart and need to be redone.

John Miller said there will be a meeting in about two weeks for a final walk through with American Asphalt.

John said he spoke with the BOA to see if there was anything formal he would have to do to open the taxiway. He was told to just take the barricades down and open it up. John said that was done right before the ribbon cutting ceremony.

John Miller said the BOA is waiting to see if there is any money left over from the project before deciding what we can do with the beacon. John said Beecher Hoppe will have final numbers for the Project shortly.

**(5) 2013 Terminal Project:** Gary Schwartz said we have \$395,000.00 for this project and that should be enough for a 36 x 65' building. Gary then passed out floor plans he received from MTS (Marathon Technical Services) and a discussion was held regarding these plans. Gary Schwartz said he would like to get the architect from MTS to attend the next meeting to discuss the Terminal Plans.

**(6) Discussion/Decision Tree and Property Issues around the Airport:** John Miller said he has looked at the airport property that adjoins the Van Der Geest property. John said there are not enough big trees to be removed that no one would do it for the trees.

John said he spoke with Beecher Hoppe to inquire whether there was any money available to do a tree survey. John said he was told that the BOA put the \$6000.00 that was there two years ago back into this year's project.

John said that Fort Worth has not informed him about tree infringements on the approaches. John feels that the approach for Runway 25 and Runway 34 need the most attention. John said he would like to do a tree survey next year with some entitlement money. John said with the removal of the NDB approach we do need a survey before contacting any neighbors.

**(7) Airport Day 2013:** John Miller said the flyers to the airports and letter to pilots are ready to go. John said Jane will start August 1st contacting merchants for door prizes.

John said he decided to make a change on the "Free Fuel" for the pilots. Instead of being reimbursed for fuel purchased they will have a chance to win \$150.00, just for flying in. John said we are on track with the Sky Divers, Police and Fire Department, Lions Club and Jerry's Music. John said there are meetings with the Foto News and WMTJ Radio Station.

Joe Malsack reported that the Bounce Houses will be back. Joe said Relay for Life will have a dessert after the breakfast. Joe also said the Simulator will be here and the Flea market spots are filling up.

John Miller said NTC has changed their plans and will not be doing an open house on Airport Day for budget reasons.

John Miller said we will have another meeting of Friends of the Merrill Airport in August just to make sure everything is on track.

**(8) Manager's Report:** John Miller said the field across the road is still too wet to be cut but with dry weather coming we should be able to get to it soon. John said a lot of the Airport has been cut once and with all the new areas to be cut, it is affecting the budget. John said decisions will have to be made as to what gets cut more than once.

John said the engine on the Kubota will need to be worked on this winter. John said coolant is disappearing from the engine and being pushed out the exhaust.

John said the materials are here for the roof but Tim Chapel cannot give a date when he will be here. All agreed the roof needs to be done by Airport Day.

John Miller said that the person who takes care of the summer outside work dislocated his shoulder at home and has been out of work for about a month. John said he is going to have to find someone to replace him.

John Miller said the lights on 16/34 are working automatically now.

John is looking for something to block the Mutz property drive way. Lyle Banser said that laying wooden poles would work.

Gary Schulz said that the Monument needs works. Gary said the bushes are overgrown and the airplane needs to be cleaned before Airport Day.

**(9) Chairman's Report:** Gary had nothing to add at this time.

**(10) Aviation Happenings:** Continental Motors has acquired the bought diesel aircraft engine manufacturer Thielert from bankruptcy.

Gary also reported that Hamburger Night Fly-in that has been held at various airports around the area have been a big success with in excess of 20 aircraft flying in if the weather is good. Gary said they had just come from the one in Antigo and they had a real good turnout. Gary explained this is a good way of getting people out and flying again

**(11) Public Comment:** None

**(12) Agenda Items for Next Meeting:** Terminal Building

**(13) Adjournment:** Chris Malm made a motion to adjourn. The motion was seconded by Joe Malsack. The motion passed.

**These Minutes were recorded by John Miller, the Airport Manager and were ratified at the August 27, 2013 Airport Commission Meeting.**

**Minutes**  
**Airport Commission Meeting**  
**Tuesday, August 27, 2013**

**Present:** Gary Schwartz, Joe Malsack, Gary Schulz and Chris Malm.

**Also Present:** Larry Wenning & Steve Krueger

**(1) Call to Order:** Gary Schwartz called the meeting to order at 7:00 PM.

**(2) Approval of the July 24, 2013 Minutes:** Chris Malm made a motion to ratify the minutes of the June 19, 2013 meeting. The motion was seconded by Gary Schulz. The motion passed.

**(3) Approval of Vouchers:** The vouchers were reviewed and signed by all. Joe Malsack made a motion to approve the vouchers. The motion was seconded by Chris Malm. The motion passed. The Commission questioned what the \$200.00 expense to the U.S. Parachute Association that John paid was for.

**(4) Update on 2006 Project:** Gary Schwartz said that the punch list to close out the project has not been completed by Becher-Hoppe. Gary said the main items in question are the large rocks along the taxiway and how they filled the core holes. The holes are filled to high. Joe Malsack asked if the silk fencing was going to be removed. Gary said that the fence is on the list to be removed to finish the project. Gary also said that he does not know how the final figures are going to come out yet. Gary said this will control if the beacon will be moved or not.

**(5) Discussion/Decision 2013 Terminal Project:** Gary Schwartz said that he received revised plans from Marathon Technical Services (MTS). The new plans were reviewed and after much discussion some new ideas were recorded. There was discussion about the position of the main entrance door from the parking lot, an entrance door from the men's restroom for the storage room and a window in the vicinity of the desk for flight planning.

Gary Schwartz said that the charge from MTS for these plans would be \$16,375.00. Gary said this includes all plans that would be needed to be submitted to the state separately for approval. Gary presented other paperwork that he has received from the Bureau of Aeronautics (BOA) that would need to be used for the bid process. Also discussed was selection of contractors and how the process works.

Gary Schwartz said that he has gotten permission from the BOA for him and John Miller to be the general contractors. Gary said this would save us money.

Gary Schwartz said Tomahawk Airport has gotten in touch with John Miller and they are discussing loaning us a year of Entitlement. Gary said this amount would be \$150,000.00. Gary Schwartz said that we have the \$390,000 needed for the terminal. Gary Schwartz said with the Entitlement money from Tomahawk we should consider the purchase of a new tractor for snow removal and lawn mowing.

Gary Schwartz said the base price for just the tractor is \$110,000.00. Gary Schulz said that we need to purchase a brush at this time. Gary Schwartz said that a brush runs about \$44,000.00 and cannot be purchased at this time as we are limited to the \$150,000.00. Gary Schwartz read

the costs of each component. Gary said with \$110,000.00 for the tractor, the accessories were as follows: the snow blower is \$20,000.00, a front end loader is \$8,000.00 and the brush \$44,900.00.

There was much discussion about why the tractor was not bought four years ago and what accessories would be useful to the airport. Gary Schulz asked if some of the entitlements we planned for the tractor went into the terminal project.

Gary Schwartz said when we considered the tractor last time we thought we had six or seven hundred thousand dollars in entitlements. Gary Schwartz said then the BOA started taking an entitlement for each project and with some projects they took two to make the numbers work. Joe Malsack said he remembers when that happened.

Gary Schulz asked why we have not looked into trading down on the fuel truck. Gary Schulz said we purchased this truck below the market value and should be able to get into a smaller truck and pay off some of the loan. Gary Schwartz said John Miller has made some calls and found no one that would make a deal that would lower our investment. Gary said John feared we would have to make a trade that would give us a less reliable truck. Gary Schwartz said John has told him our present truck is in good shape and is very reliable. Gary Schwartz and Gary Schulz agreed they both would like to see us get a smaller fuel truck.

Gary Schulz asked how soon we have to spend the money if we get the entitlement from Tomahawk. Gary Schwartz said he has discussed this with the BOA and they are willing to push the Tomahawk entitlement into this year's project to make it more comfortable for us. All agreed this is a good deal for us.

Gary Schulz made a motion to approve the Terminal Project with Joe Malsack seconding the motion. Motion carried. Gary Schwartz said that he felt that it was too late in the season to start the Terminal but that next spring all bids would be in and it could be started.

After much discussion the consensus was that we should start plans to take an entitlement from Tomahawk. Gary Schwartz said he will add this to the agenda for next month.

**(6) Airport Day 2013:** Joe Malsack reported everything is on schedule for Airport Day. Joe said the jump plane is ready to go and Jody has the hangar just about full for the flea market. Joe said he is still looking for people to do the aircraft parking.

Joe also said John has the program in place for the \$150.00 door prize give away.

Gary Schwartz said Bev Cornelius's hangar will be empty by Airport Day. After some discussion it was decided it would be a good place to store the Malibu.

Joe said he has been discussing the lawn mowing with John and John said all the mowing will be done the week before Airport Day and it will be the final cutting for the season.

Joe said all the signs for the Flea Market and others are up around town.

**(7) Manager's Report:** Gary Schwartz read the Manager's report from John Miller. Gary said John reported all the new lights are working but some of the old ones are not. Gary said the problem is a very fancy control box that may have been struck by lightning. Gary said John is having it replaced with a much simpler system.

Gary reported the crack sealing is done. Gary said we do not have the bill yet but the quote was \$4950.00. Gary also said John Heckendorf will be moving out of T-hangar #7 on September 1<sup>st</sup>.

**(8) Chairman's Report:** Nothing further to report.

**(9) Aviation Happenings:** Gary Schulz made the comment that the Airport is growing and the Budget will need to grow with it because of the extra plowing, grass mowing and other maintenance.

Gary gave a rundown on the turnout at Air Venture for the Experimental Aircraft Association (EAA) this year. Gary noted that aviation is on the comeback worldwide with Beechcraft taking orders for 105 King Air 350s during the show. Gary said Paul Poberenzny, founder of the EAA passed away.

Gary said a cargo Air Bus crashed on landing in Birmingham. Cause has not been determined but the auto pilots and auto throttles were engaged.

Gary Schulz said Gil Buettner mentioned to Gary that the signs for the runways are wrong. They have 07 on all the signs where it should be just 7 and 07/25 at the approach for Runway 7 where it should be only 7.

Gary Schulz also mentioned that the turnoff from the taxiway where it is not paved should have some other marking instead of just the single taxi light.

**(10) Public Comment:** None

**(11) Agenda Items for Next Meeting:** Entitlement from Tomahawk.

**(12) Adjournment:** Joe Malsack made a motion to adjourn. The motion was seconded by Chris Malm, The motion passed.

**These Minutes were recorded by John Miller, the Airport Manager and will be ratified at the September 18, 2013 Airport Commission Meeting.**

1308250

**CITY OF MERRILL**  
1004 EAST FIRST STREET  
MERRILL, WI 54452-2586

AN ORDINANCE: By the Mayor  
Re: Amending Chapter 10, from a Municipal Court  
to a Joint Municipal Court

ORDINANCE NO. 2013-  
Introduced: August 13, 2013  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_  
Committee/Commission Action:  
**DIRECTLY BY MAYOR BIALECKI**

## AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

**Section 1.** Chapter 10, of the Code of Ordinances for the City of Merrill is amended as follows:

**Sec. 10-19. – Joint Municipal Court Created.**

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated “Municipal Court for the City of Merrill and the City of Tomahawk” said court to become operative and functional on May 1, 2014.

**Sec. 10-20. – Municipal Judge.**

**(a) Qualifications:** The municipal court shall be under the jurisdiction of, and presided over, by a municipal judge, who resides in either the City of Merrill or the City of Tomahawk that is a part to the agreement forming this joint court.

**(c) Oath and Bond:** The municipal judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stats. § 757.02(1), and at the same time execute and file an official bond in the amount of \$1,000.00. The municipal judge shall not act until the oath and bond have been filed, as required by Wis. Stats. § 19.01(4)(c), and the requirements of Wis. Stats. § 755.03(2), have been complied with.

**(d) Salary:**

- (1) The salary of the municipal judge shall be fixed by the common council of the municipalities that are parties to the agreement, which shall be in lieu of fees and costs. The municipal judge shall be entitled to mileage reimbursement, per city personnel policies, and considered a parttime employee working under 600 hours annually. No salary shall be paid for any time during the term where the municipal judge has not executed the official bond or official oath, as required by Wis. Stats. § 755.03, and filed pursuant to Wis. Stats. § 19.01(4)(c).
- (2) The municipalities may, by separate ordinance or resolution, allocate funds for the administration of the municipal court pursuant to Wis. Stats §66.0301.

**Sec. 10-21. - Elections.**

The city clerk shall comply with Wis. Stats. §§ 5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm), to provide for the election of a municipal judge under Wis. Stats. § 755.01(4). Such municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers, as provided in Wis. Stats. § 8.10, and selection at a primary election, if such is held, as provided in Wis. Stats. § 8.11. The common council shall provide for a primary election in the event that more than two candidates file nomination papers for such position of municipal judge, as provided in Wis. Stats. § 8.11(1)(a), and such primary election shall be held on the third Tuesday of February as provided in Wis. Stats. § 5.02(22). In the event of any vacancy in the office of municipal judge, the common council may appoint as municipal judge a resident of the cities, otherwise qualified under this section upon the recommendation of the mayors. Such appointment is subject to the requirements of Wis. Stats. § 8.50(4)(fm). A municipal judge so appointed shall serve until the next spring election.

**Sec. 10-22. - Jurisdiction.**

- (a) The municipal court shall have such jurisdiction over incidents occurring on or after May 1, 2014 as provided in Article VII, §14 of the Wisconsin Constitution, by Wis. Stats. §§ 755.045, 755.05, and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- (b) The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under Wis. Stats. §755.045(2), §66.0119

- (c) The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Wis. Stats. §938.17(2)(cm).

**Sec. 10-23. - Court hours.**

- (a) Hours: The municipal court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the municipal judge.
- (b) Employees: The Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the City Council of the municipalities that are parties to the agreement.

**Sec. 10-24. – Collection of forfeitures and costs**

The municipal judge may impose punishment and sentences, as provided by Wis. Stats. ch. 800, and 938 and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, penalty assessment and costs, in addition to forfeitures imposed to cover the city's administrative charges, shall be paid to the treasurer of the municipality within which the case arose within thirty days after receipt of the money by the municipal court . At the time of the payment, the municipal court shall report to the treasurer the title of the action, the nature of the offenses and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

**Sec. 10-25. - Contempt procedure.**

- (a) The municipal judge may impose a sanction authorized under Wis. Stats. § 800.12(2), for contempt of court, as defined in Wis. Stats. § 785.01(1), in accordance with the procedures under Wis. Stats. § 785.03.
- (b) The municipal judge may impose a forfeiture for contempt under Wis. Stats. § 800.12(1), in an amount not to exceed \$200.00 or, upon nonpayment of the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. ch. 814, a jail sentence not to exceed seven days.

**Sec. 10-26. – Abolition**

The municipal Court hereby established shall not be abolished while the §755.01(4) agreement is in effect.

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding

shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: \_\_\_\_\_

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

Approved:

\_\_\_\_\_  
William R. Bialecki,  
Mayor

Attest:

\_\_\_\_\_  
William N. Heideman, City Clerk

1310250

# CITY OF MERRILL

1004 EAST FIRST STREET  
MERRILL, WI 54452-2586

AN ORDINANCE: By Alderman Norton  
Re: Amending Chapter 6, Article IV, Section 6-96 to  
include keeping of fowls.

ORDINANCE NO. 2013-

Introduced: October 8, 2013

1st Reading: \_\_\_\_\_

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

Committee/Commission Action:

**DIRECT BY ALDERMAN NORTON**

## AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

**Section 1.** Chapter 6, Article IV, Section 6-96 of the Code of Ordinances for the City of Merrill is amended to add *Keeping of Fowls* the following at Section 6-96

Sec. 6-96 Keeping of fowls.

- (a) No person shall keep or harbor any chickens, doves or other fowl or build, erect or maintain and use any chicken coop or yard, dove cote or other building or yard to keep or house any chickens, doves or other fowl anywhere within the City without registering the name and address of the owner and the approximate number of chickens, doves or other fowl to be kept by such owner at the Office of the Building Inspector. The total number of chickens, doves or other fowl shall not exceed three per premises.
- (b) All chicken coops and yards, dove cotes and other buildings or yards wherein any domestic animals are contained shall be kept in a clean, sanitary condition and free from all objectionable odors and shall be subject to the inspection and approval of the Building Inspector. Approval shall be given upon a showing that such facilities are clean, in sanitary condition and free from all objectionable odors.
- (c) Chicken coops and yards, dove cotes and other buildings or yards permitted under this section shall be limited to the keeping of up to a total of three chickens, doves, poultry or fowl per property, and shall be subject to the following conditions:
  - (1) The principal use of the property where a chicken coop and yards, dove cotes and other buildings or yards may be permitted is limited to single-family dwellings.
  - (2) No person shall keep any rooster.

- (3) No person shall slaughter any chickens, doves, poultry or fowl.
- (4) The chickens, doves, poultry or fowl shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (5) No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot and shall not exceed 25 square feet unless permitted as an accessory building.

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Published: \_\_\_\_\_

Approved:

\_\_\_\_\_  
William R. Bialecki  
Mayor

Attest:

\_\_\_\_\_  
William N. Heideman, City Clerk

1310260

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING CHAPTER 2, OPERATIONS – SCHEDULED HOURS AND OVERTIME, SECTION 7-5-2 FIRE DEPARTMENT SUPERVISORY PERSONNEL**

WHEREAS, the Common Council of the City of Merrill adopted a Personnel Policies, Employees Handbook for the City of Merrill non-union employees by Resolution No. 2226, and;

WHEREAS, the Personnel and Finance Committee on September 24<sup>th</sup> has reviewed that manual as it relates to Fire Department Supervisory Personnel at Section 7-5-2 and made no recommendation, but forwarded the following to the Common Council for consideration:

7-5-2 (a) Fire Department Supervisory Personnel. Fire department supervisory personnel not covered by the collective bargaining agreement shall work per the following schedule:~~work a 40 hour week,~~

Administration Staff Hours – Typically shall be a 45 hour work week and the hours shall be scheduled through the Fire Chief. Typical hours will be from 7:00 a.m. to 4:00 p.m.

Shift Operations Hours – Captains of Operations shall work an average of 56 hours per week on the same basis as provided for under the union contract with the Merrill Firefighters Local 847.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8<sup>th</sup> day of October, 2013, that the Personnel Policies Employee Handbook is amended by adding the highlighted language as follows at Section 7-5-2(a):

7-5-2 (a) Fire Department Supervisory Personnel. Fire department supervisory personnel not covered by the collective bargaining agreement shall work per the following schedule:~~work a 40 hour week,~~

Administration Staff Hours – Typically shall be a 45 hour work week and the hours shall be scheduled through the Fire Chief. Typical hours will be from 7:00 a.m. to 4:00 p.m.

Shift Operations Hours – Captains of Operations shall work an average of 56 hours per week on the same basis as provided for under the union contract with the Merrill Firefighters Local 847

Personnel and Finance Committee  
made no recommendation

CITY OF MERRILL, WISCONSIN

Moved: \_\_\_\_\_

\_\_\_\_\_  
William R. Bialecki  
Mayor

Passed: \_\_\_\_\_

\_\_\_\_\_  
William N. Heideman  
City Clerk

1310261

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING CONVEYANCE OF THE RIVER BEND TRAIL  
PROPERTY TO THE CITY OF MERRILL AND APPROVAL OF FUNDING  
METHOD FOR SUCH ACQUISITION**

WHEREAS, the River Bend Foundation of Merrill has agreed to fund the acquisition costs for a 12 acre parcel of abandoned Canadian National Railroad right-of-way to be utilized as a recreational trail along the Wisconsin River; and,

WHEREAS, the River Bend Foundation, under the auspices of the City of Merrill has applied for a Stewardship Grant to assist in such acquisition; and,

WHEREAS, the Knowles-Nelson Stewardship and Recreational Trails Act Grant Programs require ownership of the subject land by a public entity; and,

WHEREAS, the River Bend Foundation has agreed to advance funds for purchase of the trail property, said funds to be reimbursed to the River Bend Foundation upon the City's receipt of the grant funds described above;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8<sup>th</sup> day of October, 2013, that it agrees to accept ownership of the Canadian National Railroad right-of-way property located in the City of Merrill, Lincoln County, along the Wisconsin River and agrees that it will, upon receipt of the Knowles-Nelson and Recreational Trails grant, reimburse the River Bend Foundation in the amount of that grant.

Recommended by: Board of Public Works

CITY OF MERRILL, WISCONSIN

Moved: \_\_\_\_\_

\_\_\_\_\_  
William R. Bialecki  
Mayor

Passed: \_\_\_\_\_

\_\_\_\_\_  
William N. Heideman  
City Clerk