

**CITY OF MERRILL
COMMITTEE OF THE WHOLE
(Joint meeting with Redevelopment Authority)
Saturday, May 3, 2014 at 8:00 A.M.
Eagles Club
1205 North Lake Street**

AGENDA

1. Call to order
2. Consider City acquisition of property at 401 South Kyes Street (currently owned by Development and Leasing Corporation) for redevelopment purposes
3. Consider final resolution of Zastrow the Beer Man development incentives and City loan to Merrill Area Development Corporation
4. Powers of a Redevelopment Authority (RDA)
5. Tax Increment Financing (TIF) and Tax Increment Districts (TIDs)
6. Adjourn the Redevelopment Authority portion of the meeting. The Committee of the Whole meeting will continue.
7. Debt Service:
 - Where are we and where do we want to go?
 - How much do we owe?
 - How much can we borrow?
8. Capital Budget:
 - What is the magnitude of our needs?
 - Streets, curb and gutter, sidewalk
 - Stormwater – pipe, inlets, outfalls, detention basins
 - Utilities – WWTP, WTP, water towers, wells, pump stations, sewer pipe, manholes
 - Parks – ADA compliance, upgrades
 - City Hall – façade, HVAC
 - Equipment
 - How can we meet our needs?
9. Robert's Rules of Order

10. Behavior to avoid
11. Nine tools of Civility/25 Rules of Civility
 - Reaffirmation of Resolution #1996 to Accept the Nine Tools of Civility
12. What is a public record?
13. What constitutes a meeting?
14. Powers and Duties of Boards, Commissions and Committees
15. Stress the positive:
 - Blight elimination program
 - Redevelopment projects
 - City services
16. One-on-one Alderperson visits to Departments
17. Social media:
 - How connected do we want to be?
 - What methods do we want to use?
 - What resources do we devote to social media – time, funding
18. Public Comment
19. Adjournment

Agenda prepared by City Clerk Bill Heideman
Agenda reviewed by City Administrator Dave Johnson

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Date and time agenda was posted: _____ *Posted by:* _____

MEMO**TO:** Mayor Bill Bialecki, City Admin. David Johnson, City Council**FROM:** Gene Bebel, President, River District Development Foundation of Merrill**DATE:** April 14, 2014**RE:** Conditions of Acceptance, D&L Property Transfer

With this Memo are submitted Conditions of Acceptance that city officials have had consultation and input to over several weeks regarding the property donated to the Foundation by Development and Leasing Corp. (D&L) and hopefully thereafter to the City of Merrill.

Stipulations regarding the River Bend Trail, which are the entire basis for the donation, have been discussed and accepted in conjunction with D&L, the Foundation Board of Directors, and our donation by the Foundation of the funding for demolition of buildings and clearing of the site. Our donors have accepted same and provided such funding as required to complete this task within the agreed upon scope.

These Conditions of Acceptance are to be included as they are when the agreement between the Foundation and the City concludes the record of transfer by Common Council resolution and conclusion of all legal requirements.

It is extremely important that we express our appreciation to the D&L Board for such a valuable gift. The citizens of this community have an opportunity to enhance the future River Bend Trail and economic development possibilities for a depreciated area of the city.

We also thank our donors to the Foundation for their generosity. No monies donated for the western trail construction will be used for this project.

Enclosed are resolutions related to motivate this effort.

River District Development Foundation of Merrill

Adopted February 10, 2014

Whereas D&L met February 7, 2014 and adopted a motion to transfer its title to Anson Gilkey real estate and all of D&L's property thereon to the City of Merrill/River District Foundation at no charge (a gift) in its "as is/where is" condition with the understanding that the River District Foundation will benefit as it sees fit, and

Whereas D&L will have no further rights or obligations regarding the property. The City/River District Foundation to assume all such and will hold D&L harmless (City legal proceedings, etc.), and

Whereas City/River District Foundation to assume all rights and obligations regarding the Kearns contracts, and

Whereas City/River District Foundation to pay all (reasonable) legal expenses connected with the transfer i.e., deed, transfer fee, title insurance, etc., and

Whereas D&L asked that the transfer is to take place on or before March 1, 2014, the date of transfer will be negotiated to the satisfaction of all parties

Whereas the D&L motion is subject to Semling Menke having protected access at Kyes St. "extended" to south line of property, and Semling Menke will be given a reasonable time to remove its property from premises, and

Whereas the River District Foundation would accept the transfer in partnership with the City of Merrill as may be prescribed by law,

Now therefore be it resolved that the River District Development Foundation for its part will accept the terms and conditions of the D&L motion when the following stipulations are fulfilled to the Foundation's satisfaction in partnership with the City of Merrill as follows:

1. The Foundation will be provided with copies of the following documents:
 - a. Most recent RLS survey of the subject property
 - b. All environmental reports
 - c. Department of Natural Resources environmental order clearing the property
 - d. Contracts for salvage and demolition
 - e. Other?
2. As soon as practicable, the Foundation with the City would meet with representatives of R&R Resource, LLC (Daniel M. Kearns) to establish understandings about the meanings in clauses in the May 3, 2013 Purchase/Salvage Agreement with D&L and September 19, 2013 Addendum #1, namely:
 - a. Paragraph 3: "...chooses to salvage..."; The Foundation wants to know what happens to materials not chosen for salvage

b. Paragraph 5: Sentences 1 and 2, that is, coming to understand R&R's obligations to remove demolition debris and clean the site

c. Paragraph 8: Because of winter weather, establish a reasonable schedule for R&R to fulfill the 60-day period to complete work "...if Owner enters into a written contract for the sale of the real estate...", i.e., "...following the date Owner provides Purchaser with written notice of such contract." Start date to execute this clause will be determined by the negotiated date of transfer

3. The Foundation and City of Merrill will meet to determine each party's roles and responsibilities for the following:

a. Preparing a scope of work for final site clean up

b. Financing the scope of work

c. Legal work to execute the transfer of ownership

d. A survey to establish the area for the River Bend Trail and related facilities "...with the understanding that the River District Foundation will benefit as it sees fit."

e. The City will establish a permanent River Bend Trail maintenance fund to be financed in part with proceeds from the sale of real estate acquired through the D&L transfer and other means

Motion made by Woller

Seconded by Kinsey

Approved/Not Approved - Approved Unanimously

D&L Motion

Adopted February 7, 2014

Verbatim from handwritten text

D&L will transfer its title to Anson Gilkey real estate and all of D&L's property thereon to the City of Merrill/River District Foundation at no charge (a gift) in its "as is/where is" condition with the understanding that the River District Foundation will benefit as it sees fit.

D&L will have no further rights or obligations regarding the property. The City/River District Foundation to assume all such and will hold D&L harmless (City legal proceedings, etc.)

City/River District Foundation to assume all rights and obligations regarding the Kearns contracts.

City/River District Foundation to pay all (reasonable) legal expenses connected with the transfer i.e., deed, transfer fee, title insurance, etc.

Transfer to take place on or before March 1, 2014.

Subject to: Semling Menke having protected access at Kyes St. "extended" to south line of property. Semling Menke having a reasonable time to remove its property from premises.

-End of Motion-

**River District Development Foundation of Merrill
Conditions of Acceptance**

April 4, 2014

On February 7, 2014, Development and Leasing Corp. (D&L) adopted a resolution transferring property to the City of Merrill in cooperation with the River District Foundation. The resolution included the proviso language: "...with the understanding that the River District Foundation will benefit as it sees fit."

On February 10, 2014, the River District Development Foundation of Merrill (Foundation) adopted a resolution to accept the D&L transfer in partnership with the City of Merrill.

On March 7, 2014 Foundation and City representatives reviewed the Conditions of Acceptance. D&L, the Foundation and the City have subsequently reviewed the Conditions of Acceptance. To comply with standards for foundations as a Project Fund of the Community Foundation of North Central Wisconsin (CFONCW) participating in the transfer of a real estate asset, and to fulfill the intent of the D&L resolution that the Foundation would realize a financial benefit for the River Bend Trail project, the following Conditions of Acceptance will guide the transfer of the D&L property through the Foundation to the City of Merrill.

1. Development and Leasing wishes to emphasize it (D&L) is transferring ownership to and through the River District Development Foundation to the City of Merrill who will assume control for development purposes of such designated area as surveyed parcel outside specified trail area and a large substantial portion of the contiguous treed section to be zoned public land. In the event the public use in that area does not materialize or is considered insufficient by the Foundation, development in the western treed area will be resolved in cooperation with the City.
2. The River Bend Trail of Merrill interests will be primary for the trail and such designated public land, and the City's redevelopment interests will be primary in considerations about the other area of the real estate. The Foundation will have final authority over River Bend Trail resources and development decisions in its role as fund raiser for such developments as described in the Resolution of Support adopted by the Common Council February 12, 2013.
3. Private funds through the Foundation will finance the clearing of the property within the prescribed funding limits. The City will disclose to the Foundation the terms of the contract to clear the property which will be cleared to its entirety including the removal of water tower within the established funding limits in total.
4. FEMA 100-year flood plain and flood way data will govern future development along the bank of the Wisconsin River generally 100' feet or more inland of the Ordinary High Water Mark (OHWM) on the D&L parcel. Conditions 5 and 6 are referenced to the FEMA data, the D&L ALTA/ACSM Land Title Survey as revised January 7, 2014, and City of Merrill zoning regulations applicable when the transfer is complete and the City adopts resolutions governing sale and development of the parcel. River District Development Foundation of Merrill Conditions of Acceptance, April 4, 2014.

5. A 100' wide strip of land inward from the Ordinary High Water Mark (OHWM) of the Wisconsin River extending from the Semling Menke property on the west to the east property line extended south to the river will become city property and dedicated as public land exclusively for River Bend Trail and related public use developments. Trail and public use developments will be guided by recommendations contained in the Merrill Park and Recreation Plan. A prescriptive easement applies to the power poles on the land along the river; the development of trail facilities there would not be prohibited by the prescriptive easement. Ref. PSC 114, Wisconsin State Electric Code, Vol. 1. - Describes the requirements for installation and maintenance of electric supply stations, equipment, overhead and underground communication and electric lines.
6. Two additional areas of land beyond and contiguous with the 100' strip extending inland from the OHWM, i.e., the two treed areas of the property in existence at this time, will be owned by the city and classified as public land to support River Bend Trail development uses including but not limited to picnicking, water craft launch, historic interpretation, etc. The areas for trail and public uses will be surveyed to the Foundation's satisfaction. The Foundation will cooperate with the City in the formulation of non-River Bend Trail related development proposals, e.g., industrial and/or residential developments, which would encroach upon the two treed areas.
7. The dollar value for the sale or lease for economic development by the City of the remaining D&L parcel, i.e., those portions not reserved for River Bend Trail and public use purposes, will be established by appraisal financed by the Foundation. The Foundation and the City will establish sale price and leasing values for economic development uses of the parcel. When any portion of the remaining parcel is sold or leased in accordance with the established sale and lease values, 100% of the income derived from the sale or lease by the City of the remaining D&L parcel will be paid to the Foundation. The Foundation at its discretion may use such financial resources for River Bend Trail maintenance, improvement and development. The Foundation will finance appraisals to maintain sale and lease values to reflect market conditions.
8. Revenue from cellular communication leases on the property and transferred to the city will be assigned as follows:
 - A. Until the City begins to collect property taxes on any portion of the parcel, cellular communication lease revenue will be shared 50-50 by the Foundation and the City.
 - B. When the City collects property taxes on any portion of the land, 100% of the cellular communication lease revenue will be paid to the Foundation.
9. In cooperation with CFONCW, the Foundation will amend its bylaws to establish the project fund in permanence with CFONCW to provide an annual appropriation to the City for the maintenance of the River Bend Trail. River District Development Foundation of Merrill Conditions of Acceptance, April 4, 2014.

The Foundation will annually disburse an amount of money for trail maintenance. The amount of the annual grant for trail maintenance will to be determined in cooperation with the Parks and Recreation Commission.

10. Any and all expenses over and above the agreed contract cost for clearing the site, including unanticipated additional costs, contract amendments, etc., shall be the responsibility of the City. This would also include but not be limited to such site development activities as survey, platting, zoning, sanitary sewer, storm water sewer, water supply, electric, gas, telecommunications and streets, curb and gutter.
11. Development plans adopted by the City for the D&L property will include improved public access via city streets and sidewalks extended to the River Bend Trail. The Foundation recommends improved access be provided at Park Street and Kyes Street to the trail at the river. Public access would include providing railroad crossings in compliance with the Commissioner of Railroads. Public access will be determined by the City.
12. Appropriate recognition will be given Development and Leasing Corp., i.e., naming in some fashion at the site, for its contribution to the community.
13. These Conditions of Acceptance become an agreement between the Foundation and the City and made part of the record of the D&L property transfer through the Foundation to the City by Common Council resolution.

-End of Conditions of Acceptance-

201 S. Prospect Property and Zastrow Development Incentive

In 2013, Merrill Area Development Corporation purchased the old Hurd property at 201 S. Prospect St. from Jerry Wood with the assistance of a \$200,000 loan from the City of Merrill. MADC has since sold a portion of the property to Merrill Renew Properties, LLC. Merrill Renew Properties has an agreement with MADC to purchase the remainder of the property and take over the cost of demolition of those buildings that MADC was originally going to pay to demolish. MADC is still responsible for the environmental remediation, which is expected to be in the \$200,000 range. The concern from MADC is the outstanding loan to the City, which MADC would be unable to re-pay through the sale of the Prospect St. property.

In 2009, Merrill Area Developed Corporation assisted the City of Merrill with \$390,000 in development incentives (land purchase, street, curb & gutter, engineering. etc.) for the Zastrow-the-Beer-Man development. The City has since repaid \$75,000 of this development incentive. When the original development incentive documents were drawn up they did not include an agreed interest percentage on the loan and the interest rate has been a point of contention between the City and MADC ever since.

In order to move this sale forward the City proposes to re-pay MADC the balance of the \$390,000 development incentive and have MADC re-pay the City's \$200,000 loan. This appears to be the only way that we can make this work financially for all parties. The only question to be settled is how much of the \$75,000 already re-paid to MADC is interest?

It is the recommendation of staff that the Committee of the Whole forward to the Common Council the recommendation to re-pay the outstanding development incentive to MADC, from which MADC will re-pay the City the \$200,000 loan for the 201 S. Prospect property.

Redevelopment Authorities in Wisconsin

Redevelopment Authorities are quasi-governmental agencies that give municipal governments greater flexibility to address development issues through public-private partnerships while providing alternative avenues for financing projects. An RDA is created by the municipal governing body as a separate organization with its own governing body. By statute, only two members of the seven-member board can be City Council representatives, the other five members must be at-large residents of the municipality.

The purpose of an RDA is to prevent and eliminate blighted areas within the municipality. An RDA has the power and authority to condemn property, buy and sell real estate, issue bonds and enter into contracts, among other powers, without the approval of the City Council.

RDAs have many of the same powers as the municipality but not as many restrictions and political constraints. This gives an RDA greater flexibility and the ability to be involved in public-private partnerships in a different way than the municipality. The RDA then becomes a tool the municipality can use to come up with more creative redevelopment strategies than may be possible if only the municipal government was involved.

An additional benefit to municipal government of having an RDA is that the debt of the RDA can be structured in such a way that it does not count against the statutory debt limit of the municipality. This makes the RDA a vehicle for financing projects that otherwise could not be financed due to municipal debt limits, if a municipality wishes to avail itself of this opportunity.

RDAs obtain their funding from multiple sources. A municipality can provide operating funds for their RDA, RDAs can utilize Tax Incremental Financing funds for projects in a TIF, and RDAs can be the recipient of intergovernmental and private grants. Many RDAs build cash reserves through the buying and selling of real estate associated with redevelopment projects.

RDAs have several benefits for municipalities wanting to promote new development:

1. Expanding the legal authority to work with the private sector.
2. Owning and managing real estate.
3. Attractive financing and incentives for private development.
4. New borrowing options for municipalities.

Redevelopment Authority in State Statute 66.1333

(3) REDEVELOPMENT AUTHORITY.

(a)

1. It is found and declared that a redevelopment authority, functioning within a city in which there exists blighted areas, constitutes a more effective and efficient means for preventing and eliminating blighted areas in the city and preventing the recurrence of blighted areas. Therefore, there is created in every city with a blighted area a redevelopment authority, to be known as the "redevelopment authority of the city of". An authority is created for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects as set forth in this section, together with all powers necessary or incidental to effect adequate and comprehensive blight elimination, slum clearance and urban renewal programs and projects.

2. An authority may transact business and exercise any of the powers granted to it in this section following the adoption by the local legislative body of a resolution declaring in substance that there exists within the city a need for blight elimination, slum clearance and urban renewal programs and projects.

Sec. 2-154. Redevelopment Authority.

Authority and purpose. Pursuant to Wis. Stats. § 66.1333(3), there is hereby created the redevelopment authority, as a separate body politic, for the purpose of carrying out blight elimination and urban renewal programs and projects; which authority shall be known as the "Redevelopment Authority of the City of Merrill."

Exclusive authority. The redevelopment authority shall have the exclusive power to proceed to carry on blight elimination and urban renewal projects in the city, except that the city may apply, accept and contract for federal grants, advances and loans under the Housing and Community Development Act of 1974 (P.L. 93-383).

Commissioners.

- The mayor shall, with the confirmation of a four-fifths majority vote of the common council, appoint seven resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the redevelopment authority.
- Two of the commissioners shall be members of the common council and shall serve their term of office as council members.

Powers and duties.

- The redevelopment authority shall have all powers, duties and functions set out in Wis. Stats. § 66.1333, for redevelopment authorities.
- The redevelopment authority shall act as the agent of the city in planning and carrying out blight elimination and urban renewal programs and activities approved by the mayor and common council. The redevelopment authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state.
- The redevelopment authority shall act as agent of the city to perform all acts, except the development of the general plan of the city which may be otherwise performed by the plan commission under Wis. Stats. §§ 66.1105, 66.1301 through 66.1329, 66.1331, 66.1333, or 66.1337.

Tax exemption. Bonds issued on or after adoption of the ordinance from which this section is derived by the redevelopment authority are declared, pursuant to Wis. Stats. § 66.1333(5m), to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, are exempt from taxes.

Controlling law. The powers conferred under this section shall be in addition and supplemental to the powers conferred by any other law or ordinance. Insofar as this section is inconsistent with any other law, this section shall control.

Construction. This chapter shall be construed liberally to effect its purposes and the enumeration of specific powers herein does not restrict the meaning of any general grant of power contained in this section, nor does it exclude other powers comprehended in such general grant, as provided in Wis. Stats. § 66.1333(17).

Basic Function of TIF (Information from the Wisconsin Dept. of Revenue Website)

Tax Incremental Finance (TIF) is a financing tool that allows municipalities to invest in infrastructure and other improvements, and pay for these investments by capturing property tax revenue from the newly developed property. An area is identified as the tax incremental district (TID) as appropriate for a certain type of development, and projects are identified to encourage and facilitate the desired development. Then as property values rise, the property tax paid on that private development is used by the municipality to pay for the projects. The tax paid to the schools, county and technical college districts (the overlying taxing jurisdictions) is also used by the municipality to pay for the improvements. After the costs of the projects are paid off, the TID is closed and the value of all the new development gets shared by the municipality, schools, county and technical college as it does for other property.

The way TIF is used varies from project to project, and from place to place. In some cases, the municipal governing body will choose an area they would like to see developed, or that is unlikely to develop without assistance. They then design improvements, such as roads, sidewalks, sewer systems, etc., that will attract growth. In other cases, a developer or company will identify a site where they might like to locate, and as part of negotiations with the municipal body, TIF will be used to fund some improvements, such as demolition, soil clean up, roads, water, etc., that the developer would like. Either way, an area that faces development challenges gets help to grow, providing a larger tax base for the municipality and the overlying taxing jurisdictions. In Wisconsin, when the tax base grows and spending is stable, tax rates and tax bills are expected to go down, decreasing the property tax burden for everyone.

How does TIF work?

Tax Incremental Finance (TIF) generates tax revenue that can only be used to fund infrastructure investment and other eligible projects that will facilitate private development. Here's the explanation:

Sharing the Tax Base

When a Tax Incremental District (TID) is created, the current value of all the taxable property within the defined boundaries is established. This value is the "base value" of the TID. The taxes collected on this portion of the property value are shared by the overlying taxing jurisdictions, and once the TID is created this portion of the tax collections is allocated as it always has been.

Over the life of the TID, the county, school, technical college and municipality (and special district where applicable) all collect taxes from the property in the TID base. Meanwhile, new construction and investment increase the value of the property. All of the taxes collected on the growth in value of the property (or the "value increment") are turned over to the City as "tax increment" revenue. The City uses this revenue stream only to pay for the improvements that it made to the property in the TID that are in the approved project plan.

At the end of the maximum life period, or as soon as tax increments are collected in excess of total approved project costs, the TID must be terminated. The entire value of the property that was in the TID is returned to the tax rolls of the overlying taxing jurisdictions.

While the TID exists, the tax collections for each overlying jurisdiction are limited to the base value of the TID parcels. After terminating the TID, all of the overlying taxing jurisdictions share in a much larger tax base. This means that rates can be lowered to generate the same amount of revenue for the jurisdiction. Had no development occurred, the base value would have been the only value for each of the jurisdictions to tax, so partnering to facilitate development helps all of the overlying districts get a larger tax base, and spreads the risks of development.

The “but for” Test

Tax Incremental Financing (TIF) benefits municipalities by allowing developments that would not otherwise occur without receiving assistance through TIF. The standard is called the “but for” test. The name comes from the expression, “The development would not occur *but for* the use of TIF.” In other words, the proposed development would not happen unless financial support is available from TIF. For example, new development may not happen in a certain area because there are not enough streets, sidewalks, sewer lines or other pieces of physical infrastructure. After using TIF to provide these improvements, the development becomes desirable and will proceed. This section includes a discussion of who makes the “but for” finding, what it means to make that finding, and why that finding is important for TIF to work properly.

Making the “but for” Finding

It is important for all local officials to understand, accept, and be able to defend the “but for” finding. When the Plan Commission is considering developments, they should ask about the need for public assistance, and how that help will affect the projected profits for the developer. The Town or Village Board or City Council should also examine these facts. They need to support the “but for” finding, and understand it to defend the finding.

Please note: The JRB is empowered to receive planning documents, and even hold additional public hearings if needed.

TIF law requires the Joint Review Board (JRB) to make the “but for” finding in the resolution that they adopt approving the creation resolution (for more details on the creation process see Chapter 2, and for the JRB see Chapter 3). This is one of three findings they must make in that resolution. Sec. 66.1105 (4m)(c), Wis. Stats., lists the three criteria that the JRB shall base its decision on. The first is “whether the development expected in the Tax Incremental District (TID) would occur without the use of TIF”. The two other criteria are included in that paragraph, and together with “but for” they form the basis for TIF to work.

When JRB members agree to make that finding it means that they have seen or heard evidence that convinces them of the vital need for TIF assistance to make this development a reality. By making the finding, they are sacrificing some amount of tax revenue for many years into the future. If TIF assistance is not needed to make a development happen, the JRB members should not agree to make the “but for” finding. They must make their findings within the established timeline.

What the “but for” Finding Means

When a development is considered, there is usually substantial risk involved for the developer. As a reward for taking the risk, a developer will expect a certain level of return on the project, called profit. Even if a profit is expected from a project, the return may not be large enough to make the risk worth taking for that developer.

TIF can alter the profit picture by shifting some of the costs of the development from the developer to the taxpayer. In an urban redevelopment setting, for example, a site may require environmental clean-up, which can be quite costly. If a municipality will clean up the site, and pay for it with TIF, the cost is not borne by the developer.

Why would a municipality want to take on expenses and risks in order to increase the profits of a private developer? Well, the basis of TIF is that there may be some projects that the municipality finds desirable, but that aren't profitable enough for private developers. By accepting increased risk, and paying for physical investment in the short-run, the municipality will benefit from an increased tax base and more jobs, which help the local economy in the long-run. The balance between the near-term risks and the long-run benefits must be evaluated to determine if a TIF project is worthwhile. The JRB has to make a finding on that matter, in addition to the "but for" finding.

Why the "but for" Finding is Important

When creating a TID, the JRB must make a finding that the development would not happen but for the assistance of TIF. This is important because that finding is critical to ensuring that the TIF works as intended. Listed below are a few scenarios:

1. First, a developer wants to put up a strip mall on vacant parcels near a freeway interchange. A request for TIF assistance is made to pay for roads and the sewer line connections. The TIF funding is denied, but the development proceeds anyway. The roads and sewer lines are paid for by the developer, along with the cost of constructing the building. The increase in property value resulting from the site improvements goes onto the tax roll, and the tax payments from the development go into the general fund, increasing collections.
2. Next, let's imagine that same scenario, but after the TIF assistance is denied the developer decides not to proceed with the project. The parcels are not developed and remain vacant. The small tax revenue from the vacant parcels continues to the general fund as they had.
3. Finally, let's imagine this same developer with the strip mall on vacant parcels. This time, after hearing the proposal from the developer, the local governing body negotiates with the developer, and agrees to finance some of the desired projects. The request for TIF assistance is approved because the developer shows how the public funding of some infrastructure will make the project profitable. The municipality creates a project plan to proceed with a TID. The value of the vacant land will be the base value of the TID. Subsequent improvements, such as the construction of the mall, will increase the value and constitute the value increment. The difference in value between the base and current value is termed the increment. The increment creates the tax revenue that funds the roads and sewer lines.

In the first scenario the tax base of the municipality is growing due to private investment. This is the way growth usually happens, and as a result of growth the tax burden can be distributed over more property value. In the second scenario the development does not happen because the project is not profitable. The tax base doesn't grow, no new jobs are created, and the tax burden stays about the same. In the last scenario, where TIF is used,

FREQUENTLY ASKED QUESTIONS

1. TIF and TID – What is the difference?

TIF (Tax Increment Financing) is an economic development program that helps promote local tax base expansion by using property tax revenues to fund site improvements to attract new development, rehabilitation/conservation, industrial, mixed-use, eliminate blight and environmental remediation.

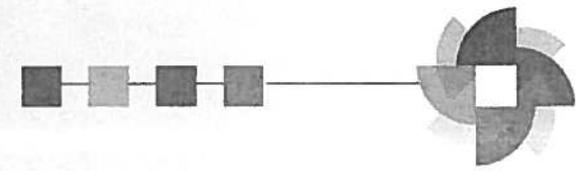
A TID (Tax Increment District) is the actual area (parcels) designated for expansion where improvements are being made.

2. Who determines eligible project costs and what are they?

The Department of Revenue (DOR) does not review project costs or determine cost eligibility. State oversight is minimal. It is the municipality's responsibility to make those determinations in accordance with sec. 66.1105(2)(f)1 & 2., Wis. Stats., where the type of TID will impact what types of costs are eligible and not eligible. The municipal attorney should be consulted on “questionable” costs to justify the municipality's decision.

Costs related directly to establishing and improving the TID are eligible. Examples of costs for TID's include capital development, financing, real property assembly, consulting and legal services, organizational activities, annual fees, relocation, contributions and payments necessitated by the project plan, utility construction directly associated with the TID, or the removal or containment of lead contamination. Improvements outside the TID can be eligible costs, but only to the extent that the improvement serves property in the TID.

What is Tax Increment Financing?

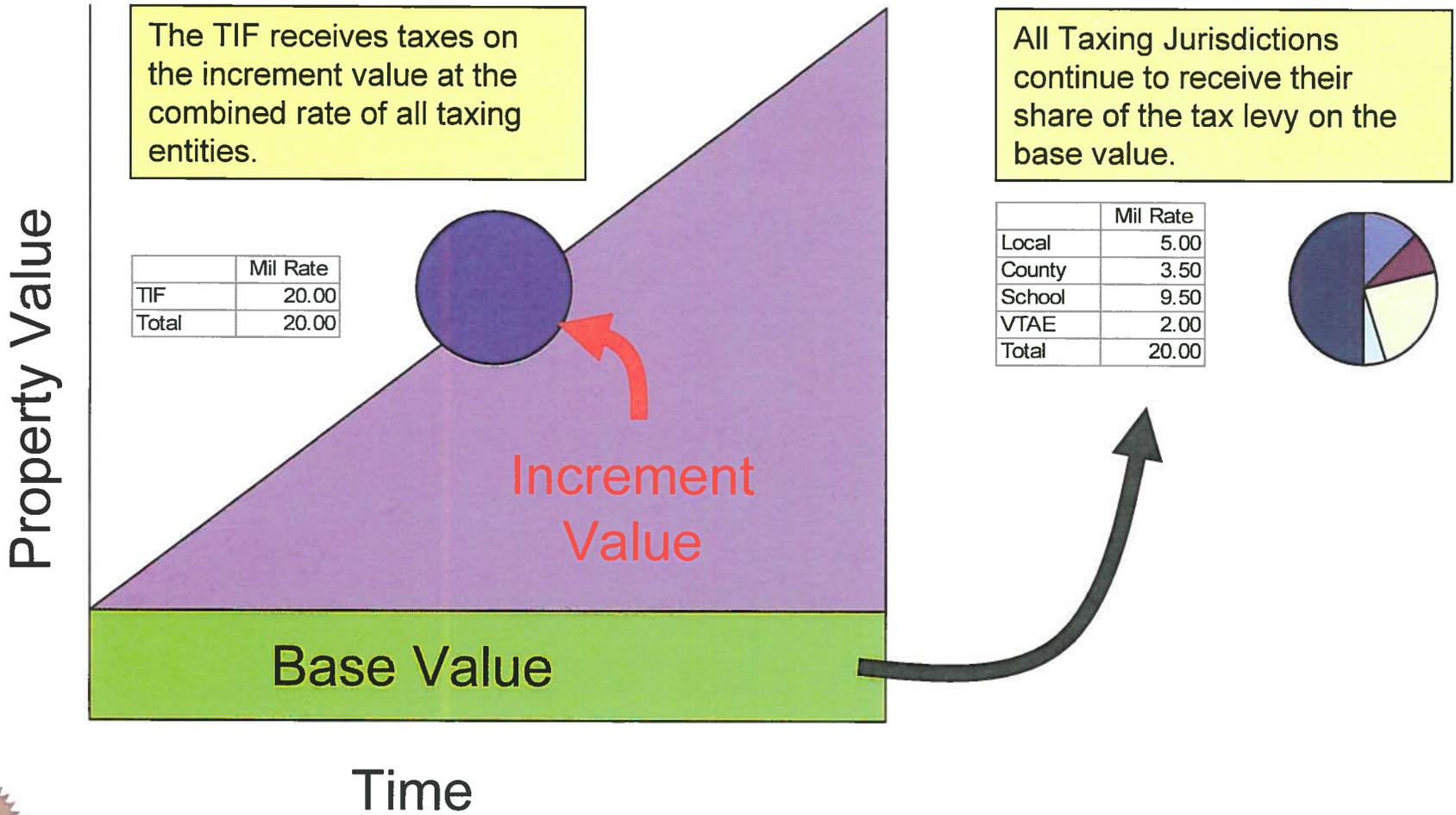


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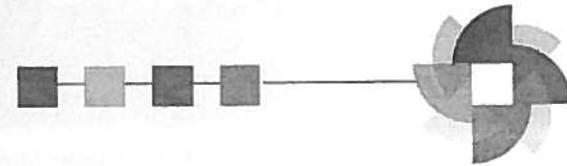
- An economic development tool used to expand the tax base by providing public improvements and development incentives to promote development or redevelopment. *ALSO, JOBS!*
- Commonly referred to as “TIF” or “TID” (Tax Increment District)



What is Tax Increment Financing?



Eligible Tax Increment Expenditures



- Infrastructure
 - Streets
 - Sewer & Water
 - Storm water
- Land acquisition
- Blight Elimination Activities
- Development Incentives
 - Site specific improvements
 - Façade improvements
 - Cash Grants – With Development Agreement
 - Reimbursement through “pay as you go” agreement
- Administrative, organizational and finance related expenses



TAX INCREMENT WORKSHEET

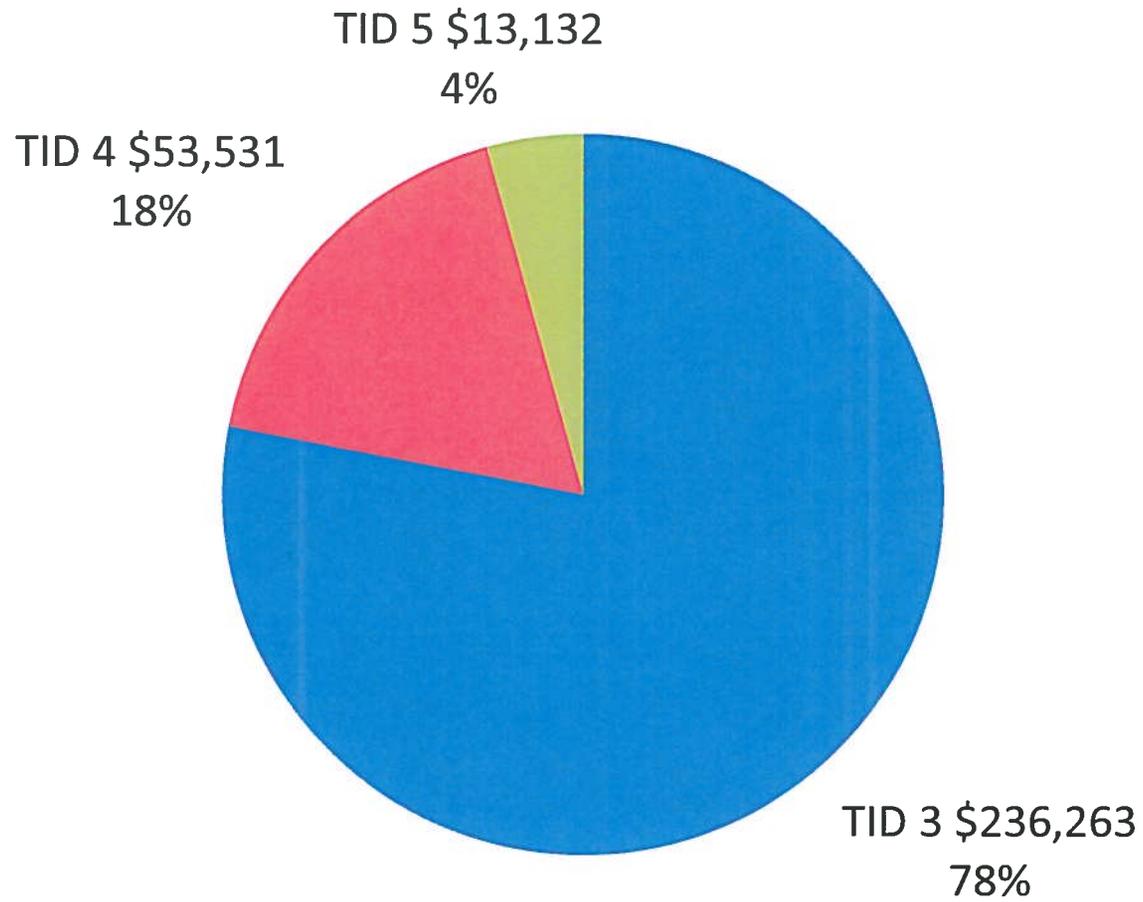
Wisconsin Department of Revenue

For <input type="text" value="2013"/>	Report Type <input type="text" value="ORIGINAL"/>	CoMun Code <input type="text" value="35251"/>	Muni Type <input type="text" value="CITY"/> <input type="checkbox"/>	Account Number <input type="text" value="0929"/>	Equalized TID Value Increment(s) <input type="text" value="9,819,800"/> <small>(Must be TOTAL if more than one TIF District)</small>
Payable In <input type="text" value="2014"/>			Municipality <input type="text" value="MERRILL"/>		
			County <input type="text" value="LINCOLN"/>		

This worksheet is for all TIDs in this municipality	Preparer Information Name <input type="text" value="KATHY UNERTL"/> Work Phone <input type="text" value="(715) 536-5594"/> Email <input type="text" value="kathy.unertl@ci.merrill.wi.us"/> Other Phone <input type="text"/>	2013 worksheet(s) submitted Original <input type="text"/> Amended <input type="text"/>
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	A		B		C		D		E	F
Taxing Jurisdiction	Apportioned Levy	/	Equalized Value (less TID value Increment)	=	Interim Rate	X	Equalized Value (with TID value Increment)	=	Amount to be Levied	E - A = Tax Increment
<input type="checkbox"/> 1. County										
LINCOLN	2,112,065.00	/	364,710,300	=	0.005791076	X	374,530,100	=	2,168,932.27	56,867.27
<input type="checkbox"/> 2. Special District (metro, sanitary, lake)										
<input type="checkbox"/> 3. Tax District (city, village, town)										
MERRILL	4,877,448.00	/	364,710,300	=	0.013373486	X	374,530,100	=	5,008,773.05	131,325.05
<input type="checkbox"/> 4. School District(s)										
3500	3,500,753.00	/	364,710,300	=	0.009598723	X	374,530,100	=	3,595,010.69	94,257.69
<input type="checkbox"/> 5. Technical College District(s)										
1500	760,497.86	/	364,710,300	=	0.002085211	X	374,530,100	=	780,974.28	20,476.42
<input type="checkbox"/> 6. Total for Tax Increment										
	11,250,763.86								11,553,690.29	302,926.43

MERRILL TIDs - 2013 TAX INCREMENT



City of Merrill - Tax Increment Districts (TIDs)

Fiscal Status and Future Options

- The following spreadsheet summarizes the fiscal status of City of Merrill TIDs.
- Reminder that we are very early in the lifecycle of these TIDs. All TIDs start with a negative fiscal balance until development/redevelopment occurs.
- The General Fund Advance being used to cover TIDs with deficits is not impacting the City's cash flow.
- The TID fiscal status does not impact the City's General Fund/Tax Levy-supported budget. State Levy Limit restrict the City's tax rate to Net New Construction and new Debt Service.
- It may still be too premature to transfer Tax Increment from TID No. 3 (East Side) to TID No. 6 (Downtown) and TID No. 8 (West Side). Both TID No. 6 and No. 8 are "blighted" area TIDs. If necessary to transfer Tax Increment, the PCCU - Wal-Mart development is going to significantly increase TID revenues. A revised projection is provided.
- An example of a TIF Development Incentive Overview, fiscal tax increment projection, and Common Council Resolution for Neumann Lot 2 Development LLC for Burgener Contract Carriers is provided.
- An overview of TIF Façade Development Incentives Program is provided.
- The timing of potential developments varies by project. Sometimes closed sessions are needed for policy direction for TIF development incentive negotiation.

Merrill Tax Increment Districts (TIDs) - 12/31st Fund Balances

It is possible to transfer TID increment from Mixed Use TIDs to "Blighted Area" TIDs. It is likely that tax increment will be transferred from TID No. 3 (East Side) to TID No. 6 (Downtown) and to TID No. 8 (West Side) in future years.

With the additional 2013 loan in TID No. 8 (West Side), it might be appropriate to consider future borrowing. However, no TID increment is being generated due to the major 2010 reduction in manufacturing valuation for 201 S. Prospect St. (i.e former Hurd site now owned by Merrill Area Development Corp. - MADC).

<u>TID</u>	<u>Created</u>	<u>Type</u>	<u>Area</u>	<u>12/31/08</u>	<u>12/31/09</u>	<u>12/31/10</u>	<u>12/31/11</u>	<u>12/31/12</u>	<u>12/31/13</u>	
No. 3	Sep-05	Mixed Use	East Side	\$30,425	\$121,389	\$157,676	\$225,810	\$264,187	\$270,549	Hwy 64/Pine Ridge Intersection - \$400,000 development incentive 2014
No. 4	Sep-07	Mixed Use	Thielman/Pine Ridge Ave.	\$372,707	\$346,212	\$315,008	\$312,021	\$299,008	\$163,620	
No. 5	Sep-07	Mixed Use	Hwy 107/Taylor St.	(\$15,337)	(\$15,567)	(\$15,602)	(\$10,792)	(\$3,221)	(\$2,176)	
No. 6	May-09	"Blighted"	Downtown		(\$24,374)	(\$60,832)	(\$388,559)	(\$502,064)	(\$429,487)	Primarily Lincoln House
No. 7	Aug-09	"Blighted"	N. Center Ave.		(\$33,212)	(\$35,261)	(\$36,777)	(\$32,955)	(\$33,775)	
No. 8	Sep-11	"Blighted"	West Side				(\$225,310)	(\$307,599)	(\$597,473)	\$200,000 Hurd/Superseal loan - 2011 \$200,000 MADC/201 S Prospect - 2013
No. 9	Sep-13	"Blighted"	WI River/ S. Center Ave.						(\$15,817)	
Total TIDs				\$387,795	\$394,448	\$360,989	(\$123,607)	(\$282,644)	(\$644,559)	

City of Merrill - Projected TID No. 3 Tax Increment

PCCU - Wal-Mart Development **Revised Projection**

This is a projection to illustrate the fiscal impact of the development.

	Real Estate Improvements	Personal Property	Total Tax Increment	Valuation
Wal-Mart	\$9,250,000	\$2,750,000	\$12,000,000	Full RE - 1/1/2014 PP - 1/1/2015
PCCU	\$1,350,000	\$150,000	\$1,500,000	Full - 1/1/2016

Based upon fiscal impacts of Wal-Mart in other communities, additional development at or adjacent to the development site is likely which would generated further Tax Increment in areas in areas already in the City of Merrill.

Projected Tax Increment (TID No. 3)

Const. Year	Value Year	Revenue Year	TID Value Increment	Tax Rate	Projected Tax Increment
2013	2014	2015	\$9,250,000	28.13	\$260,203
	2015	2016	\$12,000,000	28.13	\$337,560
2015	2016	2017	\$13,500,000	28.13	\$379,755
	2017	2018	\$13,500,000	28.13	\$379,755
	2018	2019	\$13,500,000	28.13	\$379,755
	2019	2020	\$13,500,000	28.13	\$379,755
	2020	2021	\$13,500,000	28.13	\$379,755
	2021	2022	\$13,500,000	28.13	\$379,755
	2022	2023	\$13,500,000	28.13	\$379,755
	2023	2024	\$13,500,000	28.13	\$379,755
	2024	2025	\$13,500,000	28.13	\$379,755

Note: With Joint Review Board concurrence, it might be possible to extend the lifespan of TID.

City of Merrill – TIF Development Incentive Overview

Proposed TID No. 9 (Wisconsin River/South Center Ave.)

Property Owner/ Business Entity:	Neumann Lot 2 Development LLC for Burgener Contract Carriers, LTD
Location:	810 Martin Street
Development:	New approximately 7,000 sq. ft. steel-frame building which will be located northeast of existing building on about one acre site Estimated developer investment of \$350,000+
Jobs:	Two to potentially ten new jobs over next five years (i.e. about two annually) Note: Existing employees = 32 Annual wages of about \$50,000 plus employee benefits
Infrastructure:	N/A – None planned Additional vacant land frontage on N. Center Ave. that could be developed in the future

TID Development Incentives:

Property/Building Owner	Total of \$75,000 with following payment structure: Upon completion \$15,000 Thereafter, annually \$15,000 (by September 1 st the following four years)
-------------------------	---

TID Lifespan Tax Increment:

Spreadsheet provided – projected at almost
\$250,000

RESOLUTION NO. 2342

A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MERRILL, WISCONSIN AND NEUMANN LOT 2 DEVELOPMENT LLC FOR CONSTRUCTION OF A STEEL FRAME BUILDING

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 9 on September 24, 2013; and,

WHEREAS, Neumann Lot 2 Development LLC is constructing a new steel frame building on property located within TID No. 9; and,

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

WHEREAS, new property tax base will be generated and 2 – 10 full-time equivalent positions will be created as a result of this expansion, and,

WHEREAS, Neumann Lot 2 Development LLC have negotiated the development agreement to provide an incentive payment (pay as you go tax increment financing incentive) not to exceed \$75,000 to facilitate the new development;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 24th day of September, 2013, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Neumann Lot 2 Development, LLC and to facilitate the implementation thereof.

Recommended by: Redevelopment Authority

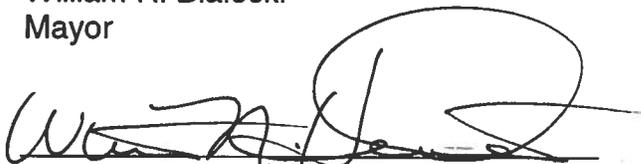
CITY OF MERRILL, WISCONSIN



William R. Bialecki
Mayor

Moved: Alderman Schwartzman

Passed: September 24, 2013 7-0



William N. Heideman
City Clerk

City of Merrill TIF Façade Development Incentives

Criteria and objectives for the TIF façade program include:

- Property taxes must be current (i.e. not delinquent);
- Program object is façade upgrades or improvements to existing structures with preference for improvements consistent with "original style and character" of historical buildings;
- Not for routine property maintenance such as brick tuck pointing, repainting of brick facades, or window replacements unless part of an overall facade upgrade or improvement project;
- Not for roof replacement or other routine property maintenance;
- No installation of vinyl siding, especially to replace existing brick facades;
- Not for projects that are already underway prior to property owner request for potential TIF development incentive;
- Program to support continuation of existing jobs or potential new job creation; and
- Potential generation of new property tax increment at the parcel or surrounding areas. However, it is not necessary that TIF facade projects generate the total TIF development incentive amount during the remaining life of the Tax Increment District (TID).

City of Merrill Redevelopment Authority will use TIF funding to facilitate façade projects through:

- Hiring and paying for an architect and redevelopment consultant to identify potential project scope, costs, and funding options.

Contact person for potential TIF funding is City Finance Director/Redevelopment Authority Secretary Kathy Unertl at (715) 536-5594.

Potential Low-Interest Loan Funding:

The City of Merrill has other Community Development loan programs available for potential projects that do not meet these TIF façade development incentives. Contact person is Community Development Program Administrator Shari Wicke at (715) 536-4880.

City of Merrill Debt Service

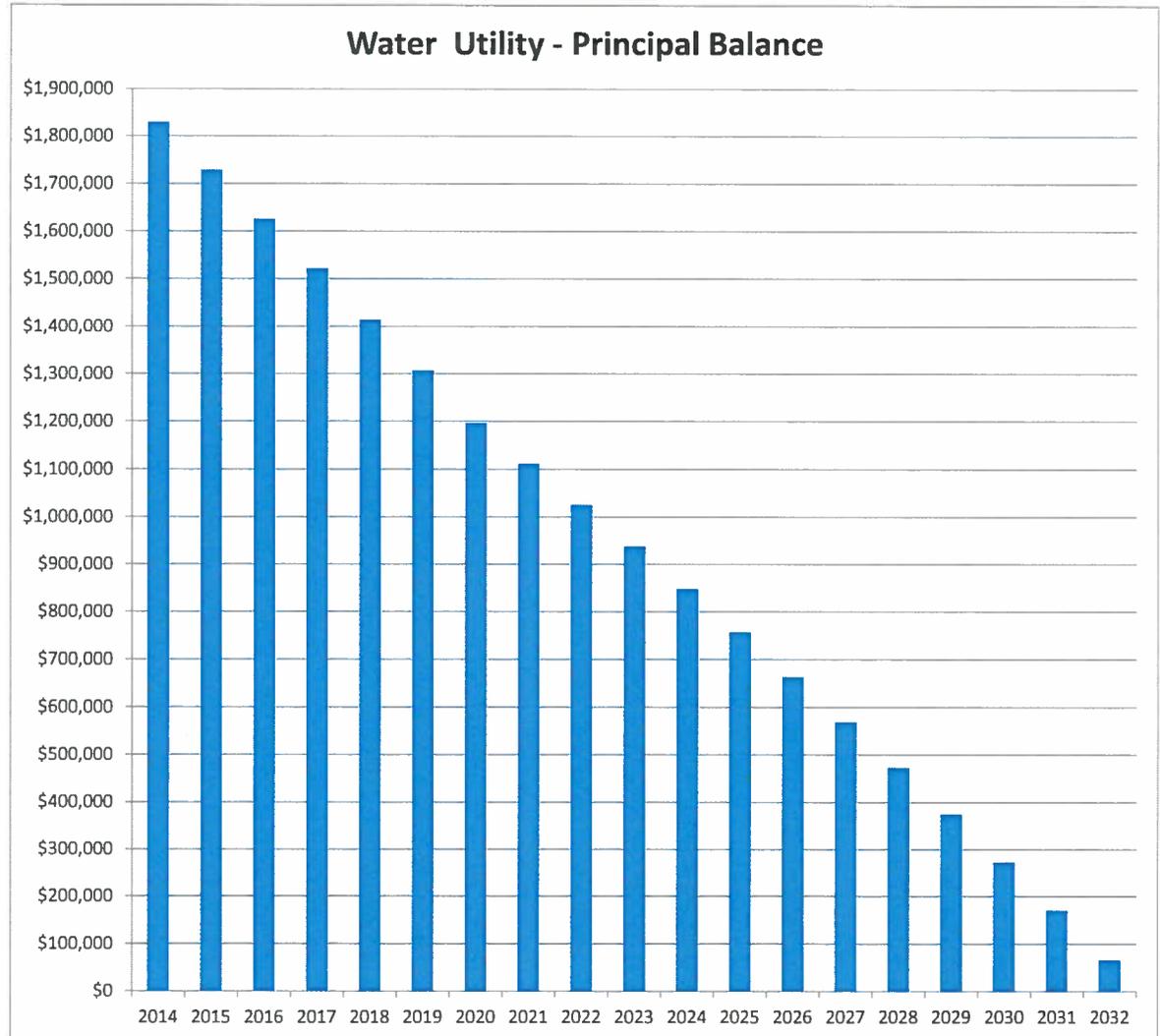
Pages

1-2	Water Utility
3-4	Sewer Utility
5-8	Tax Increment Districts (TIDs)
	General Fund/Tax Levy Supported*
	City Borrowing Capacity*

*Will be handed out at the meeting

**City of Merrill - Water Utility
Outstanding Principal**

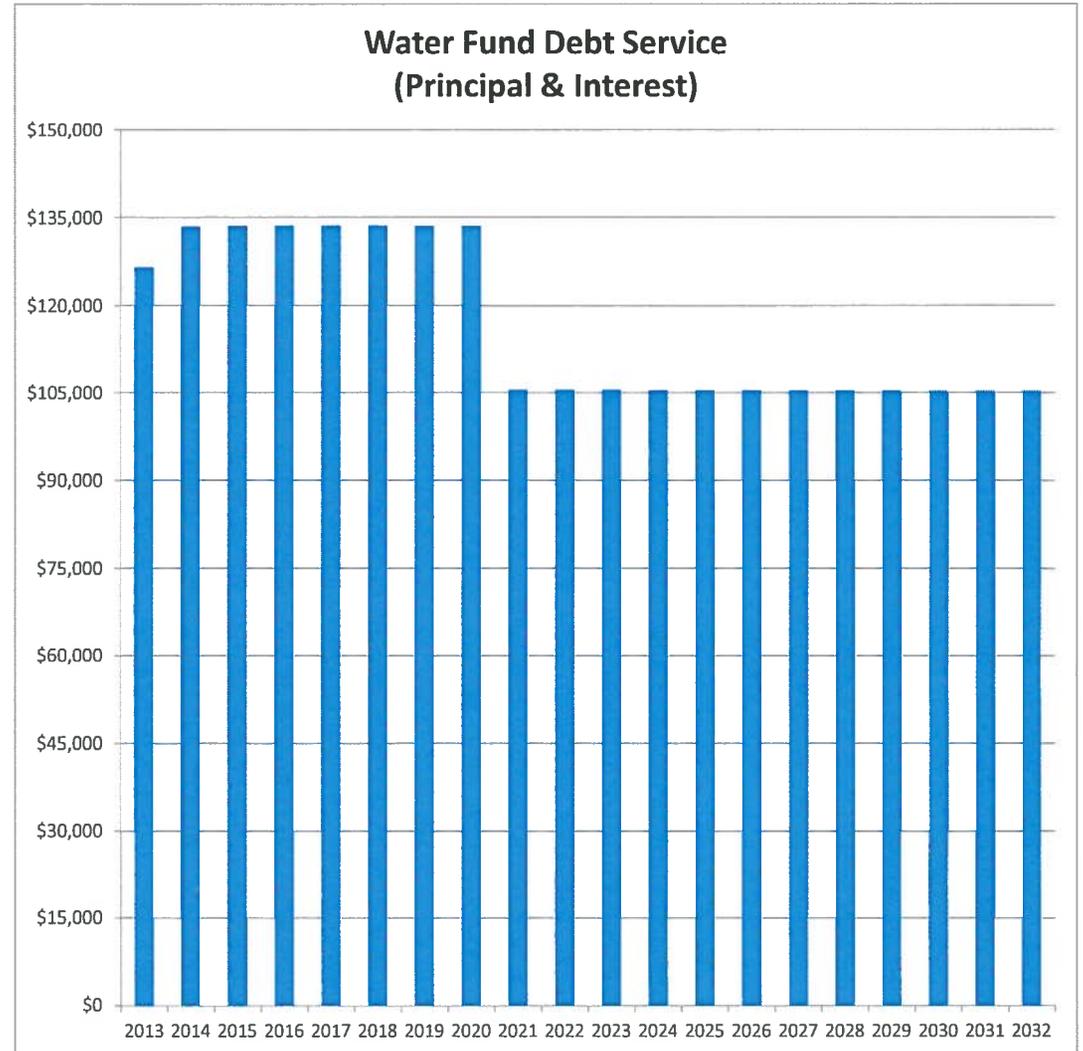
	SIB - 2005 Balance	SDWLP - 2012 Balance	Total Water Balance
2013	\$182,985	\$1,678,469	\$1,861,453
2014	\$158,382	\$1,671,380	\$1,829,762
2015	\$133,284	\$1,595,949	\$1,729,233
2016	\$107,680	\$1,519,066	\$1,626,746
2017	\$81,560	\$1,440,704	\$1,522,264
2018	\$54,914	\$1,360,832	\$1,415,746
2019	\$27,731	\$1,279,424	\$1,307,155
2020		\$1,196,448	\$1,196,448
2021		\$1,111,875	\$1,111,875
2022		\$1,025,674	\$1,025,674
2023		\$937,813	\$937,813
2024		\$848,261	\$848,261
2025		\$756,985	\$756,985
2026		\$663,953	\$663,953
2027		\$569,129	\$569,129
2028		\$472,480	\$472,480
2029		\$373,970	\$373,970
2030		\$273,565	\$273,565
2031		\$171,226	\$171,226
2032		\$66,917	\$66,917



**City of Merrill - Water Utility
Debt Service (Principal & Interest)**

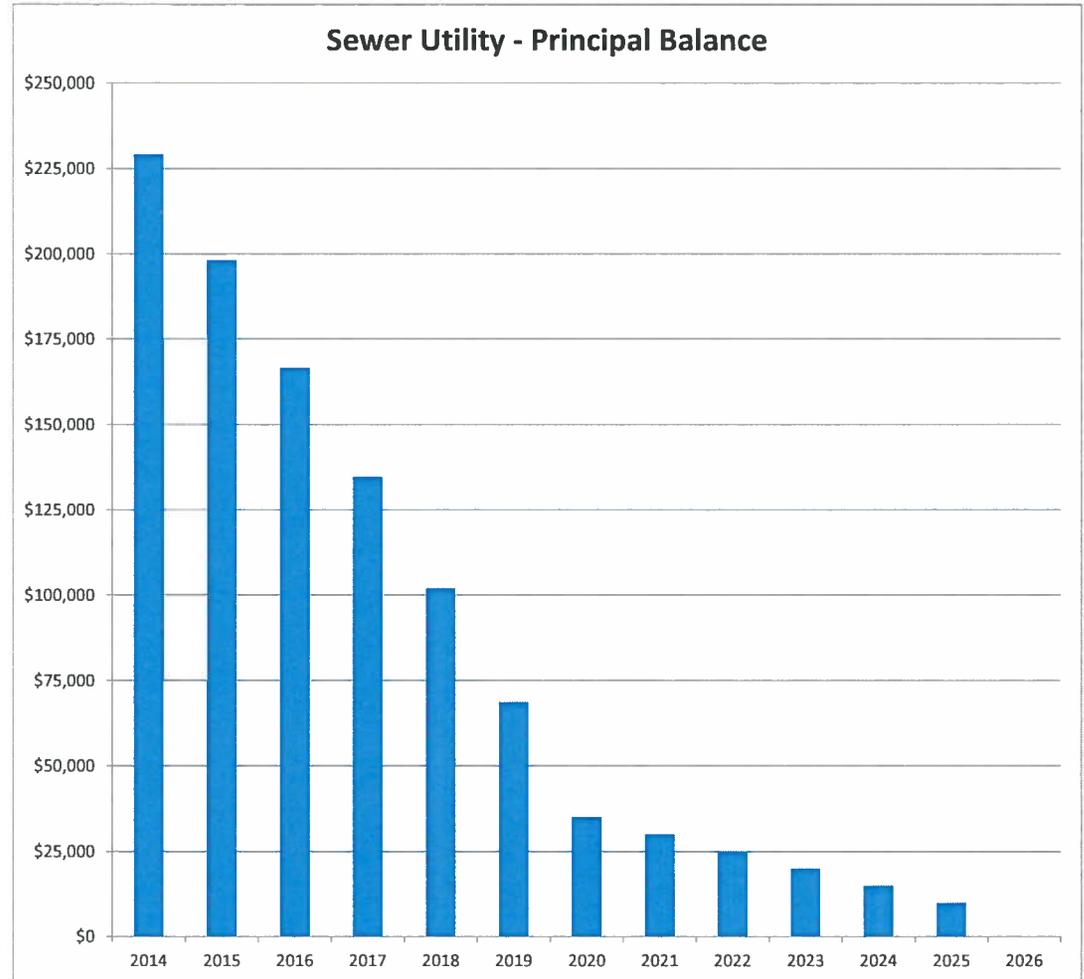
	SIB - 2005 WI DOT	SDWLP - 2012 WI DOA	Total Water Debt Service
Principal & Interest	\$421,176	\$2,102,208	\$2,523,383
2013	\$28,078	\$98,531	\$126,609
2014	\$28,078	\$105,421	\$133,500
2015	\$28,078	\$105,591	\$133,669
2016	\$28,078	\$105,577	\$133,655
2017	\$28,078	\$105,562	\$133,641
2018	\$28,078	\$105,548	\$133,626
2019	\$28,078	\$105,533	\$133,611
2020	\$28,078	\$105,518	\$133,596
2021		\$105,503	\$105,503
2022		\$105,487	\$105,487
2023		\$105,471	\$105,471
2024		\$105,455	\$105,455
2025		\$105,438	\$105,438
2026		\$105,421	\$105,421
2027		\$105,404	\$105,404
2028		\$105,386	\$105,386
2029		\$105,368	\$105,368
2030		\$105,350	\$105,350
2031		\$105,332	\$105,332
2032		\$105,313	\$105,313
Total 2014-2032	\$196,549	\$2,003,677	\$2,200,226
Outstanding as of 12/31/2013	46.7%	95.3%	87.2%

SIB - State Infrastructure Bonds
SDWLP - Safe Drinking Water Loan Program



**City of Merrill - Sewer Utility
Outstanding Principal**

	SIB - 2005 Balance	GO - 2006B Balance	STF 2010 Balance	Total Sewer Balance
2013	\$123,234	\$70,000	\$66,406	\$259,640
2014	\$106,666	\$65,000	\$57,530	\$229,195
2015	\$89,763	\$60,000	\$48,461	\$198,224
2016	\$72,519	\$55,000	\$39,199	\$166,718
2017	\$54,928	\$50,000	\$29,744	\$134,672
2018	\$36,983	\$45,000	\$20,096	\$102,079
2019	\$18,676	\$40,000	\$10,063	\$68,739
2020	\$0	\$35,000	\$0	\$35,000
2021		\$30,000		\$30,000
2022		\$25,000		\$25,000
2023		\$20,000		\$20,000
2024		\$15,000		\$15,000
2025		\$10,000		\$10,000
2026		\$0		\$0
2027				\$0
2028				\$0
2029				\$0
2030				\$0
2031				\$0
2032				\$0

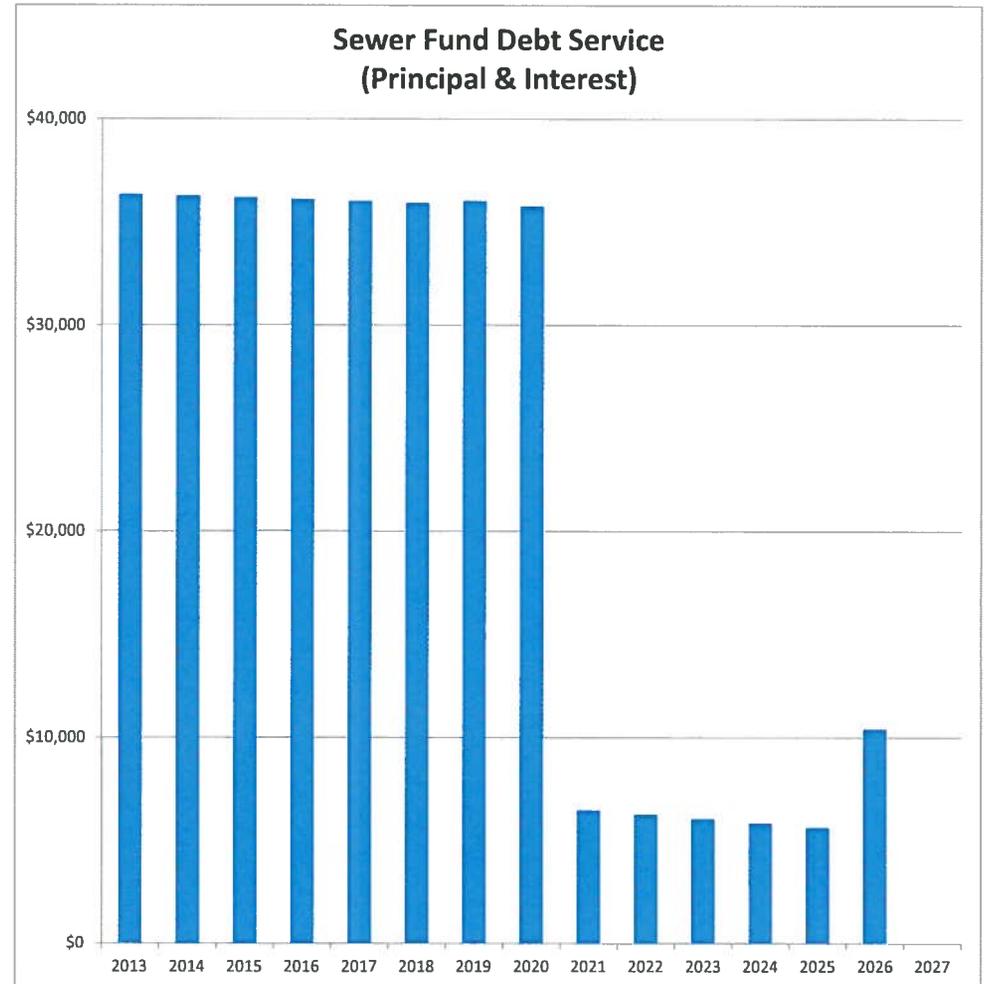


SIB - State Infrastructure Bonds
STF - State Trust Fund Loan
GO 2006B - Sewage Replacement Fund

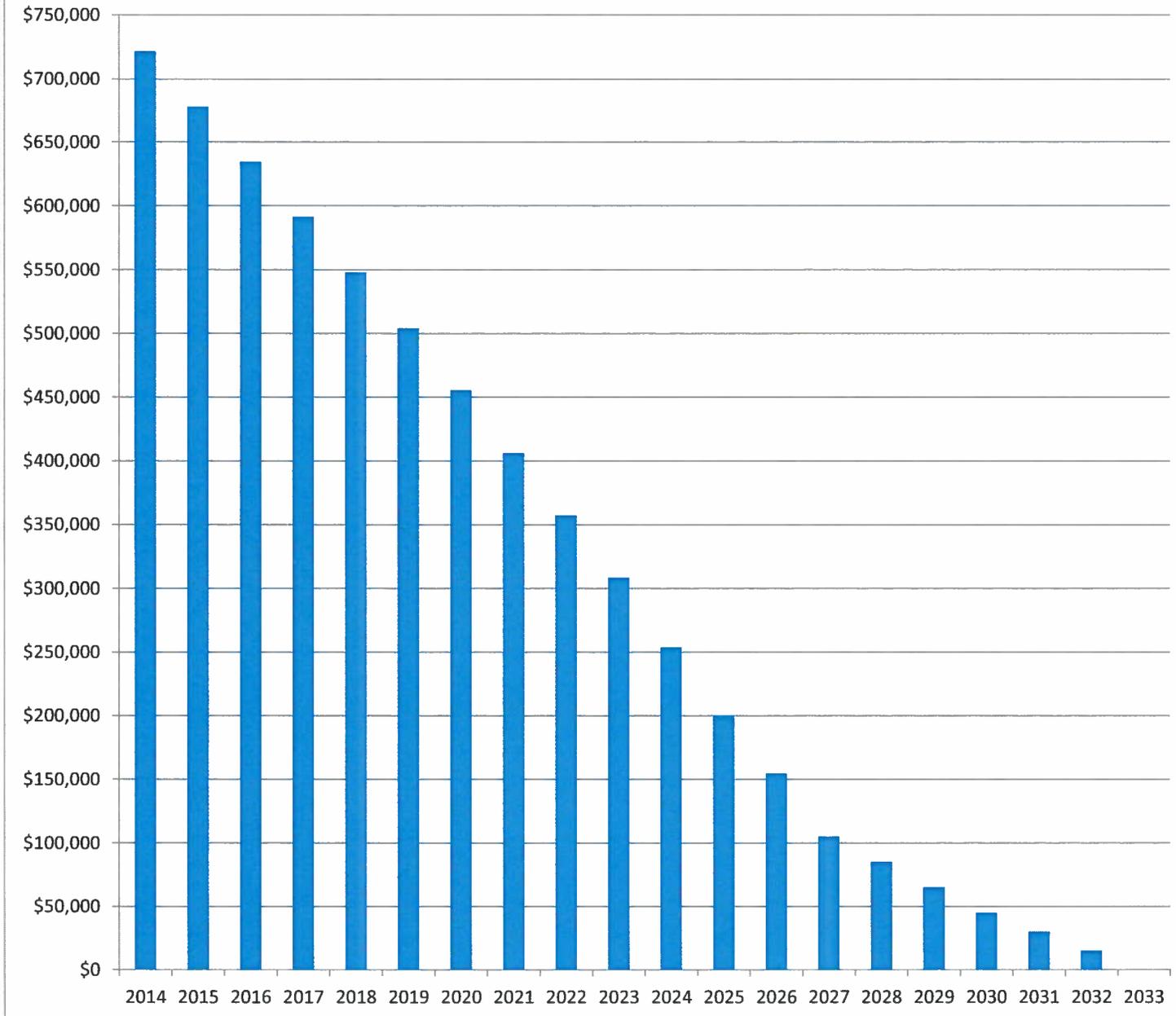
**City of Merrill - Sewer Utility
Debt Service (Principal & Interest)**

	SIB - 2005 WI DOT	GO - 2006B Sewage Rep.	STF 2010 Phosphorous	Total Sewer Debt Service
Principal & Interest	\$283,649	\$151,375	\$87,277	\$522,300
2013	\$18,910	\$8,028	\$9,398	\$36,336
2014	\$18,910	\$7,840	\$9,508	\$36,258
2015	\$18,910	\$7,653	\$9,617	\$36,179
2016	\$18,910	\$7,463	\$9,725	\$36,098
2017	\$18,910	\$7,270	\$9,828	\$36,008
2018	\$18,910	\$7,074	\$9,931	\$35,915
2019	\$18,910	\$6,878	\$10,225	\$36,013
2020	\$18,910	\$6,678	\$10,159	\$35,746
2021		\$6,475		\$6,475
2022		\$6,270		\$6,270
2023		\$6,065		\$6,065
2024		\$5,855		\$5,855
2025		\$5,645		\$5,645
2026		\$10,430		\$10,430
2027				\$0
2028				\$0
2029				\$0
2030				\$0
2031				\$0
2032				\$0
Total 2014-2032	\$132,369	\$91,595	\$68,993	\$292,957
Outstanding as of 12/31/2013	46.7%	60.5%	79.1%	56.1%

SIB - State Infrastructure Bonds
STF - State Trust Fund Loan
GO 2006B - Sewage Replacement Fund

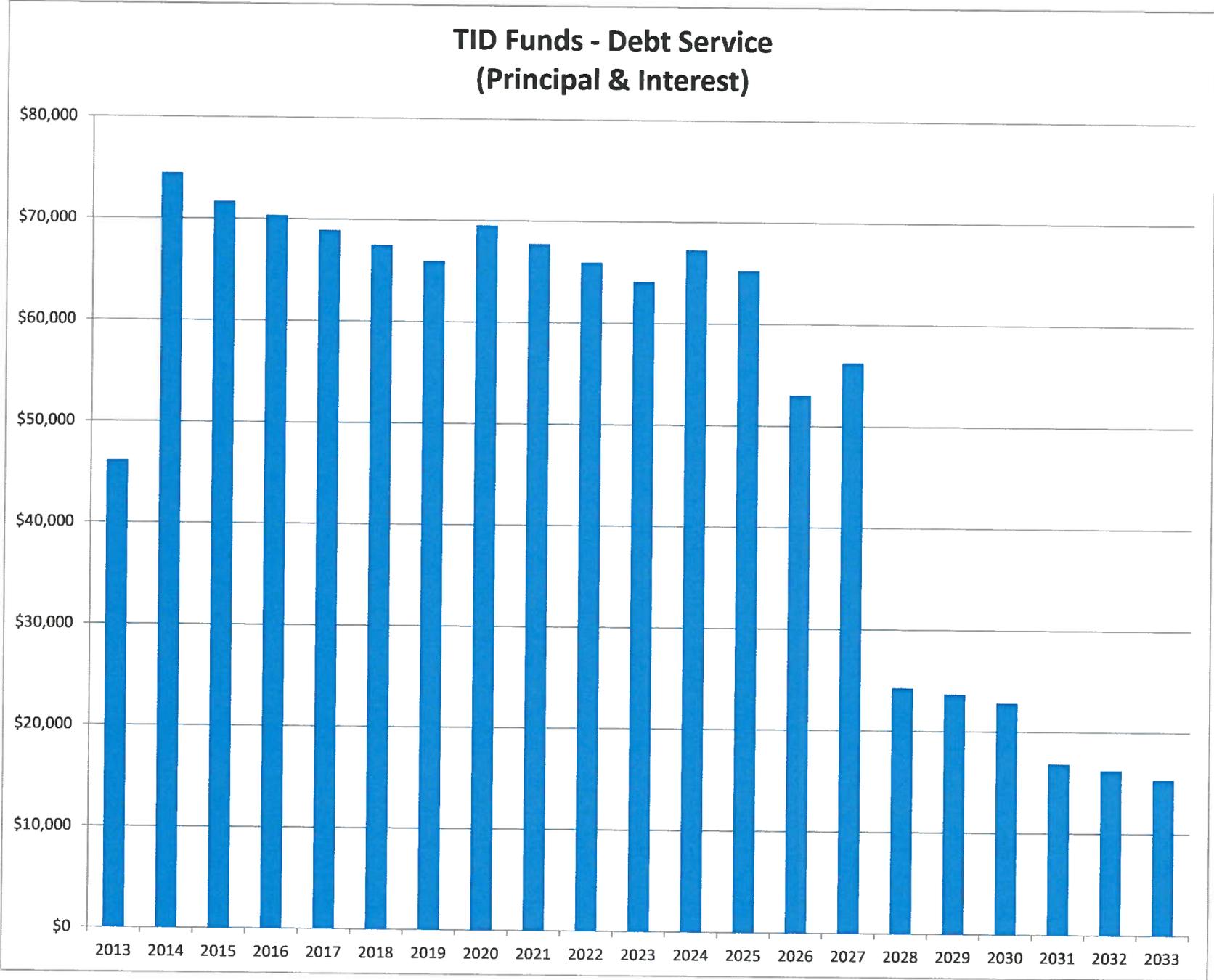


TID Funds - Principal Balance



**City of Merrill - Tax Increment District (TIDs)
Outstanding Principal**

	TID No. 3 GO - 2006B Hwy 64 East	TID No. 4 GO - 2008B N. Pine Ridge/ Thielman Area	TID No. 6 STF 2011.01 Hwy 64/ Downtown Sts.	TID No. 5 GO - 2013A Airport Parking Lighting	TID No. 6 GO - 2013A Courtview/ 2014 Projects	Total TID Principal
	\$155,000	\$400,000	\$75,000	\$35,000	\$200,000	\$865,000
2013	\$120,000	\$340,000	\$69,544	\$35,000	\$200,000	\$764,544
2014	\$110,000	\$320,000	\$66,342	\$33,511	\$191,489	\$721,342
2015	\$100,000	\$300,000	\$63,140	\$32,021	\$182,979	\$678,140
2016	\$90,000	\$280,000	\$59,819	\$30,532	\$174,468	\$634,819
2017	\$80,000	\$260,000	\$56,380	\$29,043	\$165,957	\$591,380
2018	\$70,000	\$240,000	\$52,822	\$27,553	\$157,447	\$547,822
2019	\$60,000	\$220,000	\$49,145	\$26,064	\$148,936	\$504,145
2020	\$50,000	\$195,000	\$45,350	\$24,574	\$140,426	\$455,350
2021	\$40,000	\$170,000	\$41,436	\$23,085	\$131,915	\$406,436
2022	\$30,000	\$145,000	\$37,404	\$21,596	\$123,404	\$357,404
2023	\$20,000	\$120,000	\$33,253	\$20,106	\$114,894	\$308,253
2024	\$10,000	\$90,000	\$28,983	\$18,617	\$106,383	\$253,983
2025	\$0	\$60,000	\$24,476	\$17,128	\$97,872	\$199,476
2026		\$30,000	\$19,851	\$15,638	\$89,362	\$154,851
2027		\$0	\$15,107	\$13,404	\$76,596	\$105,107
2028			\$10,244	\$11,170	\$63,830	\$85,244
2029			\$5,145	\$8,936	\$51,064	\$65,145
2030			\$0	\$6,702	\$38,298	\$45,000
2031				\$4,468	\$25,532	\$30,000
2032				\$2,234	\$12,766	\$15,000
2033				\$0	\$0	\$0



City of Merrill - Tax Increment District (TIDs)

Debt Service (Principal & Interest)

	TID No. 3 GO - 2006B Hwy 64 East	TID No. 4 GO - 2008B N. Pine Ridge/ Thielman Area	TID No. 6 STF 2011.01 Hwy 64/ Downtown Sts.	TID No. 5 GO - 2013A Airport Parking Lighting	TID No. 6 GO - 2013A Courtview/ 2014 Projects	Total TID Principal & Interest
Principal & Interest	\$225,501	\$607,954	\$117,187	\$49,940	\$285,370	\$1,285,953
2013	\$10,008	\$29,420	\$6,714			\$46,142
2014	\$14,820	\$33,880	\$6,679	\$2,841	\$16,232	\$74,451
2015	\$14,445	\$33,140	\$6,519	\$2,622	\$14,985	\$71,711
2016	\$14,065	\$32,400	\$6,486	\$2,589	\$14,794	\$70,333
2017	\$13,680	\$31,640	\$6,430	\$2,555	\$14,602	\$68,907
2018	\$13,291	\$30,880	\$6,376	\$2,522	\$14,411	\$67,480
2019	\$12,895	\$30,100	\$6,317	\$2,485	\$14,198	\$65,995
2020	\$12,495	\$34,320	\$6,259	\$2,447	\$13,985	\$69,506
2021	\$12,090	\$33,320	\$6,181	\$2,406	\$13,751	\$67,748
2022	\$11,680	\$32,320	\$6,104	\$2,362	\$13,496	\$65,961
2023	\$11,270	\$31,270	\$6,021	\$2,317	\$13,240	\$64,118
2024	\$10,850	\$35,220	\$5,936	\$2,272	\$12,985	\$67,264
2025	\$10,430	\$33,970	\$5,955	\$2,220	\$12,687	\$65,263
2026		\$32,640	\$5,849	\$2,168	\$12,389	\$53,046
2027		\$31,320	\$5,736	\$2,861	\$16,347	\$56,263
2028			\$5,619	\$2,777	\$15,868	\$24,264
2029			\$5,611	\$2,688	\$15,357	\$23,656
2030			\$5,401	\$2,598	\$14,847	\$22,846
2031				\$2,509	\$14,336	\$16,845
2032				\$2,419	\$13,826	\$16,245
2033				\$2,281	\$13,034	\$15,315
Total 2014-2033	\$152,011	\$456,420	\$103,478	\$49,940	\$285,370	\$1,047,219

Outstanding as
of 12/31/2013

67.4%

75.1%

88.3%

100.0%

100.0%

81.4%

Merrill TIF DS - 2014-04
Revised: 4/24/2014



Behavior to avoid

- Negative comments
- Talking over others
- Bullying/intimidation
- Personal attacks/killer statements
- Texting
- Confidentiality/closed sessions
- Ambushing Dept. Heads at Council without first addressing concerns with Dept. Head

The 25 Rules of Civility

1. Pay attention
2. Acknowledge others
3. Think the best, act accordingly
4. Listen
5. Be inclusive
6. Speak kindly
7. Don't speak ill
8. Accept and give praise
9. Respect even a subtle "no"
10. Respect others' opinions
11. Mind your body (language)
12. Be agreeable
13. Keep it down (and rediscover silence)
14. Respect other people's time
15. Respect other people's space
16. Apologize earnestly and thoughtfully
17. Assert yourself
18. Avoid personal questions and statements
19. Care for your guests
20. Be a considerate guest
21. Think twice before asking for favors
22. Refrain from idle complaints
23. Give constructive criticism
24. Respect the environment and be gentle to animals
25. Don't shift responsibility and blame

Nine Tools of Civility

1. Pay Attention

Be aware and attend to the world and the people around you.

- Be informed about what is occurring in our community
- Focus on the issue - on what the person is saying
- Consider the whole picture; issues are connected
- Open your mind to new perspectives; strive for objectivity

2. Listen

Focus on others in order to better understand their points of view.

- Seek to understand; hear what is said
- Ask effective questions
- Respect the person and his/her view through your words and body language
- Give thoughtful attention; avoid distractions such as: your emotion, multi-tasking, formulating a response instead of listening, texting, or conversing while others are talking

3. Be Inclusive

Welcome all groups of citizens working for the greater good of the community.

- Know the community in order to be inclusive (social, economic, environmental, technical, etc.)
- Intentionally and sincerely invite diverse perspectives
- Seek participation; take responsibility; include yourself!
- Use common language; avoid jargon

4. Don't Gossip

And don't accept when others choose to do so.

- Go to the source for the facts; validate the information
- Communicate with respect and a positive intent; own what you say; be accountable
- Model integrity and mutual respect; set a good example for others
- Honor those who are not present

5. Show Respect

Honor other people and their opinions, especially in the midst of a disagreement.

- Value the person; appreciate his/her contributions, experiences, passion, culture, norms and values
- Use questions to clarify
- Value ideas that are brought to the table
- Demonstrate positive body language

6. Seek Common Ground

Look for opportunities to agree; don't contradict just to do so.

- Rise above emotions; focus on the issues
- Build relationships; make a connection
- Work toward mutual trust

7. Repair Damaged Relationships

Be sincere; apologize and forgive.

- Take responsibility for your actions and words
- Accept an apology
- Practice forgiveness; let go of the past

8. Use Constructive Language

Be mindful of the words you choose.

- Address conflict with the intent of resolution
- When disagreeing, stick to the issues and don't make a personal attack
- Learn from others' perspectives and feedback

9. Take Responsibility

Practice accountability in language and actions.

- Take ownership; use "I" statements
- Don't shift responsibility and blame onto others
- Be trustworthy
- Tell the truth

Based on the work of P. M. Forni, author of Choosing Civility.

Inappropriate behavior to avoid

- Negative comments
- Talking over others
- Bullying/intimidation
- Personal attacks/killer statements
- Texting
- Confidentiality/closed sessions
- Ambushing Dept. Heads at Council without first addressing concerns with Dept. Head



0602760

RESOLUTION NO. 1996

A RESOLUTION ACCEPTING THE NINE TOOLS OF CIVILITY

WHEREAS, the residents of Merrill place a high value of respect and civility in their lives and they understand that these characteristics are essential to any healthy community; and,

WHEREAS, the Merrill Common Council supports opportunities for civil discourse and discussion in the community; and,

WHEREAS, the Merrill Common Council addresses sometimes controversial issues about which people often feel passionately – which at times leads to uncivil behavior; and,

WHEREAS, an atmosphere of incivility and disrespect can have a damaging effect on the proceedings, on the quality of debate, and on the practice of democracy itself.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of July, 2006, that the Merrill Common Council recognizes nine tools of civility that will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face our community and directs that these tools be utilized by City employees, elected officials and representatives. These tools include:

1. **Pay Attention.** Be aware and attend to the work and the people around you.
2. **Listen.** Focus on others in order to better understand their points of view.
3. **Be Inclusive.** Welcome all groups of citizens working for the greater good of the community.
4. **Don't Gossip.** And don't accept when others choose to do so.
5. **Show Respect.** Honor other people and their opinions, especially in the midst of a disagreement.
6. **Be Agreeable.** Look for opportunities to agree; don't contradict just to do so.
7. **Apologize.** Be sincere and repair damaged relationships.

8. **Give Constructive Criticism.** When disagreeing, stick to the issues and don't make a personal attack.
9. **Take Responsibility.** Don't shift responsibility and blame onto others; share disagreements publicly.

BE IT FURTHER RESOLVED, that the Merrill Common Council shall promote the use and adherence of these tools in conducting the business of the City of Merrill.

Recommended by Personnel and
Finance Committee

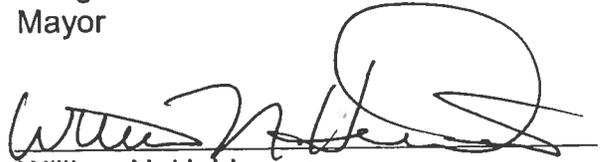
Moved: Alderwoman Hatz

Passed: July 11, 2006

CITY OF MERRILL, WISCONSIN



Douglas C. Williams
Mayor



William N. Heideman
City Clerk

“Record” Defined:

“Record” means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. “Record” does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited to copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

“Meeting” Defined:

Convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter.

WISCONSIN OPEN MEETINGS LAW

The Open Meeting Law is found in section 19.81 through 19.98 of the Wisconsin Statutes.

PURPOSE OF THE LAW

- In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. Wis. Stats. §19.81(1).

GENERAL REQUIREMENTS

- Meetings of state/local government bodies must be held in a publicly accessible location (including disabled public)
- Meetings must be preceded by notice (even for closed meetings)
- Meetings must be open (unless statutes specifically authorize closed session)

APPLICATION TO GOVERNMENTAL BODIES

- Applies to all governmental bodies, including boards, commissions, committees, councils, etc.
- All designated subunits of the above

COLLECTIVE POWER

- Even if the collective power is limited to receiving information, providing advice or making recommendations, that still constitutes collective power sufficient to trigger application of the law

WHAT MEETINGS ARE COVERED?

- Statutory definition of a Meeting – “the convening of members of a governmental body for the purpose of exercising the responsibility, authority, power or duties delegated to or vested in the body.”

WHAT IS IT REALLY?

- Must conduct governmental business. Discussion/debate, information gathering, public hearings, or for decision making

AND

- Sufficient number of members present that *can determine the parent body's course of action* on the subject under discussion

CAUTION

- Usually a quorum is needed before a meeting can be held. HOWEVER, the Open Meetings law applies in at least two situations where a quorum may not be present:
 1. Negative Quorum – A gathering of less than a quorum can determine the parent body's course of action, such as when enough members are present to block passage of an action
 2. Walking Quorum – A series of gatherings or contacts (phone calls, conference calls, emails, chat rooms) among members

SOCIAL GATHERINGS AND CHANCE MEETINGS – ARE PERMISSIBLE

- Meeting/encounter is not an attempt to circumvent public meetings law
- Business of the parent body does not get discussed or acted upon
- If a quorum or more is present – the body will be presumed to have held a meeting and will incur the responsibility of proving that it did not meet to engage in governmental business.

TELEPHONE CONFERENCE CALLS

- Okay to hold a meeting by telephone if:
 1. Meeting is noticed that way
 2. Provide public facility with speakerphone that works well enough for public to hear/participate

TOUR AND SITE VISITS

- Are meetings and must be properly noticed as such
- If the board/committee provides members with transportation it should consider doing so in less than quorum numbers to avoid presumption of a meeting while traveling
- Transportation for public?

ATTENDANCE AT ANOTHER BODY'S MEETING AND JOINT MEETINGS

- Constitutes a meeting if the members attend in order to exercise their responsibilities
- Must provide notice
 1. Sometimes it is appropriate to provide in the notice that *“a quorum of the XYZ committee may be present in attendant at the ABS Board meeting for the purpose of... No XYZ business will be conducted”*

NOTICE REQUIREMENTS

- Notice must provide:
 1. Time
 2. Date
 3. Place
 4. Subject matter (stated sufficient enough to identify topic to average person)

POSTING NOTICE

- State Statutes requires that Agenda's be posted as official notices of meetings
- Notices/Agendas are physically posted in numerous locations reasonably accessible to the public
- If possible, posted on City web page

WHO MUST BE NOTIFIED

- Public (through posting)
- City's Official Newspaper – The Courier
- News Media Outlets (those which have previously filed written request for notice)

TIMING

- 24 hours notice (unless impossible or impractical)
- ABSOLUTELY NO LESS THAN TWO (2) HOURS NOTICE

CLOSED SESSIONS

- Allowable for limited purposes:
 1. Judicial/quasi-judicial deliberations
 2. Discipline & Licensing (Personnel Committee)
 3. Compensation & evaluation
 4. Competitive or bargaining purposes (deliberations regarding negotiations & actual negotiations)

CLOSED SESSIONS: PURPOSES

- Personnel matters – only if considering financial, medical, social or personal histories or disciplinary data of specific persons or the preliminary consideration of personnel problems or the investigation of charges against specific persons
- Conferring with legal counsel (for advice on strategy regarding current or likely litigation)

MECHANICS OF CLOSED SESSIONS

- Convening
 1. Motion & second
 2. Recorded vote (unless presiding officer notes unanimous vote in record)
 3. Announcement (presiding officer must announce nature of business and statutory exception)
- Attendance in Closed Session
 1. Members of the Body
 2. Necessary Staff
 3. Other City Officers
 4. Those persons whose presence is necessary to conduct the business
- Records of Closed Session
 1. Not required to keep minutes (some stat. exceptions exist)
 2. Motions and roll call votes must be recorded (open to public inspection)
 3. Once the underlying purpose of the closed session is past, the public may have access to all of those records.

RECORDING MEETINGS

- Meetings do not have to be visually or audibly recorded
- Must make a reasonable effort to accommodate any person desiring to record meeting
- Many are recorded and broadcast

ENFORCEMENT

- Prosecution
 1. Attorney general, district attorney or an individual citizen may initiate prosecution
- Penalty
 1. Forfeiture of \$25.00 to \$300 plus statutory costs (nearly double the total)
- Actions taken during illegal meeting may be voided

Boards, Commissions & Committees enumerated; duties. Appointments to all standing committees and boards of the council shall be made by the mayor at the organizational meeting of the common council. Alderperson members shall have two-year assignments on standing committees. The mayor shall appoint the members of all committees, boards and commissions, other than members named by title, subject to confirmation by majority vote of the council, unless specifically provided otherwise, except the members of the board of public works who are confirmed by a two-thirds vote of the council. The following shall be the standing committees and boards of the common council:

Board of Public Works.

Composition. The board of public works shall consist of the following:

- Three alderperson appointed by the mayor, the street commissioner and the mayor;
- The mayor shall act as chairperson, and shall not vote except to break a tie; and.
- The city administrator, city attorney, city engineering department representative and finance director shall attend all meetings.

Duties. In addition to the powers and duties prescribed by state statutes, the board of public works shall:

- Keep all streets, alleys, storm sewers, sidewalks, curbs, gutters, and other public places maintained and repaired;
- Prescribe rules and regulations for the street department;.
- Hold public hearings relative to special assessments and related charges permitted by state statutes and city ordinances;
- Appoint special committees for special matters within the jurisdiction of the common council;
- Perform such duties pertaining to acquisition of private property for public use as may be prescribed by the council; and
- Prescribe all rules and regulations, and perform all duties relating to recycling and garbage collection.

Personnel and finance committee. .

Membership and attendance. The personnel and finance committee shall consist of:

- Three alderpersons;
- The city administrator, city attorney, city clerk and director of finance, who shall attend all committee meetings unless excused by the presiding officer.

Finance duties. The personnel and finance committee shall:

- Audit, study and approve all bills, claims, expenses and payrolls of the city;
- Study all budgets pertaining to insurance; and
- Work with the mayor and city director of public works on all matters of finance.

Personnel duties. The personnel and finance committee shall review and make recommendations to the council prior to the November council meeting on all requests for changes in wages, salary

and other benefits affecting city employees, other than department heads, officers and elected or appointed officials. Such requests shall be detailed and submitted to the committee by the heads of all departments, committees and boards in charge of such employees, their agents or representatives who shall submit requests for changes in wages, salary and other benefits to their department head, committee or board on or before July 1 of each year. No changes in wages, salary or other benefits shall be granted, unless the procedure set forth in this section is followed or unless the common council otherwise orders, nor shall any raise in wages, salary or increase in benefits be granted such employees in mid-term or midyear, unless there has been an increase in the job hours or additional work for such employees, or a change in job classification.

Personnel officer. There is created the office of personnel officer whose duties shall be fulfilled by the city administrator. The personnel officer shall:

- Annually survey personnel rules and regulations currently practiced in private industry and governmental entities pertaining to benefit plans, sick leave, vacations, health insurance and similar matters; and
- Determine all controversies and disputes in such matters existing between the city and its employees, officers and officials subject to the approval of the council.

Negotiations.

- Special counsel shall be employed as the personnel and finance committee's negotiator.
- The personnel and finance committee is empowered, at its sole discretion, to engage additional professional legal assistance for mediation and binding arbitration.
- The personnel and finance committee is authorized to recommend to the council additional reasonable compensation to be paid to the city attorney for services performed by the city attorney in actual negotiations.

Health and safety committee.

The health and safety committee shall consist of three alderperson.

Duties

- The health and safety committee shall function in accordance with the duties of a board of health and, in addition, shall be responsible for making advisory recommendations regarding the control and management (day-to-day operation) of the fire and police departments. Additionally, the committee may make rules and regulations in respect thereto. .
- The health and safety committee shall investigate and make recommendations on all applications for municipal licenses.
- The deputy health officer, fire chief and police chief shall be ex officio members of the health and safety committee and the deputy officer and chiefs shall be required to attend committee meetings.
- The mayor shall appoint a member of the health and safety committee who shall represent the city on the rural fire department committee.

Water and sewage disposal committee.

The water and sewage disposal committee shall:

- Consist of three alderperson.
- Prescribe rules for the operation and maintenance of the water and sewage departments.
- Perform all functions pertaining to water and sewage matters, and shall act on any remedial action on the existing sanitary landfill.

Committee appointments.

- The mayor shall designate the chairperson of each standing committee. Each member shall serve as appointed unless excused by a majority of the members of the council. All alderperson shall serve on at least one standing committee. The mayor shall be an ex officio member of each standing committee.
- The mayor may declare the entire council a committee of the whole for informal discussion at any meeting or for any other purpose and shall ex officio be chairperson of the same.

Special committees. The mayor may from time to time appoint such special committees as he may deem necessary, which said appointments shall be announced to the council stating the object and membership of the committee. A special committee shall expire upon the expiration of the term in office of the appointing mayor.

Committee of the whole.

The mayor and the alderperson shall constitute the committee of the whole, and when so constituted shall be exempt from all provisions of this section; provided, however, that proper notice of meetings shall be given by the city clerk, in accordance with the provisions of Wis. Stats. ch. 19, subch. V, open meetings of governmental bodies. The committee of the whole shall make recommendation to the common council as to all matters to come before it.

Meetings; hearings.

- Standing committees and boards may call special meetings upon request of their chairmen or the mayor. Any standing committee or board may hold a public hearing on any matter in which it is interested, and may interview any person with respect to committee or board matters.
- Standing committees and boards shall meet at least monthly on dates set by the mayor and approved by the council, and specially, at other times on dates set by the chairperson or mayor. Unless otherwise provided by law, special and citizens' committees, boards and commissions shall meet on dates set by the chairperson on the request of the mayor or the council.

Committee reports.

- All ordinances, resolutions, communications and other matters submitted to the council may be read by title and author and referred to the appropriate committee by the mayor without motion unless objected to by a councilmember. The city clerk shall read and record each such reference by title. Any alderperson may require the reading in full of any matter at any time it is before the common council.

- Each committee shall, at the next regular council meeting, submit a verbal report on all matters referred to it, unless a longer time be granted by vote of the council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any city officer or employee to confer with it and supply information in connection with any matter pending before it. Minority reports may be submitted.
- All committee reports shall be filed with the city clerk on or before 9:00 a.m. the Wednesday prior to the regular council meeting.

Sec. 2-139. Safety committee.

The safety committee shall consist of the fire chief, who shall be chairperson, director of finance, and one representative from each department of the city, except the street department, which shall have two representatives, all to be appointed by the respective department heads, and one alderperson. The safety committee shall meet at least once each month at the call of the chairperson and all meetings shall be held during regular city working hours. The chairperson of the safety committee shall ensure that safety committee minutes are forwarded to the health and safety committee, personnel and finance committee and such other committees as he deems appropriate.

Sec. 2-140. Police and fire commission.

The police and fire commission shall consist of five citizens who shall be appointed by the mayor for a term of five years and shall function and be governed in accordance with the statutes and laws of the state. Additionally, the police and fire commissions shall have the powers and duties of impartial decision makers as set forth in Wis. Stats. ch. 68.

The Police & Fire Commission in Merrill only has jurisdiction over decisions to hire, fire and discipline within the Police & Fire Departments. Merrill has not adopted optional powers for its Police & Fire Commission so the Mayor and Council retain general policy making and budgeting authority for both departments. The Mayor is the statutory head of each department.

Sec. 2-141. Board of appeals.

Establishment. A board of appeals shall be appointed as specified in Wis. Stats. § 62.23(7)(e). The board of appeals shall consist of five members, appointed by the mayor, for three year terms, subject to confirmation by the common council. The members shall be compensated as determined by the council. The members shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The mayor shall appoint two alternate members for staggered terms of three years, who shall act with full power when a member of the board of appeals refuses to vote because of a conflict of interest or when regular members of the board of appeals are absent. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The board of appeals may employ a secretary and other employees.

Powers. The board of appeals shall have the following powers:

- To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the city's zoning ordinances.
- To hear and decide special exceptions to the terms of city zoning and floodplain zoning regulations upon which the board of appeals is required to pass.
- To authorize, upon appeal in specific cases, such variance from the terms of the city's zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use not permitted in such district.
- To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
- The board of appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the city's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the board of appeals granting a variance shall be valid for a period longer than six months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

Rules. The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of its chairperson and at such other times as the board of appeals may determine. The chairperson, or in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Meetings. The board of appeals shall regularly meet on the first Tuesday of the month, unless the same is a holiday and then on the first regular business day thereafter, provided however, the board shall not be required to meet if there has been no request for an appeal to be heard for such regular meeting unless otherwise called by the chairperson. Members of the board of appeals shall meet on special occasions to hear appeals when a special meeting has been requested by the appellant, and at other times called by the chairperson.

Offices. The common council shall provide suitable meeting space for holding the board of appeals' hearings.

Appropriations. The common council shall appropriate funds to carry out the duties of the board of appeals and the board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

Sec. 2-142. City plan commission.

Composition. The plan commission shall consist of the

- Mayor who shall be the presiding officer,
- the chairperson of the parks and recreation commission,
- one alderperson and four citizens of the city.
- The city administrator, engineering department representative, city attorney and the community development representative shall attend all commission meetings as ex officio, non-voting members unless excused by the presiding officer.
- *Aldersperson.* The aldersperson of the plan commission shall be annually elected by a two-thirds vote of the common council at the council's organizational meeting.
- *Citizen members.* The four citizen members shall be appointed at the organizational meeting by the mayor, subject to council confirmation, to hold office for a period of three years.
- *Officers.* As soon as practical after May 1 of each year, the plan commission shall organize itself and elect a vice-chairperson, and other officers deemed necessary.

Record. The plan commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all the members of the commission.

Duties.

The master plan.

The plan commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to common council confirmation, for the physical development of the city including areas outside of its boundaries which, in the plan commission's judgment, bear relation to the development of the city. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the plan commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration:

- The general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures;
- The general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals;
- The general location, character and extent of community centers and neighborhood units;
- A comprehensive zoning plan.

The plan commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the plan commission, subject to confirmation by the common council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or

any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the plan commission and the common council in the performance of their duties.

Mandatory referrals to the plan commission. The common council or officer of the city having final authority thereon shall refer to the plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters:

- The location of any statue or other memorial;
- The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds;
- The location, extension, abandonment or authorization for any public utility whether publicly or privately owned;
- All plats of lands in the city or within the territory over which the city is given platting jurisdiction by Wis. Stats. ch. 236;
- The location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and
- The amendment or repeal of any land use ordinance.

Unless such report from the commission is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer may take final action without it.

Miscellaneous powers.

The plan commission may:

- Make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.
- Recommend to the common council programs for public improvements.
- All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work.
- The plan commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the common council.

Vacancies. Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

Sec. 2-143. Housing authority.

The housing authority is composed of five members, one of whom shall be appointed annually by the mayor, subject to confirmation by the council, for a term of five years. At least three members

shall be private citizens. The remaining two members may be private citizens or an alderperson, or officers of the city, or any combination thereof, appointed in the same manner as the other members. No more than one alderperson or two officers may serve as voting members of the housing authority at the same time. In the event that none of the voting members of the housing authority are members of the common council, and there are no current vacancies on the housing authority, then the mayor shall also appoint an alderperson to act on the housing authority as an ex officio member, subject to confirmation of the council, with said alderperson's term expiring as of the date of his term of office.

Sec. 2-144. Parks and recreation commission.

Composition. The parks and recreation commission shall consist of seven city commissioners, of which one shall be an alderperson and six shall be citizen members who shall serve five-year terms. The powers and duties of the commission shall be as set forth in this section, the state statutes and as provided by the council from time to time. The commission shall also perform all functions previously assigned to the park board and the recreation department.

General powers and duties. The parks and recreation commission shall have the following powers and duties:

- With respect to parks, the parks and recreation commission shall have the powers and duties provided by Wis. Stats. §§ 27.08, 27.09 and 27.10.
- The acceptance of gifts of money or property or the acquisition of property or privileges for park purposes, as defined in Wis. Stats. § 27.08, can be accomplished only upon the recommendation of the commission and approval by the common council by resolution, but the dedication of land, or money in lieu thereof, to the city for parks, recreation or other public purposes in connection with the subdivision of land, shall be deemed to have been approved by the common council in and by its act of accepting the final plat in connection with which such dedication is made.
- The parks and recreation commission shall have jurisdiction over the parks, swimming pool, tennis courts, ski hill, ice skating facilities, adult and youth recreation programs, ball diamonds, and playgrounds throughout the city, and shall have the power to adopt rules and regulations therefor, including the establishment of user fees, and the recommendation to the common council of the hiring of employees necessary therefor. All matters which pertain to the foregoing shall be referred to the parks and recreation commission prior to official action being taken thereon by the common council, or any committee thereof.
- A master plan for park development may be created and maintained by the parks and recreation commission, with the advice and assistance of the city attorney, which shall be subject to approval by the common council. Such plan shall be a projection and anticipation of major maintenance needs, development of existing and future parks plans and park programs.
- All seasonal recreational employees shall be employed by the common council upon the recommendations of the parks and recreation commission.

Additional powers and duties.

The parks and recreation commission shall have all the powers conferred by law upon parks and recreation commissions and shall be chargeable with all the duties so required, such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the city. The parks and recreation commission is specifically empowered and directed:

- To govern, manage, control, improve and care for all public parks located within, or partly within and partly without the corporate limits of the city and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
- To acquire in the name of the city for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust; money, real or personal property, or any incorporeal right or privilege; provided gifts to the city of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the commission to the common council and approved by said common council resolution.
- With prior council approval, to buy or lease lands in the name of the city for park purposes within or without the city and, with the approval of the common council, to sell or exchange property no longer required for its purpose.
- To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the city for park purposes.
- To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the city park system and recreation program, subject to budgetary approval by the common council.
- To have jurisdiction of the parks and playgrounds throughout the city and assume full responsibility for equipping, developing and maintaining the physical facilities of the park system.
- To establish such rules and regulations to promote the quiet, orderly and suitable use of the city parks and playgrounds as the commission shall deem necessary.
- To establish rules and regulations, including user fees as deemed necessary as approved by the council and desirable for the proper use, care and operation of parks, park facilities, recreation programs and other activities under their control, provided, however, that such rules and regulations do not conflict with the laws of the state or this Code.
- And such other and further duties as may be necessary for the proper carrying out of the purposes of said commission.

Record. The parks and recreation commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city clerk.

Finance.

- *Budget.* The parks and recreation commission shall assist in preparing an annual budget for submission to the common council, the budget shall reflect the commission's

recommendations as to maintenance or acquisition of city parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. The annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities, as well as estimated expenditures for operating the parks and recreation system. The parks and recreation commission shall cooperate with other city departments in manpower and machinery exchanges.

- *Finances.* The parks and recreation commission shall pay all incomes from recreational activities to the city treasurer. All expenditures pursuant to the budget previously approved by the common council shall be made only upon prior approval of the commission. The commission shall audit and approve all vouchers or schedules covering the same, setting forth the name of the claimant, the amount of each claim, and the purposes of each expenditure to the city treasurer with a statement thereon, signed by the chairperson and the secretary of the commission, that the expenditures have been incurred and that the commission has audited and approved the bill. The city treasurer shall thereupon draw his order upon the treasurer and the same shall be paid as other municipal orders are paid.
- *Monetary contributions.* All moneys donated to the city specifically for park or recreation use shall be deposited in city accounts as a nonlapsing fund or reserved for such specific use.

Sec. 2-145. Community development committee.

Composition.

There is hereby established in the city a community development committee whose citizen members shall be appointed by the mayor and confirmed by the common council. The first citizen members of the community development committee shall be appointed for staggered terms:

- The term of office of each member appointed shall be three years.
- In addition, the mayor shall appoint one alderperson to the committee, who shall be a voting member.
- The committee shall select a chairperson.

Meetings. The community development committee shall meet at such times as its chairperson or the mayor may deem necessary.

Duties.

- The duties of the committee are to establish and implement procedures related to the administration of the city's community development block grant funds, and managing and supervising the functions of the community development office for both housing and economic development, and such other duties as the common council shall establish.
- The committee shall also be responsible for review of, and recommendations pertaining to, applications made to the Central Wisconsin Economic Development Fund.

Employment of community development director. The city shall hire a community development director, and such other subordinate employees as the city deems necessary, and such employees shall be city employees and entitled to the salaries and fringe benefits of the city, and subject to the rules and regulations of the city.

Sec. 2-146. Economic development committee.

Duties and responsibilities. The duties and responsibilities of the city economic development committee are as follows:

- Establish guidelines and procedures for the city in accordance with Wis. Stats. § 66.1103, and other appropriate state and federal laws relative to industrial revenue bonding;
- Screen industrial applicants desiring to use industrial revenue bond financing; and
- In accordance with appropriate laws, assist new and established industries desiring to use revenue bond financing for the construction, expansion or repair of industrial facilities.

Membership. The economic development committee shall consist of the following members by title:

- Mayor;
- Comptroller;
- President of the common council;
- City attorney;
- Chamber of commerce representative; and
- Merrill area development corporation representative.
- The mayor shall be the committee chairperson. The community development director shall be an ex officio non-voting member.

Meeting frequency. The city economic development committee shall meet at such times as its chairperson or the common council may deem necessary.

Sec. 2-147. Library board.

Composition. The library board shall exist and function as set forth in applicable sections of Wis. Stats. ch. 43.

- The board shall consist of nine members serving for staggered three year terms.
- Six city residents, one of which may be an alderperson, shall be appointed by the mayor subject to confirmation by the council.
- The superintendent of schools or his representative shall be a member.
- Two residents of the county shall be appointed by the county board chairperson subject to confirmation by the county board.

Powers and duties. The duties, functions and powers of the library board shall be as prescribed by Wis. Stats. ch. 43.58 (Powers & Duties)

- The library board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized.
- The library board also shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality for library purposes.
- The library board shall audit and approve all expenditures of the public library and forward the bills or vouchers covering the expenditures, setting forth the name of each claimant or

payee, the amount of each expenditure. and the purpose for which it was expended, to the appropriate municipal or county financial officer or, in the case of a school district, the school district clerk. The library board shall include a statement, signed by the library board secretary or other designee of the library board, that the expenditure has been incurred and that the library board has audited and approved the expenditure. The appropriate municipal, county, or school district official shall then pay the bill as others are paid.

- Regular wages or salary or other recurring payments, authorized by the library board and verified by the appropriate library official, may be paid by the appropriate municipal, county, or school district official by the date due or, in the case of salaries, by the regular pay day. The library board shall audit and approve any such payment at its next regular meeting.
- Any person having a claim or demand against the municipality or county growing out of any act or omission of the library board shall file with the library board a written statement thereof. If the claim or demand or any part thereof is disallowed, the claimant may bring an action against the municipality or county.
- Notwithstanding ss. 59.17 (2) (br) and 59.18 (2) (b), the library board shall supervise the administration of the public library and shall appoint a librarian, who shall appoint such other assistants and employees as the library board deems necessary, and prescribe their duties and compensation.
- The library board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may cooperate with the University of Wisconsin System, technical college district boards, the historical society, the department, cooperative educational service agencies, school boards and other educational institutions to secure such lectures or to foster and encourage by other means the wider use of books and other resource, reference and educational materials upon scientific, historical, economic, literary, educational and other useful subjects.
- Within 60 days after the conclusion of the fiscal year of the municipality or county in which the public library is located, the library board shall make a report to the division and to its governing body. The report shall state the condition of the library board's trust and the various sums of money received for the use of the public library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the public library and from other sources. The report shall state the condition of all funds in the library board's control and shall state in detail the disbursements on account of the public library during that fiscal year.
- The report to the division shall include data concerning library materials, facilities, personnel, operations and such other information as the division requests.
- The report to the division shall contain a statement by the library board indicating whether the public library system in which the library participated during the year of the report did or did not provide effective leadership and adequately meet the needs of the library and an explanation of why the library board believes so. The division shall design the form of the statement so that it may be removed from the report and forwarded to the division before it is sent to the public library system.
- The library board may receive, manage and dispose of gifts and donations as follows:
 - All persons wishing to make donations of property for the benefit of a public library may vest the title thereto in the library board, to be held and controlled by the board, when accepted, according to the terms of the deed of gift, devise or bequest. As to such property the board shall be deemed special trustees.

Sec. 2-148. Transit commission.

Created. Pursuant to Wis. Stats. § 66.1021, there is created the city transit commission for the establishment, maintenance and operation of a comprehensive unified local transportation system,

the major portion of which shall be located within the city, and serve inhabitants of the city, and which is used chiefly for the public transportation of persons.

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- *Comprehensive unified local transportation system* means a transportation system comprising motorbus lines and any other local public transportation facilities, the major portions of which are within the city.
- *Facilities and equipment* means and includes land buses and other rolling stock, and other real or personal property. The term "facilities and equipment" does not mean and include public highways.
- *Public transportation* means transportation by bus, rail or other conveyance, either publicly or privately owned, which provides for the general public or special service. The term "public transportation" does not mean and include charter or sightseeing service on a regular and continuing basis, except governmental units.
- *Transit commission or commission* means the transit commission created under subsection (a) of this section.

Composition. The transit commission shall consist of five citizen members appointed by the mayor and approved by the council, one of whom shall be designated chairperson.

Appointment; qualifications.

- The term of office of each member appointed shall be three years.
- No citizen member shall hold any other public office.
- No person holding stocks or bonds in any corporation subject to the jurisdiction of the transit commission, nor who is in any other manner interested in any such corporation, shall be a member of or employed by the commission.

Adoption of rules. The commission may adopt rules relative to the calling, holding and conduct of its meetings, the transaction of its business, the regulation and control of its agents and employees, the filing of complaints and petitions and the service of notices thereof and the conducting of hearings.

Meeting frequency. For the purpose of receiving, considering and acting upon any complaints or applications which may be presented to it or for the purpose of conducting investigations or hearings on its own motion, the transit commission shall hold regular meetings at least once a month and special meetings on the call of the chairperson or at the request of the common council.

Seal. The commission may adopt a seal, of which judicial notice shall be taken in all courts of this state. Any process, writ, notice or other instrument which the commission is authorized by law to issue shall be deemed sufficient if signed by the commission secretary and authenticated by such seal. All acts, orders, decisions, rules and records of the commission, and all reports, schedules and documents filed with the commission may be proved in any court in this state by a copy thereof certified by the secretary under the seal of the commission.

Transportation system authority. The jurisdiction, powers and duties of the commission shall extend to the comprehensive unified local transportation system for which the commission is established, including any portion of such system extending into adjacent or suburban territory within the state lying outside of the city not more than 30 miles from the nearest point marking the corporate limits of the city.

Disposition of revenues. All revenues received from the unified transportation system shall be kept in a separate and segregated account. The commission may borrow money for the acquisition of facilities and equipment and may issue revenue bonds according to the provisions of Wis. Stats. § 66.0621.

Acquisition authority. Initial acquisition of the facilities and equipment for the establishment of and to comprise the comprehensive unified local transportation system shall be subject to Wis. Stats. § 66.0803 or Wis. Stats. ch. 197.

Private contract recommendations. The commission may study and report to the common council on the feasibility of contracting with private organizations or other units of government for transportation services, all as provided by state statutes.

Sec. 2-149. Board of review.

Composition; compensation. The mayor, the city clerk, the president of the council, and two additional alderperson appointed by the mayor, shall be members of the board of review. The mayor shall serve as chairperson and the president of the council shall serve as vice-chairperson of the board of review. If any such member is prohibited by law from acting, an alderperson shall be appointed by the mayor, subject to confirmation by the council, to serve as a member of the board. Each member of the board shall receive \$25.00 per day for the time he performs services as a member of the board. The mayor and city clerk, if paid an annual salary, shall not be entitled to receive any sum in addition to their salaries for services upon the board.

Annual meeting. The board of review shall meet annually in the city hall at any time during the 30-day period beginning on the second Monday of May of each year, and shall be in session at such meeting for a minimum of two hours unless the assessment roll is not completed. In the event that the assessment roll is not completed at the time of an annual meeting, the board shall adjourn for the time necessary to complete the roll, and shall post a written notice in compliance with Wis. Stats. § 70.47(3).

Public notice of meeting. Not less than 15 days before the date of such hearing, notice of the time, date and place of the meeting shall be published in the official newspaper. In addition, the city clerk shall post notices in compliance with Wis. Stats. § 70.47(2).

Sec. 2-150. Airport commission.

Duties and responsibilities.

- In addition to those duties specifically enumerated in Wis. Stats. § 114.14(3), the duties and responsibilities of the city airport commission shall include the complete and exclusive management and control of the Merrill Municipal Airport.
- Management and control of the Merrill Municipal Airport does not include the establishment of hangar rent and/or land lease amounts, which shall be determined by the common council.

- Lease rates shall be determined for hangar and land leases by the common council by December 31. Appropriate notice shall be provided to tenants. Lease rates shall be examined and established every three years.

Composition. The airport commission shall consist of four citizen members and one alderperson appointed by the mayor, subject to confirmation by the council. The first citizen members shall be appointed for staggered terms. The term of office of each citizen member thereafter appointed shall be six years. In appointing members, the mayor shall select individuals especially interested in aeronautics.

Membership election; recordation. Upon the full term appointment of any new commissioner, the airport commission shall elect a chairperson and a secretary for its body. In addition to those duties enumerated in Wis. Stats. § 114.14, the chairperson and secretary shall keep accurate records of the airport commission's proceedings and transactions and report to the council on a monthly basis.

Meeting frequency. The airport commission shall meet at least once a month and, additionally at such times as the commission, the common council or the mayor may deem necessary.

Disposition of funds. All monies appropriated for construction, improvements, equipment, maintenance or operation of the airport, managed as provided by this section or earned by this airport or made available for its construction, improvement, equipment, maintenance or operation, shall be deposited with the city treasurer where such monies shall be kept in a special fund and paid out only on order of the airport commission, drawn and signed by the chairperson and countersigned by the secretary.

Sec. 2-151. Parking commission.

Creation. The parking commission shall be a subcommittee of the health and safety committee, whose actions and recommendations would be subject to approval by the said safety committee.

Composition. The members of the parking commission shall consist of:

- The mayor, who shall be the chairperson.
- An alderperson of the personnel and finance committee.
- An alderperson of the health and safety committee.
- A representative from the city police department.
- Three persons from the city's business community.

Duties. The parking commission's responsibilities shall include:

- Administration of all parking revenue, expenditures and parking control.
- Preparation of quarterly reports of operation.
- Recommendations of policies and procedures for operation.
- Recommendations for meeting future needs of on-street and off-street parking.
- Preparation of an annual budget.
- Disposition of revenue. The parking commission shall have the authority to recommend the disposition of parking revenue under the Code.

Sec. 2-152. Committee on aging.

Membership. There is hereby established in the city a committee on aging whose citizen members shall be appointed by the mayor and confirmed by the common council. Each member will serve renewable one year terms.

Duties.

- To uphold the mission statement to represent the views, interests and concerns of the senior citizens in all city matters affecting them, and ensure that all senior citizens have the opportunity to participate in, contribute to, and have access to all facets of community life to the limits of their capacity.
- To be aware of the budget allocated to the committee, know how and where money is utilized.
- To attend meetings and review agendas before such meetings.
- To be aware of, and occasionally visit, activities of city and county commissions and promote awareness of such activities.

Meetings. Regular meetings shall be held each month.

Sec. 2-153. Tourism commission.

Composition and compensation. The commission shall consist of five members appointed by the mayor and confirmed by the common council for one-year terms beginning May 1. Commission members may be reappointed. Citizen members of the commission shall be compensated at \$15.00 per meeting for their attendance in accordance with the policy established by section 2-155. The composition of the committee members shall be as follows:

- A representative of the state hotel and motel industry as required by Wis. Stats. § 66.0615(1m)(c)1;
- An alderperson;
- The recreation and marketing director of the city;
- Two members from the public at large.

Commission meetings and chairperson. The commission shall meet regularly. At its first meeting after appointment, the commission shall elect one of its members to be chairperson of the commission. The chairperson shall serve a one-year term and may be reelected.

Duties and responsibilities. The commission shall have the following duties and responsibilities, subject to review and approval by the common council:

- Monitor the collection of the room tax to ensure compliance.
- Establish policies for promoting tourism in the Merrill area and distributing that portion of the city's room tax under section 18-36, which is under the commission's jurisdiction.
- Utilize the room tax subject to its jurisdiction to promote and develop tourism in the city.
- Make an annual report to the common council outlining the purposes for which the room tax revenues under its jurisdiction were spent.

- Contract with a tourism entity in the city to obtain staff, support services and assistance in developing and implementing programs to promote the city to visitors.

Sec. 2-154. Redevelopment authority.

Authority and purpose. Pursuant to Wis. Stats. § 66.1333(3), there is hereby created the redevelopment authority, as a separate body politic, for the purpose of carrying out blight elimination and urban renewal programs and projects; which authority shall be known as the "Redevelopment Authority of the City of Merrill."

Exclusive authority. The redevelopment authority shall have the exclusive power to proceed to carry on blight elimination and urban renewal projects in the city, except that the city may apply, accept and contract for federal grants, advances and loans under the Housing and Community Development Act of 1974 (P.L. 93-383).

Commissioners.

- The mayor shall, with the confirmation of a four-fifths majority vote of the common council, appoint seven resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the redevelopment authority.
- Two of the commissioners shall be members of the common council and shall serve their term of office as council members.

Powers and duties.

- The redevelopment authority shall have all powers, duties and functions set out in Wis. Stats. § 66.1333, for redevelopment authorities.
- The redevelopment authority shall act as the agent of the city in planning and carrying out blight elimination and urban renewal programs and activities approved by the mayor and common council. The redevelopment authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state.
- The redevelopment authority shall act as agent of the city to perform all acts, except the development of the general plan of the city which may be otherwise performed by the plan commission under Wis. Stats. §§ 66.1105, 66.1301 through 66.1329, 66.1331, 66.1333, or 66.1337.

Tax exemption. Bonds issued on or after adoption of the ordinance from which this section is derived by the redevelopment authority are declared, pursuant to Wis. Stats. § 66.1333(5m), to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, are exempt from taxes.

Controlling law. The powers conferred under this section shall be in addition and supplemental to the powers conferred by any other law or ordinance. Insofar as this section is inconsistent with any other law, this section shall control.

Construction. This chapter shall be construed liberally to effect its purposes and the enumeration of specific powers herein does not restrict the meaning of any general grant of power contained in this section, nor does it exclude other powers comprehended in such general grant, as provided in Wis. Stats. § 66.1333(17).