

May 13th, 2014

Note: These minutes are subject to review and approval at the next regular Common Council meeting.

The Common Council of the City of Merrill met on the above date in Regular Session, at the City Hall Council Chambers, 1004 East First Street. Mayor William R. Bialecki called the meeting to order at 7:00 P.M.

140510 Silent Prayer

140515 Pledge of Allegiance

140520 Roll Call showed the following Common Council members present (8 of 8): Alderman Chris Malm (First District), Alderman Peter Lokemoen (Second District), Alderman Ryan Schwartzman (Third District), Alderwoman Kandy Peterson (Fourth District), Alderman John Burgener (Fifth District), Alderman Dave Sukow (Sixth District), Alderman Rob Norton (Seventh District) and Alderman Tim Meehean (Eighth District).

The following were also in attendance: Community Enrichment Center Director Jane Deau, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Utility Superintendent Kim Kriewald, Street Commissioner Richard Lupton, Airport Manager/FBO John Miller, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl, City Hall Maintenance Supervisor Ramona Vanderkam and Park & Recreation Director Dan Wendorf.

140530 Minutes of April Meetings

Motion (Burgener/Sukow) to dispense with the reading of the minutes of the April 8th, 2014 and April 15th, 2014 Common Council meetings and approve them as published. Carried.

140540 Revenue and Expense Report – April 2014

Motion (Burgener/Meehean) to approve, as submitted, the April 2014 Revenue and Expense report. Carried.

140560 Communications and Petitions

140561 Presentation of 2013 City Audit by Schenck SC representatives Dave Maccoux and Greg Pitel.

Motion (Meehean/Norton) to accept the 2013 audit reports. Carried.

140562 Employee Recognition

City Clerk Heideman read certificates of recognition for the following City employees: Terri R. Akey, 25 years of service, Michael D. Weix, 25 years of service, Thomas C. Teetzen, 10 years of service.

1405130 Health and Safety Committee

1405131 The Committee recommends approving the applications from the Lincoln County Rodeo Association Inc. for three temporary Class “B” (picnic) licenses to sell fermented beverages from the Eagles Stand at the Lincoln County Fairgrounds during a Wisconsin River Pro Rodeo event on June 6-8, 2014.

Motion (Sukow/Schwartzman) to adopt. Carried.

1405132 Consider applications from Merrill Baseball Boosters for 27 temporary Class “B” picnic licenses to sell fermented malt beverages at Athletic Park during baseball games on the following dates in 2014: May 18th, May 21st, June 1st, June 12th, June 13th, June 16th, June 18th, June 19th, June 22nd, June 23rd, June 24th, June 25th, June 26th, June 30th, July 1st, July 2nd, July 7th, July 8th, July 9th, July 11th, July 12th, July 13th, July 15th, July 16th, July 18th, July 20th and July 21st. Alderman Sukow is bringing the applications directly to the Common Council.

Motion (Sukow/Burgener) to approve the applications. Carried.

1405150 Water and Sewage Disposal Committee

1405151 The Committee recommends paying, from the Utility account, the bill that Russ Davis Wholesale received from Nova Enterprises, Inc. (Invoice #42465, charges of \$1,160.50), for charges related to snow and ice removal in the main water line at Russ Davis Wholesale, 1200 Commerce Street.

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

1405152 Consider bids submitted for the River Crossing force main and water main project. Becher-Hoppe Engineers and Architects, the City’s engineering consultant on the project, is recommending approval of the bid of \$462,205 from James Peterson Sons, Inc. – Utility Division. City Administrator Johnson is bringing this agenda item directly to the Common Council.

Motion (Norton/Meehean) to approve the bid from James Peterson Sons, Inc. – Utility Division. Carried 8-0 on roll call vote.

1405230 Placing Committee Reports on file

Motion (Sukow/Peterson) to place the following committee reports on file: Housing Authority, Committee of the Whole, Parks and Recreation Commission, Board of Public Works, Health and Safety Committee, Water and Sewage Disposal Committee, City Plan Commission, Transit Commission, Library Board, Enrichment Center Committee on Aging, Airport Commission, Tourism Commission and Board of Canvass. Carried.

1405240 Mayor's Appointments

Eugene Simon, Diane Goetsch, Missy Holdorf, Art Lersch and Mary Ball, to the Committee on Aging, all terms to expire May 1st, 2015

Motion (Sukow/Burgener) to approve the appointments. Carried.

1405250 **ORDINANCE NO. 2014-08**

Motion (Burgener/Sukow) to suspend the rules and read all ordinances at this meeting by title only. Carried.

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTIONS 26-21, 26-22 (E)(1), TO ADD BOWHUNTING AND FOR CLARIFICATIONS AND UPDATING

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTIONS 26-21, 26-22 (E)(1), TO ADD BOWHUNTING AND FOR CLARIFICATIONS AND UPDATING

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTIONS 26-21, 26-22 (E)(1), TO ADD BOWHUNTING AND FOR CLARIFICATIONS AND UPDATING

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

1405251 **ORDINANCE NO. 2014-09**

AN ORDINANCE AMENDING CHAPTER 8 TO ADD PAWN SHOPS

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 8 TO ADD PAWN SHOPS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 8 TO ADD PAWN SHOPS

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

1405252 ORDINANCE NO. 2014-10

AN ORDINANCE AMENDING CHAPTER 16, FEES, RATES AND DEPOSITS CUSTOMARILY USED, TO ADD PAWN SHOP FEES

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 16, FEES, RATES AND DEPOSITS CUSTOMARILY USED, TO ADD PAWN SHOP FEES

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 16, FEES, RATES AND DEPOSITS CUSTOMARILY USED, TO ADD PAWN SHOP FEES

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

1405253 ORDINANCE NO. 2014-11

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, DIVISION 2, SECTION 38-40 TO ADD FIRE PROTECTION FEE TO THE FEE SCHEDULE

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, DIVISION 2, SECTION 38-40 TO ADD FIRE PROTECTION FEE TO THE FEE SCHEDULE

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, DIVISION 2, SECTION 38-40 TO ADD FIRE PROTECTION FEE TO THE FEE SCHEDULE

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

1405254 ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, DIVISION 2, SECTION 38-51 – REMOTE READING REGISTERS; MR-1

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, DIVISION 2, SECTION 38-51 – REMOTE READING REGISTERS; MR-1

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, DIVISION 2, SECTION 38-51 – REMOTE READING REGISTERS; MR-1

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

1405255 ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-283 TO CHANGE THE FLUORIDE PARTS INTRODUCED INTO THE WATER SUPPLY SYSTEM

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-283 TO CHANGE THE FLUORIDE PARTS INTRODUCED INTO THE WATER SUPPLY SYSTEM

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-283 TO CHANGE THE FLUORIDE PARTS INTRODUCED INTO THE WATER SUPPLY SYSTEM

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

1405256 ORDINANCE NO. 2014-14

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-284(B) TO ELIMINATE REFERENCE TO GALVANIZED STEEL AND OTHER SUBSTANDARD PIPING

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-284(B) TO ELIMINATE REFERENCE TO GALVANIZED STEEL AND OTHER SUBSTANDARD PIPING

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 38, ARTICLE IV, SECTION 38-284(B) TO ELIMINATE REFERENCE TO GALVANIZED STEEL AND OTHER SUBSTANDARD PIPING

Motion (Norton/Meehean) to adopt. Carried 8-0 on roll call vote.

1405257 ORDINANCE NO. 2014-15

AN ORDINANCE AMENDING CHAPTER 16, SECTION 1 TO UPDATE FEE SCHEDULES FOR CHAPTER 38 – UTILITIES

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 16, SECTION 1 TO UPDATE FEE SCHEDULES FOR CHAPTER 38 – UTILITIES

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 16, SECTION 1 TO UPDATE FEE SCHEDULES FOR CHAPTER 38 – UTILITIES

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

1405258 ORDINANCE NO. 2014-16

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, SECTION 80 TO INCREASE SALARY – PRESIDENT OF THE COUNCIL

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

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, SECTION 80 TO INCREASE SALARY – PRESIDENT OF THE COUNCIL

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 2,
ARTICLE IV, SECTION 80 TO INCREASE SALARY – PRESIDENT OF
THE COUNCIL

Motion (Sukow/Lokemoen) to adopt. Carried 7-0 on roll call vote.
Abstaining – Alderman Burgener.

1405259 ORDINANCE NO. 2014-17

AN ORDINANCE AMENDING DISTRICT ZONING MAP OF THE CITY
OF MERRILL, WISCONSIN FOR PROPERTY LOCATED AT 1905 E.
14TH STREET, TO REZONE FROM INDUSTRIAL TO THOROUGHFARE
COMMERCIAL

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

SECOND READING OF AN ORDINANCE AMENDING DISTRICT
ZONING MAP OF THE CITY OF MERRILL, WISCONSIN FOR
PROPERTY LOCATED AT 1905 E. 14TH STREET, TO REZONE FROM
INDUSTRIAL TO THOROUGHFARE COMMERCIAL

THIRD READING OF AN ORDINANCE AMENDING DISTRICT ZONING
MAP OF THE CITY OF MERRILL, WISCONSIN FOR PROPERTY
LOCATED AT 1905 E. 14TH STREET, TO REZONE FROM INDUSTRIAL
TO THOROUGHFARE COMMERCIAL

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

1405261 RESOLUTION NO.

**A RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT BY
AND BETWEEN THE CITY OF MERRILL, WISCONSIN AND PINE
RIDGE RESTAURANT, LLC**

WHEREAS, the Common Council of the City of Merrill created Tax
Increment District (TID) No. 7 and Redevelopment Area No. 3 on August
11, 2009; and,

WHEREAS, Pine Ridge Restaurant, LLC is constructing a commercial
development on property located within TID No. 7 and Redevelopment
Area No. 3; and,

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

WHEREAS, the City and Pine Ridge Restaurant, LLC, have negotiated the development agreement to provide an incentive payment to facilitate the commercial development;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Pine Ridge Restaurant, LLC, and to facilitate the implementation thereof.

Motion (Meehean/Sukow) to refer to the Redevelopment Authority.
Carried.

1405260 RESOLUTION NO. 2363

A RESOLUTION ESTABLISHING A VISION AND A MISSION STATEMENT FOR CITY GOVERNMENT

WHEREAS, the Committee of the Whole met on various dates to establish vision and mission statements for the City of Merrill, and;

WHEREAS, it was agreed that the Vision and Mission Statements for City Government would be as follows:

Vision Statement for City Government

“We, the employees and officials of the City of Merrill, envision superior services while being open, responsible, and transparent to the public”.

Mission Statement for City Government

“The mission of the City of Merrill government is to provide high quality services in an innovative, consistent, and efficient manner.”

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that the above Vision and Mission Statements are hereby adopted.

Motion (Burgener/Sukow) to adopt. Carried.

1405261 RESOLUTION NO. 2364**A RESOLUTION AUTHORIZING THE VACATION OF A PART OF WATER STREET**

WHEREAS, 1211 Water Street LLC has requested the vacation of a portion of Water Street in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on January 22, 2014 and the City Plan Commission on February 4, 2014 have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that the following described street be vacated:

A part of the Government Lot Nine (9) of Section Ten (10) and a part of Government Lot Two (2) of Section Fifteen (15) all located in Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin; more particularly described as follows:

All that part of Water Street lying West of a line between the Southeast corner of Lot Six (6), Block Two (2), and the Northeast corner of Lot Fourteen (14), Block Three (3) all in the Riverview Addition Subdivision of the Merrill Woodenware Co., and lying East of the East right of way of Foster Street.

The City of Merrill reserves an easement for construction and maintenance purposes related to utilities serving the public currently located in, on, or around the vacated area.

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

Motion (Schwartzman/Sukow) to adopt. Carried.

1405262 RESOLUTION NO. 2365**A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPERTY FROM DEVELOPMENT AND LEASING CORPORATION**

WHEREAS, Development and Leasing Corporation (“D&L”) is the owner of a tract of land consisting of approximately 15 acres along the Wisconsin River bordered by Kyes Street, Cooper Street and Logan Avenue, and;

WHEREAS, D&L desires to donate said property to the River District Development Foundation, with the City of Merrill assuming ownership;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014:

1. The City of Merrill accepts title, through the River District Development Foundation, to the D&L property.
2. An agreed upon portion of said property shall be designated for trail and public use, and the City shall facilitate rezoning the property for such use.
3. The remainder of the property shall be redeveloped and sold by the Redevelopment Authority of the City of Merrill (“RDA”). Proceeds from such sale shall be reserved for trail development and maintenance.
4. It is anticipated that \$12,000 per year revenue shall be realized from a cell tower located on the property. Until such time that the property is sold and returned to the tax rolls, revenue from any cell tower lease shall be divided equally between the City and the River District Development Foundation. Upon transfer of the property to a taxable third party, cell tower revenue will be dedicated, in its entirety, to trail maintenance.

Motion (Sukow/Burgener) to adopt. Carried.

1405263 RESOLUTION NO.

A RESOLUTION SETTING FORTH AND AUTHORIZING LOAN REPAYMENT PROVISIONS PERTAINING TO THE “ZASTROW DEVELOPMENT” AND “201 SOUTH PROSPECT STREET” PROPERTY

WHEREAS, The City of Merrill (“City”) is indebted to Merrill Area Development Corporation (“MADC”) for a development incentive provided by the City to facilitate land acquisition and infrastructure for the Zastrow Distribution facility, and;

WHEREAS, the City desires to pay off the balance of that indebtedness and satisfy all obligations stemming from the Development Agreement related thereto, and;

WHEREAS, MADC is indebted to the City in the amount of \$200,000, such indebtedness stemming from a Development Agreement related to the project at 201 S. Prospect Street, and the City desires that such indebtedness be repaid to the City, making funds available for other projects in the City of Merrill;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that the City of Merrill shall pay the sums due and owing to MADC on the Zastrow project and MADC shall pay \$200,000 to the City of Merrill.

Motion (Norton/Sukow) to refer to the June Common Council meeting.
Carried.

1405264 RESOLUTION NO. 2366

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PORTION OF THE BUILDING TO BE USED FOR A CHURCH AT 1905 E. 14TH STREET IN MERRILL, WISCONSIN

WHEREAS, Fox Point Partners, LLC has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV for the purpose of using a portion of the building as a church on the following described property:

Part of Assessor's Plat No. 193 located in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) Section Twelve (12) Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin a/k/a Lots One (1) and Two (2) of Certified Survey Map 426; and,

WHEREAS, the City Plan Commission held a hearing on the application on May 6, 2014 due public notice having been given and opportunity given to those interested to speak on the application; and,

WHEREAS, The City Plan Commission has reviewed the Application, found that it does meet the requirements of Merrill Zoning Code Chapter 113, Article IV and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that a conditional use permit shall be issued to Fox Point Partners LLC for the purpose of using a portion of the building as a church.

Motion (Schwartzman/Peterson) to adopt. Carried.

Mayor Bialecki requested that he be allowed to change the order that agenda items are considered, and that agenda item #1405266 be considered next. Without objection, it was so ordered.

1405266 RESOLUTION NO. 2367

A RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF WISCONSIN 4-H YOUTH DEVELOPMENT

WHEREAS, Thomas L. Bewick was appointed Wisconsin's first State Leader of Boys and Girls 4-H Club with the Cooperative Extension Service in July 1914, and organized the first 4-H Club under the Cooperative Extension Service in Walworth County in October, 1914; and,

WHEREAS, 2014 marks the 100th anniversary of this unique partnership between the counties of the state, the University of Wisconsin-Extension and Wisconsin 4-H Youth Development; and,

WHEREAS, this partnership of University of Wisconsin campuses, the University of Wisconsin-Extension and county-based 4-H Youth Development programs embodies the true meaning of the "Wisconsin Idea" – that the resources of the University shall be extended to the people of the State where they live and work; and,

WHEREAS the vitality of today's Wisconsin 4-H Youth Development programs as well as 4-H's national reputation as the largest out-of-school educational organization can be credited to the men and women of vision who accepted the challenge in 1914 to help grow 100 years of Wisconsin leaders;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that it commends Wisconsin 4-H Youth Development and its local 4-H Youth Development Extension educators for their leadership, cooperation and support, which allows the youth and families of the City of Merrill, Lincoln County, and all of Wisconsin to apply the research and knowledge of the University of Wisconsin to their lives, homes and communities and help build strong leaders for tomorrow.

BE IT FURTHER RESOLVED, that the Common Council of the City of Merrill encourages its members to work collaboratively with their local 4-H Youth Development educators and University of Wisconsin-Extension team to commemorate and celebrate the 100-year anniversary of Wisconsin 4-H Youth Development.

Motion (Sukow/Schwartzman) to adopt. Carried.

1405265 RESOLUTION NO. 2368

A RESOLUTION AFFIRMING SUPPORT FOR THE NORTHCENTRAL TECHNICAL COLLEGE AND THE PUBLIC SAFETY TRAINING FACILITY IN MERRILL, WISCONSIN

WHEREAS, Northcentral Technical College has, for many years, operated a Public Safety Training Facility located at 1603 Champagne Street in the City of Merrill; and,

WHEREAS, the participants benefitting from the training offered there are better equipped to protect the people and communities they serve; and,

WHEREAS, the facility and the training, education, and safety instruction courses offered there have enhanced the safety, vitality, and quality of life of the communities served by Northcentral Technical College, including the City of Merrill; and,

WHEREAS, it is appropriate that the City of Merrill express its support for and confidence in the continued success of the Northcentral Technical College Public Safety Training Facility, because of the many present and future benefits it provides to the City of Merrill and surrounding communities;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that the Common Council of the City of Merrill hereby affirms its support of and best wishes for the continued success of Northcentral Technical College and the Public Safety Training Facility.

Motion (Norton/Burgener) to refer to a June Committee of the Whole meeting. Roll call vote resulted in a 4-4 tie. Voting No – Alderman Schwartzman, Alderwoman Peterson, Alderman Sukow and Alderman Meehean. Mayor Bialecki broke the tie by voting No. Therefore, the motion to refer failed.

Motion (Meehean/Schwartzman) to adopt. Motion carried 6-2 on roll call vote. Voting No – Alderman Malm and Alderman Burgener.

1405267 RESOLUTION NO. 2369**A RESOLUTION HONORING MERLE “JIM” SHERIDAN FOR HIS EXTENDED SERVICE AND GREAT CONTRIBUTION TO THE CITY OF MERRILL**

WHEREAS, Jim Sheridan, with great distinction, served as an Municipal Judge for the City of Merrill since May 1, 1997 to April 30, 2014; and,

WHEREAS, the personal commitment and unselfish dedication Jim Sheridan has put forth has contributed greatly to the growth, progress and stability of the City of Merrill; and,

WHEREAS, the City of Merrill offers a solid and stable community environment for all of its citizens in part because of Jim Sheridan’s dedicated service; and,

WHEREAS, Jim Sheridan’s cheerful manner and hard work will be missed at the Merrill City Hall;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 13th day of May, 2014, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Jim Sheridan has given to the City of Merrill and commend him for those years of service.

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

1405270 Mayor’s Communications

Mayor Bialecki reminded everyone that Memorial Day will be observed on Monday, May 26th. He urged everyone to take time to remember and honor those who have served in the military, particularly those who have made the supreme sacrifice.

At the request of Mayor Bialecki, Police Chief Neff provided an update on K-9 Eros, the new canine in the Police Department. On his first shift, Eros successfully detected an illegal substance during a traffic stop.

1405280 Public Comment Period

Mayor Bialecki stated that he would probably be forming an ad-hoc committee to address the noise issue at the NTC Public Safety Center of Excellence.

Paul Proulx, 1105 Jefferson Street, Chairperson of the NTC Board of Trustees, distributed a list of “talking points” and then spoke in support of the NTC Public Safety Center of Excellence. The talking points included the following:

- NTC has fulfilled their commitment to address the concerns
- Noise study found that the facility is in compliance with noise ordinances
- NTC has met with City staff to discuss the issue
- Planting of trees as a noise barrier is pending
- NTC’s police cars have been modified to reduce noise
- Noise is intermittent, not constant
- Facility is used to train people from throughout the state and Midwest
- Facility is being used more and more, with several large groups scheduled to use the facility in the near future

Steve Hass, 702 East Sixth Street, spoke in favor of the NTC Public Safety Center of Excellence and noted that NTC has taken steps to address the noise issue.

Michael Caylor Jr., 409 Scott Street, cited the City Administrative Procedure Manual, specifically the section that stipulates who is allowed to submit agenda items directly to Common Council meetings without consideration by a subunit. He added that it is occasionally difficult to hear speakers during Common Council meetings, particularly if the speaker does not utilize their microphone properly.

Lincoln County Economic Development Director Susan Ryman spoke in favor of the NTC facility. She emphasized the positive economic impact the NTC facility and its visitors have on the Merrill area. She added that she had been asked to speak on behalf of Lincoln County Board Chairperson Robert Lussow, who also supports the NTC facility.

Merrill Chamber of Commerce CEO Debbie Kinsey, 700 West Main Street, spoke in favor of the NTC facility. She stated that several businesses have expressed concerns regarding the potential negative economic impact to them if training at the NTC facility is reduced or discontinued.

Garth Swanson, 1401 Highland Drive, the Lincoln County Board representative for many of the residents living near the NTC facility, stated that obviously some residents are bothered by the noise at the NTC facility.

Mr. Swanson then stated that a great deal of information regarding NTC was provided at the meeting, he did not hear much about the loyal taxpayers. He stated that he supports NTC and the facility, but also wants the noise concerns to be addressed and hopefully resolved. He stated he was pleased to hear that an ad-hoc committee will probably be formed to address the issue.

Paul Proulx stated the he lives as close to the facility as anyone, but that to him the noise from the NTC facility is not irritating or continuous.

Gene Bebel, 607 Cedar Street, stated that it appears all in attendance, including himself, support NTC, but that the noise concerns appear genuine.

Bill Fehrmann, 1305 Champagne Street, stated that, in his opinion, misinformation related to the NTC facility was presented earlier. He urged the Common Council to consider facts, not opinions, and to not make decisions based on what he considers scare tactics. He stated his opinion that forming an ad-hoc committee is critical to addressing the issue.

Alderman Norton issued a reminder that May is Bicycle Safety Month. He urged everyone to use caution and be alert for bicyclists.

Alderman Malm stated that he did not hear anyone speak against NTC. He stated that, in his opinion, the structure of the resolution supporting the NTC facility resulted in a "no-win" situation for Common Council members and also put the community at risk.

Alderman Sukow, current Health and Safety Committee Chairperson, observed that he has served on that committee for nine years. He supports NTC, and added the vast majority of Merrill residents do as well. However, he recognizes that the noise from the facility is a problem for some residents. He speculated that, although there are methods to reduce the noise level, the noise will never disappear completely.

Alderman Sukow then stated that he wished that NTC would have spent money on planting trees rather than spending it on a noise study. In his opinion, NTC has not fulfilled some of the promises they made to reduce the noise.

Bill Fehrmann stated that, in his opinion, a noise buffer of trees would not reduce the noise at the NTC facility significantly. He expressed his hope that a compromise on this issue can be reached.

Alderman Burgener stated that he supports NTC and their training facility, but cannot support excessive noise. He reported that the resolution related to the NTC facility, adopted earlier in the meeting, was not the same resolution he was given the previous week. He expressed confidence that an ad-hoc committee could produce solution(s) to this issue.

1405999 Motion (Burgener/Sukow) to adjourn. Carried. Adjourned at 8:59 P.M.

William R. Bialecki
Mayor

William N. Heideman, CMC, WCMC
City Clerk

I, William N. Heideman, City Clerk of the City of Merrill, Wisconsin, do hereby certify that the Mayor approved the above action of the Common Council on May 16th, 2014.

William N. Heideman, CMC, WCMC
City Clerk