

September 9<sup>th</sup>, 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.

**140910** Invocation by Pastor William Hohman, New Testament Church

**140915** Pledge of Allegiance

**140920** 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: 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, Enrichment Center Director Tammie Mrachek, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl and Park and Recreation Director Dan Wendorf. City Hall Maintenance Supervisor Ramona Vanderkam had an excused absence.

**140925** Public Comment Period

None.

**140930** Minutes of August Meeting

Motion (Burgener/Peterson) to dispense with the reading of the minutes of the August 13<sup>th</sup>, 2014 Common Council meeting and approve them as published. Carried.

**140940** Revenue and Expense Report – August 2014

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

**140960** Communications and Petitions

**140961** Employee Recognition

City Clerk Heideman read a certificate of recognition for the following City employee: Christopher C. Marion, 20 years of service.

**140990** Committee of the Whole

**140991** The Committee recommends approving the proposal and professional services agreement with HydroDesigns Inc. for cross-connection control services. The monthly City cost would be \$1,340, for a total of \$80,400 for the five-year duration of the agreement. Prior to the agreement being approved, the funding source to pay for the agreement is to be determined and documented.

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

**140992** Consider 2015 budget meetings schedule

City Administrator Johnson reported that there has been discussion of reverting back to holding an “all day” budget session to discuss the 2015 budget. Although such a meeting was formerly held annually during budget preparation, the “all-day” format was eliminated some years ago.

After discussion, the Common Council seemed to favor a return to the “all-day” format. Based on that, a Committee of the Whole budget session was scheduled for Thursday, October 16<sup>th</sup>, 2014. It will be held in the Common Council Chambers at City Hall and will begin at 8:00 A.M.

**1409120** Board of Public Works

**1409121** The Board recommends accepting a \$15,000 donation from the Bierman Family Foundation to be used for installing new welcome signs at the east and west entrances to the City.

Motion (Schwartzman/Norton) to adopt. Carried.

**1409140** Personnel and Finance Committee

**1409141** The Committee recommends authorizing the disposition, by sale “as is”, of the “old” Wastewater Treatment Plant emergency generator and the “old” Building Inspection truck. The sale of the truck is contingent upon verification that no City department is interested in potential use of the vehicle.

It was announced that the Parks and Recreation Department is interested in taking possession of the truck.

Motion (Schwartzman/Meehean) to authorize the sale of the generator only. Carried.

**1409230** Placing Committee Reports on file

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

**1409250** **ORDINANCE NO. 2014-22**

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II, SECTION 4-31(A) TO INCLUDE PAYMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY TAXES AS A PERQUISITE FOR LIQUOR LICENSE APPROVALS AND RENEWALS

Motion (Sukow/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 4, ARTICLE II, SECTION 4-31(A) TO INCLUDE PAYMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY TAXES AS A PERQUISITE FOR LIQUOR LICENSE APPROVALS AND RENEWALS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II, SECTION 4-31(A) TO INCLUDE PAYMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY TAXES AS A PERQUISITE FOR LIQUOR LICENSE APPROVALS AND RENEWALS

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

**1409250** **ORDINANCE NO. 2014-C1**

City Attorney Hayden requested that he be allowed to give the ordinance a first reading by title only, with a synopsis to follow. Without objection, it was so ordered.

A CHARTER ORDINANCE ESTABLISHING A NEW DEBT MANAGEMENT POLICY FOR THE CITY OF MERRILL, ELIMINATING THE CLAUSE THAT SETS THE CITY'S LEGAL DEBT LIMIT AT 70% OF THE STATE-IMPOSED LEGAL DEBT LIMIT

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 A CHARTER ORDINANCE ESTABLISHING A NEW DEBT MANAGEMENT POLICY FOR THE CITY OF MERRILL, ELIMINATING THE CLAUSE THAT SETS THE CITY'S LEGAL DEBT LIMIT AT 70% OF THE STATE-IMPOSED LEGAL DEBT LIMIT

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

**1409260 RESOLUTION NO. 2384**

**A RESOLUTION APPROVING THE CITY OF MERRILL STRATEGIC PLAN**

WHEREAS, the Merrill Common Council, with the assistance of the University of Wisconsin Extension and Associate Professor Art Lersch, has prepared and reviewed a Strategic Plan for the City of Merrill, as attached hereto; and,

WHEREAS, the Common Council has received input from the Community at large through several meetings and discussions; and,

WHEREAS, the Common Council believes that the City of Merrill Strategic Plan as presented is and can be of great benefit to the City of Merrill;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September, 2014 that it adopts the City of Merrill Strategic Plan and the recommendations and findings set forth therein.

Motion (Sukow/Burgener) to adopt. Carried.

**1409261 RESOLUTION NO. 2385****A RESOLUTION DEFERRING THE REMAINING REPAYMENT OF AN 2004 ADVANCE FROM THE CITY OF MERRILL'S LANDFILL REMEDIATION FUND BY THE CITY OF MERRILL'S GENERAL FUND**

WHEREAS, Merrill Common Council Resolution No. 1855, adopted on January 13<sup>th</sup>, 2004, authorized a \$325,000.00 advance from the Landfill Remediation Fund for prepayment of the City's Unfunded Pension Liability to the State of Wisconsin; and

WHEREAS, borrowing related to the construction of a new fire station in 2013 has resulted in an increase to the City of Merrill tax-levy supported debt service through 2021; and

WHEREAS, the Common Council's objective is to minimize property tax increases and this advance is an internal City accounting mechanism;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September, 2014, that the Common Council does hereby authorize deferring the \$269,449.65 remaining advance balance without interest until 2021 when the City's debt service payment decreases.

Motion (Schwartzman/Meehean) to adopt. Carried.

**1409262 RESOLUTION NO. 2386****A RESOLUTION AUTHORIZING THE DEDICATION OF A PART OF EAST TENTH STREET, CITY OF MERRILL**

WHEREAS, the City of Merrill has requested the property described herein be dedicated for a street in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on August 27, 2014, and the City Plan Commission on September 2, 2014, have recommended that parcel described be dedicated as a street;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September 2014, that the following described property be dedicated for street purposes:

A part of a parcel of land described in Document Number 484974, also known as Assessors Plat Number 706.1, located in the Northeast ¼ of the Northwest ¼ of Section Twelve (12), Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin; more particularly described as follows:

The South 33.00 feet of said parcel of land described in Document Number 484974.

Said Parcel is subject to all easements, reservations and restrictions of record.

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.

Motion (Schwartzman/Peterson) to adopt. Carried.

**1409263 RESOLUTION NO. 2387**

**A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MERRILL, WISCONSIN AND CLARK CUP-N-CONE, LLC**

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 on September 13, 2005 and amended the area on July 11, 2006 and October 4, 2013; and,

WHEREAS, Clark Cup N Cone, LLC purchased and is improving the building located at 2802 East Main Street within TID No. 3: 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, several new jobs will be created and additional tax base generated, and,

WHEREAS, Clark Cup-N-Cone, LLC has negotiated the development agreement to provide an incentive payment not to exceed \$10,000 to facilitate business expansion and building improvements;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September, 2014, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Clark Cup-N-Cone, LLC and to facilitate the implementation thereof.

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

**1409264 RESOLUTION NO. 2388**

**A RESOLUTION AUTHORIZING THE AIRPORT COMMISSION TO ENTER INTO A LEASE AND CONTRACTING FOR AIRPORT MANAGER AND FIXED BASED OPERATOR SERVICES WITH MERRILL AVIATION SERVICES, CORPORATION BEGINNING SEPTEMBER 15, 2014**

WHEREAS, the current agreement for Airport Management and Fixed Based Operator Services will terminate September 14, 2014; and,

WHEREAS, a lease and contract for Airport Manager and Fixed Based Operator Services have been agreed upon with Merrill Aviation Services, Corp. beginning September 15, 2014 and ending September 14, 2019; and,

WHEREAS, the Airport Commission has approved the Lease and Contract at their meeting held on September 2, 2014.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September, 2014, that the Airport Commission is authorized to enter into a lease and contracting for Airport Manager and Fixed Based Operator Services with Merrill Aviation Services, Corp. beginning September 15, 2014 and ending September 14, 2019.

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

Mayor Bialecki called on Airport Commission Chairperson Gary Schwartz, who introduced David Koch, the new Airport Manager/Fixed Base Operator (FBO).

David Koch addressed the Common Council.

**1409265 RESOLUTION NO. 2389****A RESOLUTION HONORING ROBERT A. AKEY, JR. FOR HIS EXTENDED SERVICE AND GREAT CONTRIBUTION TO THE CITY OF MERRILL**

WHEREAS, the City of Merrill offers a solid stable community environment for all of its citizens; and,

WHEREAS, the City of Merrill has a strong foundation on which to expand, progress, and develop towards an even better community; and,

WHEREAS, Robert A. Akey, Jr. has served in the Police Department from November, 1978 to May, 1984 and various positions in the Fire Department from January, 1987 to August, 2014; and,

WHEREAS, the personal commitment and unselfish dedication Robert A. Akey, Jr. has put forth has contributed greatly to the growth, progress and stability of the City of Merrill; and,

WHEREAS, the City of Merrill offers a solid stable community environment for all of its citizens in part because of Robert A. Akey, Jr.'s dedicated service; and,

WHEREAS, Robert A. Akey, Jr.'s cheerful manner and hard work will be missed at the City of Merrill Fire Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September, 2014, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Robert A. Akey, Jr. has given to the City of Merrill and commends him for those years of service.

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

**1409266 RESOLUTION NO. 2390****A RESOLUTION HONORING JANE A. DEAU FOR HER EXTENDED SERVICE AND GREAT CONTRIBUTION TO THE CITY OF MERRILL**

WHEREAS, the City of Merrill offers a solid stable community environment for all of its citizens; and,

WHEREAS, the City of Merrill has a strong foundation on which to expand, progress, and develop towards an even better community; and,

WHEREAS, Jane A. Deau has served as Director in the Senior Center, now known as the Merrill Area Community Enrichment Center from January, 1987 to August, 2014; and,

WHEREAS, the personal commitment and unselfish dedication Jane A. Deau has put forth has contributed greatly to the growth, progress and stability of the City of Merrill; and,

WHEREAS, the City of Merrill offers a solid stable community environment for all of its citizens in part because of Jane A. Deau's dedicated service; and,

WHEREAS, Jane A. Deau's cheerful manner and hard work will be missed at the Merrill Area Community Enrichment Center;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of September, 2014, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Jane A. Deau has given to the City of Merrill and commends her for those years of service.

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

**1409270** Mayor's Communications

Mayor Bialecki congratulated David Koch on being selected as the new Airport Manager/FBO. He also thanked John Miller for his years of service as Airport Manager/FBO.

Mayor Bialecki then introduced Tammie Mrachek, the new Enrichment Center Director.

Tammie Mrachek addressed the Common Council.

**1409999** Motion (Burgener/Peterson) to adjourn. Carried. Adjourned at 7:37 P.M.

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William R. Bialecki  
Mayor

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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 September 11<sup>th</sup>, 2014.

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William N. Heideman, CMC, WCMC  
City Clerk