

1412160

**City of Merrill  
City Plan Commission  
Tuesday, December 2, 2014 at 5:45 P.M.  
City Hall Common Council Chambers, 1004 East First Street**

Voting members present: Mayor Bill Bialecki (Chairperson), Melissa Schroeder, Ken Maule, Alderman Peter Lokemoen (arr. 5:53), Mike Willman and Steve Hass.

Other attendees included: City Administrator Dave Johnson, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Alderman Ryan Schwartzman, Alderman John Burgener, Alderman Dave Sukow, Alderwoman Kandy Peterson, Alderman Chris Malm, Allan Diels, Karen Diels, Sharon Burgener, Dorothy Bahlow, Barb Borchardt, Phil Borchardt, Mary Ann Zastrow, Helen Frederick, Tammy Gruling, Jim Hostvedt, Pete Fry, Jill Fry, Julie Weber, Cecil Ballou, David Mootz, Shirley Jean Mootz, Kathy Martens, Richard Martens, Karen Schram, Jeffrey Schram, Cindy Hanig, Kraig Hanig, Mary Baumann, Ken Sturm, Betty Hulke, Joanna O'Malley, Bill O'Malley, Kazuko Buckett, Patrick Buckett, Jeremy Ratliff (arr. 5:48) and City Clerk Bill Heideman.

**Call to order**

Mayor Bialecki called the meeting to order at 5:47 P.M.

**Public Comment**

None.

**Minutes of November 3<sup>rd</sup>, 2014 meeting**

The minutes were in the meeting packet.

Motion (Hass/Schroeder) to approve, as presented, the minutes of the November 3<sup>rd</sup>, 2014 City Plan Commission meeting. Carried.

**Discuss proposal for Comprehensive Plan update from NCWRPC**

The City Comprehensive Plan currently in effect is from 2007. Every seven years, a Comprehensive Plan is to be reviewed and updated.

With that in mind, North Central Wisconsin Regional Planning Commission (NCWRCP) has submitted a proposal to update the 2007 Comprehensive Plan, at a cost of \$20,000. A copy of the proposal was in the meeting packet.

Steve Hass raised the question of whether some of the work could be done by the City Administrator. He also suggested that perhaps some of the work could be done by the person currently responsible for the City Geographic Information System (GIS).

Motion (Hass/Schroeder) to approve, as presented by North Central Wisconsin Regional Planning Commission, the 2007 Comprehensive Plan update proposal, at a cost of \$20,000. Carried.

City Attorney Hayden stated that, because the funds to pay for this are already budgeted, no Common Council action is necessary. However, it was agreed that the proposal should appear on the December 9<sup>th</sup>, 2014 Common Council meeting agenda and be included in the meeting packet, in order to keep both the Common Council and the public informed on this issue.

### **Recess**

At 5:53 P.M., Mayor Bialecki announced that a recess would be held until 6:00 P.M., the time of the scheduled public hearings.

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

### **Hearing #1 – Our Way: C.U.P. application: Adult Family Home @ 1104 Cottage St.**

Our Way, Inc. (Julie Weber) has submitted an application and paid the fee to request a Conditional Use Permit to open and operate an adult family home for the developmentally disabled at 1104 Cottage Street.

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

Motion (Hass/Lokemoen) to open the first public hearing. Carried.

City Attorney Hayden reported that he has been asked to comment on both Conditional Use Permit applications. He stated that, according to Wisconsin State Statutes, a Conditional Use Permit is not required for this type of facility. However, he has advised City officials to consider the use of a Conditional Use Permit for these two applications.

Julie Weber spoke in favor of the application.

Alderman Burgener, 1103 Cottage Street, spoke in opposition to the application.

Richard Martens, 1102 Cottage Street, spoke in opposition to the application. He submitted a petition signed by several residents in the neighborhood. The signees are opposed to the application. He also questioned whether approval of the application would exceed the statutory limit in that area for this type of facility.

To demonstrate the number of people in attendance opposed to the application, Dave Mootz, 800 West Saint Paul Street, asked those opposed to raise their hands.

Alderman Sukow, 1901 Webster Street, stated that there is an “Our Way” facility in his neighborhood. He reported that the facility is quiet and that he has no opposition to this type of facility.

Dave Mootz spoke in opposition to the application, stating that the neighborhood should remain comprised of single-family dwellings.

Kraig Hanig, 1301 North Cottage Street, stated that he lives in the neighborhood and has two small children. He spoke in opposition to the application.

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

Alderman Lokemoen raised the question on statutory limits on the number of these facilities in a certain area. He was told that a Conditional Use Permit would supersede those limits.

Motion (Lokemoen/Willman) to recommend approving the Conditional Use Permit. Carried.

A resolution on the Conditional Use Permit will be on the December 9<sup>th</sup>, 2014 Common Council meeting agenda.

### **Hearing #2 – Our Way: C.U.P. application for Adult Family Home @ 1305 Cedar St.**

Our Way, Inc. (Julie Weber) has submitted an application and paid the fee to request a Conditional Use Permit to open and operate an adult family home for the developmentally disabled at 1305 Cedar Street.

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

Cecil Ballou, 1300 Cedar Street, spoke in opposition to the application. He reported that, at one time, he operated a halfway house. He noted that the type of facility being considered is not a halfway house, but it is a business. He fears that neighborhood property values will decrease if the application is approved. He added that, if the application is approved, neighbors should be granted “tax breaks”.

Patrick Buckett, 1302A North Center Avenue, spoke in opposition to the application. He began by explaining that his background is in real estate. He stated that, when people purchase property, they also receive a group of rights, including the right to peaceable enjoyment of their property.

Mr. Buckett then stated that he has some suggestions for alternative sites for the facility. City Attorney Hayden and Mayor Bialecki responded that the hearing concerned only the proposed site on Cedar Street, so it would not be appropriate for Mr. Buckett to introduce alternative sites.

Mr. Buckett requested a copy of the Wisconsin State Statutes that City Attorney Hayden referenced earlier in the meeting. City Attorney Hayden responded that he would provide Mr. Buckett with a copy.

Mr. Buckett read and submitted a petition signed by several residents in the neighborhood. The residents are opposed to the application.

Mr. Buckett then reported that he has discussed this with a real estate expert from another community. They told Mr. Buckett that property values decrease in a neighborhood where a group home is opened. Mr. Buckett then suggested that to approve the application would result in "spot-zoning".

Julie Weber stated that the residents of the proposed facility have the same rights mentioned earlier by Mr. Buckett.

Ken Sturm, 1400 Cedar Street, spoke in opposition to the application. In his opinion, the neighbors are being "railroaded" and approving the application would result in decreased property values.

Dave Mootz suggested that whenever a group home is opened, neighborhood property values decrease.

Mary Ann Zastrow, 1303 Cedar Street, noted that it was reported earlier in the meeting that buses would be accessing the facility frequently. She has safety concerns that the driveway to the proposed facility is in close proximity to her property. She spoke in opposition to the application and suggested that there are alternative sites.

Barb Borchardt, 300 West Eighth Street, raised questions and concerns regarding staffing and parking at this type of facility.

Cecil Ballou suggested that property values will decrease if the application is granted, and he asked who would be required to make up the loss in tax revenue.

Patrick Buckett questioned the Our Way Inc. staffing/resident ratio.

Mary Baumann questioned whether this type of facility is allowed in an area zoned as Residential-1 (R-1). City Administrator Johnson responded that these types of group homes are allowed in areas zoned R-1.

Motion (Lokemoen/Schroeder) to add a requirement that fencing be installed between the proposed facility site and the Zastrow property (1303 Cedar Street), as a condition of the Conditional Use Permit. Carried.

Motion (Hass/Maule) to recommend approving the Conditional Use Permit, with the incorporation of the fencing requirement adopted in the previous motion.

Alderman Lokemoen stated that, in light of the opposition expressed by his continuants, he would be voting “No” on approving the Conditional Use Permit.

The motion to recommend approving the Conditional Use Permit carried.

A resolution on the Conditional Use Permit will be on the December 9<sup>th</sup>, 2014 Common Council meeting agenda.

**Next meeting**

Tuesday, January 6<sup>th</sup>, 2015 at 5:30 P.M.

**Adjournment**

Motion (Hass/Lokemoen) to adjourn. Carried. Adjourned at 6:58 P.M.

Minutes submitted by:

William N. Heideman, CMC, WCMC  
City Clerk