



CITY OF MERRILL
COMMON COUNCIL
MINUTES • TUESDAY MAY 10, 2016

Regular Meeting

City Hall Council Chambers

7:00 PM

1. Call to Order

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

Attendee Name	Title	Status	Arrived
Pete Lokemoen	Aldersperson - Second District	Present	
Ryan Schwartzman	Aldersperson - Third District	Present	
Kandy Peterson	Aldersperson - Fourth District	Present	
John Burgener	Aldersperson - Fifth District & President	Present	
Rob Norton	Aldersperson - Seventh District	Present	
Tim Meehean	Aldersperson - Eighth District	Present	
Mary Ball	Aldersperson - Sixth District	Present	
Paul Russell	Aldersperson - First District	Present	
Bill Bialecki	Mayor	Present	

Also in attendance: Public Works Director/City Engineer Rod Akey, Street Superintendent Dustin Bonack, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Administrator Dave Johnson, Enrichment Center Director Tammie Mrachek, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, Finance Director Kathy Unertl, Parks and Recreation Director Dan Wendorf, Firefighter/Paramedic Jon Leiskau and City Clerk Bill Heideman.

2. Invocation by Pastor Brad Main, Journey Church

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

None.

6. Minutes of previous Common Council meeting(s):

1. Minutes of April 12, 2016 meeting and April 19, 2016 meeting

Motion (Burgener/Ball) to approve.

RESULT:	APPROVED
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7. Revenue & Expense Reports(s):

1. Revenue and Expense Report for period ending April 30, 2016

Motion (Burgener/Russell) to approve.

RESULT: APPROVED

8. Board of Public Works:

1. Consider bid(s) for Prairie River water main replacement project. Mayor Bialecki is bringing these bids directly to the Common Council. The Engineering Department recommends accepting Merrill Gravel and Construction's bid of \$196,023.60.

Motion (Schwartzman/Meehean) to approve the bid of \$196,023.60 from Merrill Gravel and Construction.

RESULT: APPROVED

2. Consider bid(s) for Eugene Street improvements project. Mayor Bialecki is bringing these bids directly to the Common Council. The Engineering Department recommends accepting Merrill Gravel and Construction's bid of \$83,473.65.

Motion (Schwartzman/Burgener) to approve the bid of \$83,473.65 from Merrill Gravel and Construction.

RESULT: APPROVED

9. City Plan Commission:

1. Consider Site Plan from Lincoln County for shed at East Sixth Street and Memorial Drive. The City Plan Commission recommends approval.

Motion (Meehean/Norton) to approve.

RESULT: APPROVED

10. Committee of the Whole:

1. Consider recommendation(s) from May 10, 2016 Committee of the Whole meeting regarding bids for Streets Track Loader. The Public Works Department and the Committee of the Whole recommend accepting Fabick Cat's bid of \$111,767.00.

Motion (Schwartzman/Lokemoen) to approve the bid of \$117,767 from Fabick Cat.

RESULT: APPROVED

11. Community Development Committee:

1. Consider \$28,000 Economic Development loan to Kindhearted Home Care LLC, to purchase equipment. The loan would have a ten-year term and a 2% interest rate. The City would have a first lien on the equipment purchased. A Uniform Commercial Code (UCC) would be filed to perfect that lien. The Community Development Committee recommends approval.

Motion (Meehean/Ball) to approve.

RESULT: APPROVED

12. Health and Safety Committee:

1. Applications from Merrill Baseball Boosters for 24 temporary Class "B" picnic licenses to sell fermented malt beverages at Athletic Park during baseball games on the following dates in 2016: May 29th, June 8th, June 9th, June 12th, June 14th, June 15th, June 17th, June 20th, June 21st, June 22nd, June 23rd, June 28th, June 29th, June 30th, July 5th, July 6th, July 7th, July 8th, July 9th, July 10th, July 11th, July 13th, July 17th and July 24th. The Health and Safety Committee recommends approval.

Motion (Peterson/Russell) to approve.

RESULT: APPROVED

2. Application from the VFW Post 1638 for a temporary Class "B" picnic license to sell fermented malt beverages in a tent area at the Smith Multi Purpose Center at a Run-Ruck and Remember Memorial on May 28th, 2016. The Health and Safety Committee recommends approval.

Motion (Peterson/Norton) to approve.

RESULT: APPROVED

3. Application from the VFW Post 1638 for a temporary Class "B" picnic license to sell fermented malt beverages at the Merrill Festival Grounds at a Tractor Pull Event on July 9th, 2016. The Health and Safety Committee recommends approval.

Motion (Peterson/Schwartzman) to approve.

RESULT: APPROVED

4. Applications from the VFW Post 1638 for five temporary Class "B" picnic licenses to sell fermented malt beverages at the VFW Stand at the Merrill Festival Grounds during the Lincoln County Free Fair, July 20-July 24, 2016. The Health and Safety Committee recommends approval.

Motion (Peterson/Russell) to approve.

RESULT: APPROVED

5. Application from the VFW Post 1638 for a temporary Class "B" picnic license to sell fermented malt beverages at Kitchenette Park for the Lincoln County Veterans Council Picnic on August 14th, 2016. The Health and Safety Committee recommends approval.

Motion (Peterson/Burgener) to approve.

RESULT: APPROVED

6. Application from the VFW Post 1638 for a temporary Class "B" picnic license to sell fermented malt beverages at the Merrill Festival Grounds for the Labor Day Event on September 5th, 2016. The Health and Safety Committee recommends approval.

Motion (Peterson/Ball) to approve.

RESULT: APPROVED

13. Personnel and Finance Committee:

1. Merrill Festival Grounds Ground Lease Agreement The Personnel and Finance Committee recommends approving the one-year lease agreement.

Motion (Schwartzman/Meehean) to approve.

RESULT: APPROVED

14. Water and Sewage Disposal Committee:

1. Consider submitting 3% water rate increase request to the Public Service Commission. The Water and Sewage Disposal Committee recommends submitting the request.

Motion (Norton/Lokemoen) to approve.

RESULT: APPROVED

15. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Board of Canvass, Board of Public Works, City Plan Commission, Committee of the Whole, Community Development Committee, Health and Safety Committee, Joint Review Board, Parks and Recreation Commission, Personnel and Finance Committee, Redevelopment Authority, Transit Commission and Water and Sewage Disposal Committee.

Motion (Schwartzman/Burgener) to place on file.

RESULT: PLACED ON FILE

16. Ordinances:

1. Ordinance amending Chapter 2, Article IV, Section 2-81, to assign duties related to parking to the Board of Public Works.

ORDINANCE 2016-04

City Attorney Hayden gave the ordinance a first reading.

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

City Attorney Hayden gave the ordinance a second reading and a third reading.

Motion (Schwartzman/Meehean) to approve.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Lokemoen, Schwartzman, Peterson, Burgener, Norton, Meehean, Ball, Russell

2. Ordinance Amending Chapter 18, Article IV, Section 18-149, related to the determination and disposition of surplus City property.

ORDINANCE 2016-05

City Attorney Hayden gave the ordinance a first reading.

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

City Attorney Hayden gave the ordinance a second reading and a third reading.

Motion (Meehean/Burgener) to approve.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Lokemoen, Schwartzman, Peterson, Burgener, Norton, Meehean, Ball, Russell

3. Ordinance to rezone, from Rural Development to R-1 Single Family Residential, various parcels along Grand Avenue, Edgewater Drive, and Highland Drive.

ORDINANCE 2016-06

City Attorney Hayden gave the ordinance a first reading.

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

City Attorney Hayden gave the ordinance a second reading and a third reading.

Motion (Schwartzman/Peterson) to approve.

RESULT:	APPROVED [7 TO 1]
AYES:	Lokemoen, Schwartzman, Peterson, Burgener, Meehean, Ball, Russell
NAYS:	Norton

4. Ordinance to rezone, from Rural Development to Planned Unit Development, the parcel at 1501 Highway 107.

ORDINANCE 2016-07

City Attorney Hayden gave the ordinance a first reading.

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

City Attorney Hayden gave the ordinance a second reading and a third reading.

Motion (Schwartzman/Meehean) to approve.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Lokemoen, Schwartzman, Peterson, Burgener, Norton, Meehean, Ball, Russell

17. Resolutions:

1. Resolution approving a Manager Agreement for the Merrill Festival Grounds (Resolution #2458).

WHEREAS, the Merrill Festival Grounds provides a great opportunity to showcase the City of Merrill and the Lincoln County area with a multitude of events including fairs, shows, rodeos, agricultural exhibitions, and similar events; and

WHEREAS, it is necessary to insure proper scheduling, priorities, and efficient management of the Merrill Festival Grounds; and,

WHEREAS, the attached contract, with Richard Bjorklund, as Festival Grounds Manager is a means to the ends listed above;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of May, 2016, that the attached Merrill Festival Grounds Manager Agreement is hereby approved and ratified.

Motion (Norton/Burgener) to approve.

RESULT:	APPROVED
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2. Resolution approving a Certified Survey Map of Highway 107, Edgewater Drive and Highland Drive, requested by the City of Merrill (Resolution #2459).

WHEREAS, the City of Merrill has applied for approval of a division of land by certified survey map pursuant to Code of Ordinances Sections 111-116 for land located in Lot 1 of Certified Survey Map Number 1015 recorded in Volume 5, Page 80, of Lot 4 of Certified Survey Map Number 2467 recorded in Volume 14, Page 58, part of Lot I of Certified Survey Map Number 630 recorded in Volume 3, Page 139 and part of Lot I, Block 1 of Parkview Heights being part of the Northwest ¼ of the Northeast ¼ and part of Government Lot 4, Section 10, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin; and,

WHEREAS, the application was referred to the City Plan Commission which considered the proposed division, including planned adjusted property boundary lines at a meeting on May 3, 2016, as part of a request to rezone that parcel as a Planned Unit Development; and,

WHEREAS, the City Plan Commission has recommended approval of the land division by certified survey map, including dedication of a proposed road as established on the certified survey map;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of May, 2016, that the proposed certified survey map presented by the City of Merrill and prepared by Keith J. Walkowski, of Riverside Land Surveying LLC, involving land located in Lot 1 of Certified Survey Map Number 1015 recorded in Volume 5, Page 80, of Lot 4 of Certified Survey Map Number 2467 recorded in Volume 14, Page 58, part of Lot I of Certified Survey Map Number 630 recorded in Volume 3, Page 139 and part of Lot I, Block 1 of Parkview Heights being part of the Northwest ¼ of the Northeast ¼ and part of Government Lot 4, Section 10, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin is hereby approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to so certify the approval of this certified survey map and return the original to the applicant together with a certified copy of this resolution.

Motion (Schwartzman/Meehean) to approve.

RESULT: APPROVED

3. Resolution authorizing a Development Agreement by and between the City of Merrill, Wisconsin and TSI State Property LLC (Nelson's Power House) (Resolution #2460).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 8 on September 13, 2011 and amended the boundary and TIF Plan on September 24, 2013 and September 22, 2015; and,

WHEREAS, TSI State Property LLC proposes construction of two new commercial buildings at the corner of South State St. and Kinzel St., which is located within TID No. 8; and,

WHEREAS, the City of Merrill finds that the proposed redevelopment 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 serves a public purpose in accordance with State law; and,

WHEREAS, the City and TSI State Property LLC have negotiated the development agreement to provide an incentive payment not to exceed \$225,000 to facilitate the construction of these new commercial buildings;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of May, 2016, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and TSI State LLC and to facilitate the implementation thereof.

Motion (Schwartzman/Peterson) to approve.

RESULT: APPROVED

4. Resolution approving the project plan and establishing the boundaries for and the creation of Tax Incremental District No. 11, City of Merrill, Wisconsin (Resolution #2461).

WHEREAS, the City of Merrill (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 11 (the "District") is proposed to be created by the City as a mixed-use district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Lincoln County, the Merrill Area School District, and the Northcentral Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Redevelopment Authority, on April 26, 2016 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Redevelopment Authority designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of May, 2016, that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 11, City of Merrill", are hereby established as specified in Exhibit A of this Resolution.
2. The District is created effective as of January 1, 2016.
3. The Common Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is suitable for a combination of industrial, commercial and residential uses, defined as "mixed-use development" within the meaning of Wisconsin Statutes Section 66.1105(2)(cm).
 - (b) Based upon the findings, as stated in 3.a. above, the District is declared to be a mixed-use district based on the identification and classification of the property included within the District.
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
 - (e) The City estimates that approximately 1.9% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
 - (f) The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created.
 - (g) Lands proposed for newly platted residential development comprise no more than 35% of the real property area within the District.
 - (h) Costs related to newly platted residential development may be incurred based on the proposed development having a density of at least 3 units per acre as defined in Wisconsin Statutes Section 66.1105(2)(f)3.a.
4. The Project Plan for "Tax Incremental District No. 11, City of Merrill" (attached as Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2016, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Motion (Schwartzman/Meehean) to approve.

RESULT:	APPROVED
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18. Mayor's Communications

In light of Memorial Day upcoming, Mayor Bialecki urged everyone to remember those who have served our country, especially those who made the supreme sacrifice. He urged all to attend the Memorial Day observance in Merrill.

The Bierman Family Aquatic Center is scheduled to open June 11th.

Governor Scott Walker is scheduled to be in Merrill on May 26th. His visit will include a listening session, which will probably be held at the Lincoln County Service Center.

Mayor Bialecki congratulated the Merrill Housing Authority on receiving a grant to pay for extensive building and remodeling.

19. Adjournment

Motion (Burgener/Ball) to adjourn. Carried. Adjourned at 7:35 P.M.