



**CITY OF MERRILL**  
**COMMON COUNCIL**  
**MINUTES • TUESDAY JUNE 14, 2016**

**Regular Meeting**

**City Hall Council Chambers**

**7:00 PM**

1. Call to Order

Mayor Bialecki called the meeting to order at 7:00 P.M.

Attendee Name	Title	Status	Arrived
Paul Russell	Aldersperson - First District	Present	
Pete Lokemoen	Aldersperson - Second District	Present	
Ryan Schwartzman	Aldersperson - Third District	Remote	
Kandy Peterson	Aldersperson - Fourth District	Present	
John Burgener	Aldersperson - Fifth District & President	Present	
Mary Ball	Aldersperson - Sixth District	Present	
Rob Norton	Aldersperson - Seventh District	Present	
Tim Meehean	Aldersperson - Eighth 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, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl and City Clerk Bill Heideman.

2. Invocation by Deacon Jim Arndt, St. Francis Xavier Church

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

Michael Caylor Jr. 409 Scott Street, spoke to the potential purchase of the former Fox Point property. He questioned why the City is in the low-income housing business.

At the request of Mayor Bialecki, City Administrator Johnson responded to Mr. Caylor. He stated that the housing being proposed for the former Fox Point site would be Section 42, not Section 8. Therefore, it would not be considered low-income housing. He added that employers have told him there is a need for this type of housing in Merrill.

Ray Lefferts, 1000 St. Paul Drive, asked if it would be possible to put rocks and oil on several of the streets near him. He also reported that he has submitted a petition to Police Chief Neff, requesting the installation of stop signs at several intersections in his neighborhood.

Warren Ament, 1610 East 12<sup>th</sup> Street, cited a letter he had received recently, regarding the potential purchase of the former Fox Point property. He stated that most people prefer ground-level apartments. In his opinion, the City does not need more apartments, but needs more well-paying jobs.

Cynthia Lambrecht, 1806 East Eighth Street, spoke to the potential purchase of the former Fox Point property. She asked what the current occupancy rate is for this type of housing in the City of Merrill. She questioned why a vote on the purchase would be held prior to a scheduled public hearing on July 5<sup>th</sup>. She expressed concerns about transparency and suggested there are other unanswered questions at this time.

Breck Blennert, 1702 East 12<sup>th</sup> Street, spoke to the potential purchase of the former Fox Point property. He also has transparency concerns. He also would like to see more well-paying jobs and urged fiscal responsibility when spending taxpayer money.

David Schult, 800 N. Kyes Street, spoke to the potential purchase of the former Fox Point property. He questioned whether there was a need for this type of housing. He is against a vote on this purchase without adequate information to the public, especially with a potential cost in excess of \$1,000,000.

Tom Hahn, 1700 East 12<sup>th</sup> Street, spoke to the potential purchase of the former Fox Point property. He raised the issue of transparency, especially with a potential price tag total of \$1,000,000 for the project. He stated that a vote on the project should not be taken before the property is actually purchased.

Amanda Kostman, 312 N. Scott Street, provided housing data.

Mary Ball, 1701 Cotter Avenue, noted that her and her husband own several rental properties in Merrill. She took exception to all area landlords being stereotyped. She stated that in situations when tenants do not pay the entire rent, they typically do not maintain their property as well as those who pay the entire rent amount. She also spoke on the "Move to Merrill" initiatives she is researching.

Delmar Polak, Town of Pine River, stated that he owns several rental properties in the City of Merrill. He took offense with comments that he said were made by City Administrator Johnson regarding City of Merrill landlords, and then countered that some landlords are spending much time and money in maintaining their properties. He reported that, during a discussion he had with the City Finance Director, she suggested that he was biased against low-income people. He noted that, although details are still sketchy, it appears that it would take 40 years for the City to recoup their money if the housing project is approved.

Cynthia Lambercht asked if a vote on the purchase of the property was going to take place at this meeting.

Warren Ament questioned why a vote would be taken before the rezoning hearing scheduled for July 5<sup>th</sup>. In his opinion, July 5<sup>th</sup> is not a good date to hold the hearing, since many people will be vacationing the week of July 4<sup>th</sup>.

David Schult suggested that continued discussion, rather than a vote, should be the next step in the process. He urged that protocol, rather than an argumentative state, be an integral part of the decision-making process.

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

1. Minutes of May 10th, 2016 meeting

Motion (Burgener/Meehean) to approve.

**RESULT: APPROVED**

7. Revenue & Expense Reports(s):
1. Revenue & Expense Report for Period Ending May 31, 2016  
Motion (Burgener/Schwartzman) to place on file.

**RESULT: PLACED ON FILE**

8. Communications and Petitions:
1. Claim filed by Jeffrey Winter for damages to a door at an apartment building he owns at 402 West Main Street, as a result of forced entry by the Police Department. The City's insurance carrier recommends that the claim be disallowed. This recommendation is based on the fact that an investigation by the insurance carrier revealed no negligence on behalf of the City. The City of Merrill Police Department was responding to an emergency and entered the apartment, as directed by those present, to protect the safety of a child.  
Motion (Schwartzman/Meehean) to disallow.

**RESULT: DISALLOWED**

9. General agenda items:
1. Employee Years of Service Recognition:  
Carol R. Engebretson, 10 years (Library)  
City Clerk Heideman read a certification of recognition for Carol Engebretson.
  2. 2015 Audit Presentation by Schenck SC representatives  
Representing Schenk SC, Dave Maccoux gave a presentation on the 2015 City Audit.  
Motion (Meehean/Norton) to place on file.

**RESULT: PLACED ON FILE**

3. Tourism Commission/Room Tax Report  
Motion (Lokemoen/Schwartzman) to place on file.

**RESULT: PLACED ON FILE**

10. Board of Public Works:
1. Consider Street Use Permit Applications from Ott's Garage Teen Center, 805 E. Main Street, on August 11th & August 19th, 2016. The Board of Public Works recommends approval.  
Motion (Schwartzman/Lokemoen) to approve.

**RESULT: APPROVED**

2. East Sixth Street Reconstruction bids due 5-23-16. The Board of Public Works (and the Water and Sewage Disposal Committee) recommend approving the bid of \$917,262 from Routsala Concrete Construction, Ironwood, MI.

Motion (Meehean/Burgener) to approve the bid of \$917,262 from Routsala Concrete Construction.

**RESULT: APPROVED**

11. City Plan Commission:

1. Site Plan for expansion at Pine Crest Nursing Home, 2100 East Sixth Street. The City Plan Commission recommends approval.

Motion (Schwartzman/Burgener) to approve. Alderman Meehean announced that he would be abstaining on any vote on this issue.

**RESULT: APPROVED**

2. Site Plan for Northcentral Technical College (NTC) range on Champagne Street. The City Plan Commission recommends approval.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

12. Committee of the Whole:

1. Consider recommendation(s) from June 14th, 2016 Committee of the Whole meeting regarding bids for construction of Enrichment Center/Expo Hall at the Merrill Festival Grounds.

At that meeting, the Committee of the Whole recommended approving the bid of \$1,588,780 from S.D. Ellenbecker Inc.

Motion (Schwartzman/Norton) to approve the bid of \$1,588,780 from S.D. Ellenbecker Inc.

**RESULT: APPROVED**

13. Community Development Committee:

1. Economic Development Loan of \$4,000 to the Goblin Workshop, 416 West Main Street, for building repairs. The loan would have a term of 2.5 years and an interest rate of 2%, The City would have a first lien on the equipment. A Uniform Commercial Code (UCC) would be filed to protect the loan. The Community Development Committee recommends approval.

Motion (Lokemoen/Norton) to approve.

**RESULT:           APPROVED**

14. Health and Safety Committee:

1. Applications from Fraternal Order of Eagles for five temporary Class “B” (picnic) licenses to sell fermented beverages in the Eagle's Fairstand at the Merrill Festival Grounds during the Lincoln County Free Fair, July 20–July 24, 2016. The Health and Safety Committee recommends approval.

Motion (Russell/Norton) to approve.

**RESULT:           APPROVED**

2. Applications from Merrill Alumni Wrestling Club for five temporary Class “B” (picnic) licenses to sell fermented beverages in a fenced-in area at the Merrill Festival Grounds during the Lincoln County Free Fair, July 20–July 24, 2016. The Health and Safety Committee recommends approval.

Motion (Ball/Peterson) to approve.

**RESULT:           APPROVED**

3. Applications from Merrill Firefighters Charities for three temporary Class “B” (picnic) licenses to sell fermented malt beverages at Ott’s Park during the Merrill Firefighters Charities Softball Tournament, August 5-7, 2016. The Health and Safety Committee recommends approval.

Motion (Peterson/Ball) to approve.

**RESULT:           APPROVED**

4. 2016-2017 Liquor License Applications (per list). The Health and Safety Committee recommends approval.

Motion (Meehean/Norton) to approve.

**RESULT:           APPROVED**

5. Consider request from Ballyhoos, 124 North Prospect Street, to close Prospect Street (Grand Avenue to the alley just north of West Main Street), from 8:00 A.M. to 10:00 P.M. on Saturday, July 30, 2016. Ballyhoos is also requesting an extension of premises to sell alcoholic beverages in an area on Prospect Street from Grand Avenue to the area adjacent to the south side of the Miller Home Furnishings building and extending into Cenotaph Park from 8:00 A.M. to 10:00 P.M. that same day. Both requests are in conjunction with the Merrill Lobster Fest. The Health and Safety Committee recommends approval.

Motion (Russell/Peterson) to approve.

**RESULT: APPROVED**

15. Personnel and Finance Committee:

1. Request from TowerCo to buy out their lease for the new cell tower parcel on the former Anson Gilkey property. The Personnel and Finance Committee recommends approving the latest buyout offer of \$261,000, with the \$261,000 in turn given to the River District Development Foundation of Merrill.

Motion (Norton/Schwartzman) to approve.

**RESULT: APPROVED**

16. Redevelopment Authority:

1. Consider purchase of the lot between West Tenth Street and West St. Paul Street - vacant lot owned by Kathleen Kienitz-Olson and Geraldine Knowles (TID No. 11 - Northwest Area) for \$9,165.84. The Redevelopment Authority recommends approval.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

2. Consider purchase of the lot at 911 East Main Street (TID No. 6 - Downtown) for \$3,000.00. The Redevelopment Authority recommends approval.

City Attorney Hayden had requested that this item not be considered at this meeting. Without objection, it was so ordered.

17. Placing Committee Reports on File:

1. Consider placing the following reports on file: Airport Commission, Board of Public Works, Board of Review, City Plan Commission, Committee of the Whole, Community Development Committee, Health and Safety Committee, Housing Authority, Joint Review Board, Library Board, Merrill Enrichment Center Committee, Personnel and Finance Committee, Redevelopment Authority, Transit Commission, Water and Sewage Disposal Committee & Zoning Board of Appeals.

Motion (Meehean/Burgener) to place on file.

**RESULT: PLACED ON FILE**

18. Mayor's Appointments:

1. Dave Sukow, to the Parks and Recreation Commission, term to expire May 1, 2017.

Motion (Norton/Ball) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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19. Ordinances: (None)

20. Resolutions:

1. A Resolution authorizing purchase of 1905 East 14th Street to facilitate future multi-family residential redevelopment (Resolution #2462).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 10 on September 22, 2015; and

WHEREAS, four major employers in the City of Merrill are located on East 14<sup>th</sup> Street (Lincoln County Highway G) and there appears to be a strong market demand for rental housing in the community; and

WHEREAS, the area is served by existing public infrastructure, schools, and parks and recreation amenities and the existing obsolete former light manufacturing building will be demolished prior to City acquisition; and

WHEREAS, the City of Merrill finds that the proposed residential redevelopment of a former light manufacturing parcel of just under five and a half acres located at the corner of East 14<sup>th</sup> Street and North Sales Street in Tax Increment District No. 10 serves a public purpose in accordance with State law; and,

WHEREAS, the Merrill Housing Authority and Horizon Design Build Manage has expressed a preliminary interest in developing up to sixty-units of multi-family housing on the site contingent upon obtaining potential WHEDA tax credit funding and potential other grant funding;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of June, 2016 to authorize the purchase of 1905 East 14<sup>th</sup> St. for \$450,000 to facilitate future multi-family housing redevelopment and, that the Mayor and City staff are authorized to complete and sign any offer documents, agreements, or related paperwork required to facilitate the acquisition thereof.

BE IT FURTHER RESOLVED that the Mayor and City staff are authorized to continue negotiations with the Merrill Housing Authority and Horizon Design Build Manage on a potential TIF development agreement with transfer of the property for \$0.00 and an estimated \$526,511 TIF Development Incentive subject to further Common Council review and action.

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [6 TO 1]</b>
<b>MOVER:</b>	Ryan Schwartzman, Alderperson - Third District
<b>SECONDER:</b>	Rob Norton, Alderperson - Seventh District
<b>AYES:</b>	Lokemoen, Schwartzman, Peterson, Burgener, Norton, Meehean
<b>NAYS:</b>	Ball
<b>ABSTAIN:</b>	Russell

2. A Resolution authorizing purchases of various properties along State Highway 64 (East Main Street) to facilitate future commercial redevelopment (Resolution #2463).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 on September 13, 2005 and amended the District boundaries on July 11, 2006, September 24, 2013, and September 22, 2015; and,

WHEREAS, State Highway 64 (East Main Street) is the gateway into the community from US Highway 51 and has existing public infrastructure; and,

WHEREAS, the City of Merrill finds that the proposed commercial redevelopment of a former residential area located on State Highway 64 (East Main Street) near Memorial Drive serves a public purpose in accordance with State law; and,

WHEREAS, the City and two property owners have negotiated purchase prices for various properties;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of June, 2016 to authorize the purchase of the following properties located in Tax Increment District No. 3 to facilitate future commercial redevelopment:

- 2606 E. Main St. - vacant lot owned by Andre Galella for \$18,000
- 2604 E. Main St. - residential property owned by Troy Brandt for \$55,000

and, that the Mayor and City staff are authorized to complete and sign any offer documents, agreements, or related paperwork required to facilitate the acquisition thereof.

Motion (Schwartzman/Meehean) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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3. A Resolution approving the 2015 Compliance Maintenance Annual Report for the City of Merrill Wastewater Treatment Plant (Resolution #2464).

WHEREAS, the City of Merrill is required by the Wisconsin Department of Natural Resources (WDNR) to complete a Compliance Maintenance Annual Report on its Wastewater Treatment Plant; and

WHEREAS, the Water and Sewage Committee, of the City of Merrill, has reviewed the Compliance Maintenance Report for the year 2015, and has determined that it reflects the performance of the Wastewater Treatment Plant during 2015; and

WHEREAS, the report indicates a need for continued improvements at the Wastewater Treatment Plant and its operations to meet the requirements set forth by the WDNR;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN, this 14<sup>th</sup> day of June, 2016, that:

1. The Compliance Maintenance Annual Report for 2015 is hereby approved and authorized to be filed with the WDNR.
2. That the Compliance Maintenance Annual Report for 2015 is an accurate indication of the performance of the City of Merrill Wastewater Treatment Plant for the year 2015.

Motion (Norton/Peterson) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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4. A Resolution honoring Michael J. Schreiber for his long-time service to the City of Merrill (Resolution #2465).

WHEREAS, Michael J. Schreiber has served the City of Merrill Transit Department for over 25 years, from October 15, 1990 to May 12, 2016; and,

WHEREAS, these years of service have been marked by dedication to the best interests of our community and citizens; and

WHEREAS, Michael J. Schreiber has earned the admiration and respect of his fellow employees by the way in which he has carried out his duties; and

WHEREAS, Michael J. Schreiber's skills and experience will be missed at the City of Merrill Transit Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of June, 2016, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Michael J. Schreiber has given the City of Merrill Transit Department, and commends him for those 25 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Michael J. Schreiber, congratulate him upon the occasion of his retirement from the City of Merrill Transit Department, and extend our warmest wishes for his enjoyment of continued prosperity in the years that lie ahead.

Motion (Common Council/Common Council) to approve.

<b>RESULT:</b> <b>APPROVED</b>
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21.    **Mayor's Communications**

Mayor Bialecki thanked all those who attended the meeting and provided input.

Fireworks will be held at the MARC on the evening of July 4<sup>th</sup>. The rain date is Labor Day.

A tractor pull will be held at the Merrill Festival Grounds on July 9<sup>th</sup>. A rodeo held there recently was successful.

22.    **Adjournment**

Motion (Burgener/Ball) to adjourn. Carried. Adjourned at 8:53 P.M.