

**CITY OF MERRILL
COMMON COUNCIL
TUESDAY, JUNE 11, 2013
7:00 P.M.
CITY HALL COUNCIL CHAMBERS**

AGENDA

- 130610** Silent Prayer
- 130615** Pledge of Allegiance
- 130620** Roll Call
- 130630** Minutes of May 14th, 2013 Common Council meeting
- 130640** Revenue & Expense Report – May 2013
- 130660** Communications and Petitions
- 130661** Employee Recognition
 - Kay E. Andrews, 10 years (Library)
 - David A. Graveen, 10 years (Fire Department)
- 130680** Housing Authority – No Action
- 130690** Committee of the Whole
- 130691** Consider recommendation(s) from June 11th, 2013 meeting on the request to lift the hiring freeze to replace retiring Street Department employee
- 130692** Consider recommendation(s) from June 11th, 2013 meeting on the request to lift the hiring freeze to replace Firefighter/Paramedic who has resigned to accept firefighter position in Wausau
- 1306100** Community Development Committee – No Action
- 1306110** Parks and Recreation Commission – Meeting on June 12th
- 1306120** Board of Public Works

1306121 The Board recommends authorizing the Street Department to replace the culverts on Taylor Street, between Cottage Street and Champagne Street, in preparation for the upcoming Taylor Street repair project.

1306122 The Board recommends considering, as surplus property, the 12 doors removed from the Probation and Parole area during remodeling, and recommends selling all the doors. Each door is to be sold for a minimum of \$50.

1306130 Health and Safety Committee

1306131 The Committee recommends approving the 2013-2014 Beer & Liquor Licenses for Class "A", Class "B", "Class A", "Class B", Class "B" and "Class C" Wine, as submitted. All approvals would be contingent upon full compliance with the City of Merrill Code of Ordinances and Chapter 125 of the Wisconsin State Statutes.

1306132 The Committee recommends approving the request from several businesses to close a block of East Main Street (from Poplar Street to Court Street) from 1:00 P.M. to midnight, for the Main Street Block Party on Friday, June 21st, 2013. Any music associated with the block party is to end by 11:00 P.M., and the street is to be cleaned up and reopened by midnight.

1306133 Consider request from Legends, 1007 East Main Street, for an extension of premises to sell alcoholic beverages in a fenced-in area outside their establishment on Friday, June 21st, 2013, in conjunction with a Main Street Block Party. They are also requesting that outdoor music be allowed until 11:00 P.M. (Alderman Caylor is bringing the request directly to the Common Council)

1306134 Consider application from Matt Burbach for a Street Use Permit to block off one lane of traffic on First Street, just to the east of Pier Street, from 6:00 A.M. to 9:00 P.M. (or less) on June 25th, 2013, for removing fill on the property at 103 Pier Street (Alderman Caylor is bringing this application directly to the Common Council)

1306135 Consider application from Theresa Swiechowski, 200 N. Pine Street, for a Street Use Permit to close off the 1500 block of West First Street (Pine Street to Ohio Street) from 3:00 P.M. to midnight on July 3rd, 2013, in conjunction with a neighborhood Fourth of July celebration. (Alderman Caylor is bringing this application directly to the Common Council)

1306140 Personnel and Finance Committee – No Action

1306150 Water and Sewage Disposal Committee – No Meeting

1306160 City Plan Commission

1306161 The Commission recommends approving the site plan from St. Francis Xavier Catholic Church Veterans Memorial, for a proposed sign at Merrill Memorial Park, Memorial Drive, pending the establishment and outcome of a traffic visibility triangle.

1306162 The Commission recommends approving, as submitted, the site plan from the City of Merrill Park and Recreation Department and the Merrill Baseball Association, for a covered shelter and, based on the availability of funds, a deck, at Athletic Park, Logan Street.

1306163 The Commission recommends approving, as presented, the site plan from the City of Merrill Park and Recreation Department for a dog park at the Merrill Area Recreation Complex, 1100 Marc Drive.

1306170 Transit Commission – No Action

1306180 Library Board – No Action

1306185 Redevelopment Authority

1306186 The Authority recommends accepting Richard and Sharon Schmidt's Request for Proposal (RFP) response, including sale price of \$4,350, for 318 Grand Avenue, for private parking and green space use.

1306200 Enrichment Center Committee on Aging – No Action

1306210 Airport Commission – No Action

1306225 Tourism Commission – No Action

1306230 Placing Committee Reports on File

ORDINANCES

1305251 An Ordinance amending Chapter 2, Article II, Section 2-23 to add (6) On-Duty Member of the Merrill Police Department Auxiliary (from April 22nd, 2013 Health and Safety Committee meeting – First reading of ordinance was at May 14th, 2013 Common Council meeting)

1305252 An Ordinance amending Chapter 24, Article II, Section 24 to add (25) Merrill Police Department Auxiliary (from April 22nd, 2013 Health and Safety Committee meeting – First reading of ordinance was at May 14th, 2013 Common Council meeting)

- 1305253** An Ordinance amending Chapter 26, Article II, Section 26-33 to add (b) and (c) related to Merrill Police Department Auxiliary (from April 22nd, 2013 Health and Safety Committee meeting – First reading of ordinance was at May 14th, 2013 Common Council meeting)
- 1306250** An Ordinance amending Chapter 36, Article II, Division 3, Section 36 -86, to prohibit parking of commercial motor vehicles, oversized vehicles or equipment on public ways (from May 20th, 2013 Health and Safety Committee meeting)
- 1306251** An Ordinance amending Chapter 18, Article II, Section 18-36 to amend imposition of room tax, changing tax from 4% to 8% (from May 28th, 2013 Personnel and Finance Committee meeting)

RESOLUTIONS

- 1306260** A Preliminary Resolution of intent to exercise special assessment powers by police power under Section 66.0703 of the Wisconsin Statutes (from May 29th, 2013 Board of Public Works meeting)
- 1306261** A Resolution authorizing a development agreement by and between the City of Merrill, Wisconsin and Gateway North LLC for construction of a restaurant facility (from June 11th, 2013 Committee of the Whole meeting)
- 1306262** A Resolution establishing and clarifying emergency proclamation procedures (Mayor Bialecki is bringing the resolution directly to the Common Council)
- 1306263** A Resolution approving the 2012 Compliance Maintenance Annual Report for the City of Merrill Wastewater Treatment Plant (Mayor Bialecki is bringing the resolution directly to the Common Council)
- 1306270** Mayor's Communications

Discussion with Northcentral Technical College (NTC) representatives concerning efforts to alleviate noise levels during training sessions at NTC Merrill Campus.
- 1306280** Public Comment Period
- 1306999** Adjournment

William N. Heideman, WCMC
City Clerk

The Merrill City Hall is accessible to the physically disadvantaged. If special accommodations are needed, please contact the Merrill City Hall at (715) 536-5594.

130680

**REGULAR MONTHLY MEETING OF THE HOUSING AUTHORITY
COMMISSIONERS OF THE CITY OF MERRILL, WISCONSIN**

Wednesday, May 15, 4:00 P.M. Jenny Towers Library, Merrill, WI

PRESENT: Chairman Kathy Colclasure, Denise Humphrey, Paul Wagner, Amanda Kostman, Rob Norton (Ex-Officio), LaDonna Fermanich and Kay Tautges.

ABSENT: Richard Wiessinger.

PUBLIC HOUSING - PARK PLACE and WESTGATE MEETING called to order by Chairman Kathy Colclasure. Motion to excuse Richard Wiessinger. Kostman/Humphrey.

Election of Vice-Chairman: Kathy opened the floor to nominations for Vice-Chairman. Denise Humphrey was nominated for the position. No other nominations were made. Nominations were closed. Motion made without opposition by Amanda Kostman to cast a unanimous ballot to elect Denise Humphrey as Vice-President. Motion passed unanimously.

Motion to approve today's agenda and minutes of April 17th, 2013 meeting. Wagner/Humphrey. Motion passed unanimously.

Discussion and motion to approve Checks #21198 thru #21232 and Billings to date for April 2013 with attached list of expenditures: Wagner/Kostman. Passed unanimously by roll call vote: Kostman-aye, Colclasure-aye, Wagner-aye and Humphrey - aye. Paul Wagner suggested that changes be made to the report. He would like to see the monthly revenue and expense compared to the annual budget figures. This would give the board a clearer picture of how we are doing in terms of meeting annual budget goals. Paul will bring an example report back to the next meeting for Commissioners to consider.

Move-ins and Move-outs for April 2013: Motion to accept report and place on file. Kostman/Humphrey . Motion passed unanimously.

Report on Park Place Investments: LaDonna provided the board with additional information and hand-outs regarding the Vanguard Fund and how it has performed over the past 8 months. Kathy gave a brief overview of how/why changes were made to investments in the past. Tom Young, who served on the board for many years, had extensive experience in dealing with financial investments. Since Tom is no longer on the board Kathy suggested that we seek/hire a financial firm or professional advisor to oversee the MHA investments and make recommendations to the Board. LaDonna will make inquiries and will bring information back to the next meeting. Motion to accept the Investment report and place on file. Humphrey/Kostman. Motion passed unanimously.

Account Summary Report: At the request of the Commissioners, LaDonna reviewed a handout detailing what types of accounts are currently held by MHA and at which institutions.

Review of Reports for 1st Qtr. 2013: LaDonna gave an overview of the Quarterly Report. Motion to accept and place on file the 1st Quarter Report for 2013. Kostman/Wagner. Motion passed unanimously.

Request to Approve Insurance Bid: LaDonna informed Commissioners that the bids for renewals on Property and Liability Insurance went out already and are due back on May 23rd. She will e-mail all of the submitted bid totals to Commissioners for their review. Motion to give LaDonna permission to accept the lowest bid after bids have been reviewed by Commissioners. Humphrey/Wagner. Motion passed unanimously.

Request to Approve Westgate Improvements Bid: Tabled until next meeting.

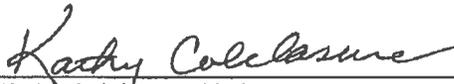
HUD Vacancy Update/Discussion: LaDonna has heard nothing directly from HUD during the past month. She gave Commissioners a progress report (see handout) with a revised timeline. Paul and Amanda will review RFP with LaDonna prior to the next meeting. Motion to approve the tentative timeline. Kostman/Humphrey. Motion passed unanimously.

For the Good and Betterment of the Public Housing Program:

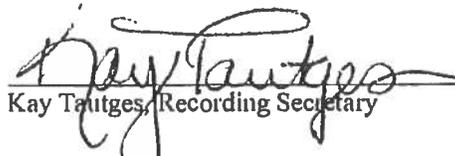
1. Commissioner Items/Comments: None.
2. Executive Director's Report: LaDonna reported that the auditors were here on Monday and Tuesday. They were pleased to see some updates to spreadsheets and the overall bookkeeping process. The local VFW asked for permission to use the driveway and staff entrance at Park Place to stage a coffin on a horse drawn carriage. This would be done during the Memorial Day ceremony at Cenotaph Park. Commissioners advised LaDonna to get a Certificate of Insurance from the VFW's insurance policy before approving. The Fire Department has called to request permission to use some of the extra parking stalls at Jenny Towers for storage for the next eight months. Commissioners gave permission for the department to use several of the stalls next to the garage for parking personal vehicles. If large fire equipment is parked there, we should get a letter from the City Administrator accepting responsibility for any potential damages done to the parking lot.
3. Public Comment Period: None

The next regular meeting of the Commissioners of the Housing Authority will be held on June 12, 2013, 4:00 p.m., Jenny Towers Library, 711 E. 1st Street, Merrill, WI.

Motion to adjourn at 5:20 P.M. and open Section-8 Housing - Jenny Towers Meeting. Kostman/Humphrey. Motion passed unanimously.



Kathy Colclasure, Chairman



Kay Tautges, Recording Secretary



LaDonna Fermanich, Executive Director

**REGULAR MONTHLY MEETING OF THE HOUSING AUTHORITY
COMMISSIONERS OF THE CITY OF MERRILL, WISCONSIN**

Wednesday, May 15, 2013, 5:20 P.M., Jenny Towers Library, Merrill, WI 54452

PRESENT: Chairman Kathy Colclasure, Amanda Kostman, Denise Humphrey, Paul Wagner, Rob Norton (Ex-Officio), LaDonna Fermanich and Kay Tautges.

ABSENT: Richard Wiessinger.

SECTION-8 HOUSING - JENNY TOWERS and SCATTERED SITES MEETING called to order by Chairman Kathy Colclasure. Motion to excuse Richard Wiessinger. Kostman/Humphrey. Motion passed unanimously. Motion to approve minutes of April 17, 2013 meeting and today's agenda: Wagner/Humphrey. Motion passed unanimously.

Discussion and motion to approve Checks #16339 thru #16375 & 16382 (HGM) and Billings to date for April 2013 with attached list of expenditures: Wagner/Kostman. Passed unanimously by roll call vote: Colclasure-aye, Kostman-aye, Humphrey-aye, and Wagner-aye. To be added to next month's agenda; discussion regarding changing the tenant fee charged for Charter cable.

Discussion and approval of Move-ins and Move-outs for April 2013: Motion to accept report and place on file. Kostman/Humphrey. Motion passed unanimously.

Report on Jenny Tower Investments: LaDonna provided Commissioners with some additional information in regard to how BMO Investments have been performing over the long run. Motion to accept and place on file the Investment Report. Kostman/Wagner. Motion passed unanimously.

Approval of Resolution No. 365: "Transfer of Jenny Towers General Fund checking from BMO to RVB"; Motion to approve Resolution 365. Kostman/Wagner. Passed unanimously by roll call vote: Colclasure-aye, Kostman-aye, Humphrey-aye, and Wagner-aye.

Review Reports for 1st Qtr. 2013: LaDonna reviewed the report with Commissioners. Motion to accept and place on file the Report for the 1st Quarter 2013. Kostman/Humphrey. Motion passed unanimously.

Request to Approve Insurance Bid: LaDonna informed Commissioners that the bids for renewals on Property and Liability Insurance went out already and are due back on May 23rd. She will e-mail all of the submitted bid totals to Commissioners for their review. Motion to give LaDonna permission to accept the lowest bid after bids have been reviewed by Commissioners. Wagner/Kostman. Motion passed unanimously.

Request to Approve Recommendation regarding Kitchen Project request from HGM: After discussion, the Commissioners decided that Paul Wagner will review the HGM contract and phone HGM to get additional billing information. Final recommendation/decision to be tabled until next meeting.

Close-out Report on Kitchen Construction: To be tabled until next meeting.

Project overview for Jenny Towers – request approval to proceed: LaDonna gave Commissioners a list of projects with a recommendation for which should take priority. Motion to approve projects 1,2,3,4 & 7 (from Proposed Projects for Jenny Towers & Scattered Sites for 2013 hand-out). Kostman/Wagner. Motion passed unanimously.

For the Good and Betterment of the Section-8 Housing Program:

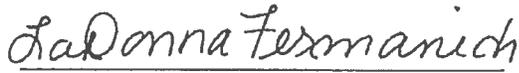
1. Commissioner Items/Comments – None
2. Executive Director's Report – LaDonna reported that Steve is back working Full-Time. LaDonna informed Commissioners that Security Health had released information to the County which indicates that health insurance premiums could increase by as much as 30% next year. LaDonna reminded Commissioners that her 1 year job performance evaluation is due in July. She will send a copy of her job description to Commissioners per their request.
3. Public Comment - None.

The next regular meeting of the Commissioners of the Housing Authority will be held on Wednesday, June 12, 2013, 4:00 p.m. Jenny Towers Library, 711 E. 1st Street, Merrill, WI.

Motion to adjourn at 6:20 P.M.: Wagner/ Humphrey. Motion passed unanimously.


Kathy Colclasure, Chairman


Kay Tautges, Recording Secretary


LaDonna Fermanich, Executive Director

130690

**City of Merrill
Committee of the Whole
Tuesday, May 14, 2013 at 5:30 P.M.
City Hall Common Council Chambers
1004 East First Street**

Committee of the Whole members present (8 of 9): Mayor Bill Bialecki, Alderman Chris Malm (First District), Alderman Steve Hass (Second District), Alderman Ryan Schwartzman (Third District), Alderwoman Kandy Peterson (Fourth District), Alderman Dave Sukow (Sixth District), Alderman Rob Norton (Seventh District) and Alderwoman Anne Caylor (Eighth District). Alderman John Burgener (Fifth District) had an excused absence.

Other attendees: City Administrator Dave Johnson, City Attorney Tom Hayden, Street Commissioner Richard Lupton, Finance/Technology Director Kathy Unertl, Fire Chief Dave Savone, Building Inspector/Zoning Administrator Darin Pagel, City Hall Maintenance Supervisor Ramona Pampuch, Dave Maccoux, Greg Pitel, Duane Pfister and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Mayor Bialecki called the meeting to order at 5:30 P.M.

Review input from April 23rd, 2013 Redevelopment Authority meeting

The portion of the April 23rd, 2013 Redevelopment Authority meeting minutes that related to the Lincoln House were in the meeting packet.

Finance/Technology Director Unertl and City Administrator Johnson reported.

No action taken.

Review bids for potential demolition of Lincoln House, decision on disposition

Information was in the meeting packet.

One bid was received for the demolition of the Lincoln House. The bid was from C & D Excavating, LLC, for \$156,780.

A conceptual plan for redevelopment of the site was introduced. This would include a parking garage in the basement, retail on the first floor plus several floors of residential apartments. Any redevelopment of this nature would be paid for by the developer, not the City.

Alderman Hass suggested that, as an alternative to demolition, the City attempt to sell the property for \$1, in hopes that a potential developer will purchase the building, demolish it and redevelop it.

Motion (Caylor/Hass/) to recommend that Request for Proposal documents be sought for the purchase of the Lincoln House property for \$1. The purchaser would be required to demolish the building, submit a redevelopment plan and redevelop the property. Deadline for submission of the RFP documents would be August 31st, 2013. If none are received or none are approved, the City would seek bids on the demolition of the property, with the deadline for those bids to be the end of September. By June 1st, the current tenants would be notified that they will have 60 days to vacate the premises. Carried 4-3 on roll call vote. Voting No – Alderman Schwartzman, Alderwoman Peterson and Alderman Norton

Consider award of demolition contract if decision is to demolish Lincoln House

Based on the passing of the previous motion to attempt to sell the Lincoln House, this was not discussed.

Consider insurance settlement on Lincoln House water damage

Information was in the meeting packet.

City Administrator Johnson reported that the City's insurance carrier is offering a \$130,000 settlement for the water damage at the Lincoln House. He recommends accepting the settlement.

Motion (Sukow/Norton) to accept the insurance settlement. Carried.

Presentation on 2012 City Audit from Schenck SC

Copies of the audit documents were in the meeting packet.

Representing Schenck SC, Dave Maccoux reviewed the annual financial report. Also representing Schenck SC, Greg Pitel then reviewed the management communications portion of the audit.

No action taken.

Review current ordinances re: exterior maintenance, potential revision(s)

The current ordinances related to exterior maintenance were in the meeting packet.

Building Inspector/Zoning Administrator Pagel reported that it is easy to enforce the ordinances regarding exterior maintenance when nuisance complaints are received for outdoor garage. He noted, however, that defining "unsightly" and enforcing the ordinance is much more difficult in cases where the items stored outside are not garbage, but other "stuff".

Discussion was held on what constitutes "unsightly". It was agreed that it is difficult to define it precisely and that "unsightly" is in the eye of the beholder.

It was suggested that, prior to writing any orders on properties that are the subject of complaints of this nature, the alderperson in which the property is located should be notified and asked to view the property. This would be done to determine if the alderperson concurs that the property is indeed unsightly. This policy has frequently been effective in the past.

No formal action taken at this time.

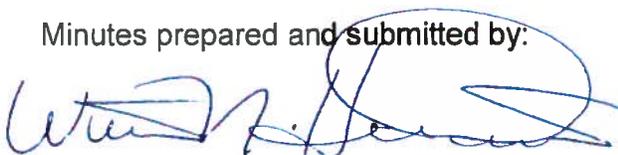
Public Comment

Mayor Bialecki requested that those in attendance remember Alderman Burgener's wife, Sharon, as she recovers.

Adjournment

Motion (Hass/Caylor) to adjourn. Carried. Adjourned at 6:45 P.M.

Minutes prepared and submitted by:



William N. Heideman, WCMC
City Clerk

**City of Merrill
Committee of the Whole
Tuesday, February 5, 2013 at 6:30 P.M.
City Hall Common Council Chambers
1004 East First Street**

Committee of the Whole members present (9 of 9): Mayor Bill Bialecki, Alderman Chris Malm (First District), Alderman Steve Hass (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 Alderwoman Anne Caylor (Eighth District).

Other attendees: City Administrator Dave Johnson, City Attorney Tom Hayden, Utility Superintendent Kim Kriewald, Street Commissioner Richard Lupton, Library Director Stacy Stevens, Finance/Technology Director Kathy Unertl, Lincoln County Economic Development Director Jack Sroka, Judy Woller, Tom Wistein, Kortney Pike, Ed Isaacson, Lynn Isaacson, Brian Arndorfer and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Mayor Bialecki called the meeting to order at 6:30 P.M.

Resolution – Development Agreement with Fillmore Metal Crafts

Information was in the meeting packet. The proposed resolution would authorize a Development Agreement between the City and Fillmore Metal Crafts (William and Sunee Fillmore).

Finance/Technology Director Unertl reported that the Redevelopment Authority is recommending approval of the agreement. Under the terms of the agreement, the City would pay a total incentive development amount of \$17,000, over a six-year period. Finance/Technology Director Unertl answered questions related to the standards used for determining City involvement in development projects.

Motion (Hass/Caylor) to approve the resolution. Carried.

The resolution will be on the February 12th, 2013 Common Council meeting agenda.

Resolution – Development Agreement with Mark Raymer

Information was in the meeting packet. The proposed resolution would authorize a Development Agreement between the City and Mark Raymer.

City of Merrill Committee of the Whole meeting – February 5th, 2013

Finance/Technology Director Unertl reported that the Redevelopment Authority is recommending approval of the agreement, the City would pay a total incentive development amount of \$25,000, over a five-year period.

Motion (Schwartzman/Norton) to approve the resolution. Carried.

The resolution will be on the February 12th, 2013 Common Council meeting agenda.

Policy for potential development assistance for tax delinquent properties

Information was in the meeting packet. At a meeting on January 29th, 2013, the Redevelopment Authority recommended adoption of the policy. The policy being proposed has three main points, as follows:

- City staff/contractor resources would be minimized in facilitating potential redevelopment or new development by current or prospective owners of tax delinquent properties
- City/RDA will not apply for Brownfield grants/loans on behalf of owners of tax delinquent properties
- City/RDA will not consider TIF development incentives for current owners of tax delinquent properties.

The policy also requires that, in order to apply for Central Wisconsin Economic Development (CWED) regional economic loans, the property taxes must be paid. City Attorney Hayden remarked that adopting the policy would be helpful to City staff.

130291

Motion (Hass/Sukow) to approve, as presented, the Economic Development Program Policy for Tax Delinquent Properties. Carried.

Continue review of sick leave policy related to employee death

Information was in the meeting packet, including information on policies that other municipalities have regarding sick leave payout when an employee death occurs.

The meeting packet also included a draft of additional language that would amend Section 12-3-9 of the City of Merrill Personnel Policies, to allow for a sick leave payout when an employee dies. That additional language is as follows:

"Sick leave accumulation upon employee death before retirement is set at a maximum of the employee's total accumulated sick leave hours or 1,300 hours, whichever is less. Accumulated sick leave may be converted to a sick leave cash equivalent based on the employee's hourly rate at the time of death times the sick leave accumulation. The sick leave cash equivalent may only be paid as a cash payout to the estate of the deceased employee."

Motion (Hass/Norton) to approve, as presented, the policy modification of sick leave payout in the event of employee death. If approved, the modification would take effect April 1st, 2013. Carried.

A resolution on the policy modification will be on the February 12th, 2013 Common Council meeting agenda.

Consider offering option of e-commerce (payment of bills, fees, etc. on-line)

Information was in the meeting packet. It is being proposed that the City offer the option for online payment of debts, bills, etc. (e-commerce).

City Administrator Johnson stated that in the past he has not approved of the e-commerce option, but he has changed his opinion. He would now be in favor of the e-commerce option if the imposition of a convenience fee was included.

Alderman Malm asked whether offering the e-commerce option could save money on costs related to staff. Finance/Technology Director responded that the result would probably be the opposite in that it could actually place a heavier burden on staff resources and time.

130292

Motion (Hass/Norton) to offer customers an e-commerce (online bill/debt payment) option and authorize City staff to select a provider for e-commerce services. Customers using a credit card or debit card for online payments would be assessed a convenience fee to be paid to the e-commerce service provider. Carried.

City Attorney briefing/overview of annexation process under Wis. State Statutes

Alderman Schwartzman had requested that this item be placed on the meeting agenda. City Attorney Hayden provided verbal information on the procedures followed when an annexation is being considered, including details on the preparation of a cost benefit analysis.

No action taken.

Public Comment

None.

Motion to convene in closed session

Motion (Hass/Schwartzman) to convene in closed session pursuant to Wisconsin State Statutes 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to consider policy direction for negotiation of the following: Potential continued participation in and fiscal commitments to Lincoln County Economic Development Corporation (LCEDC) and potential development incentive(s) for proposed new development in Tax Increment District No. 3 (East Side). Carried 7-1 on roll call vote. Voting No – Alderman Norton.

Convened in closed session at 7:08 P.M. Attending: Malm, Hass, Schwartzman, Peterson, Burgener, Sukow, Norton, Caylor, Bialecki, Johnson, Hayden, Unertl, Sroka, Arndorfer and Heideman.

Closed session #1 – Participation in Lincoln County Development Corporation

The minutes of this closed session will be filed separately and confidentially.

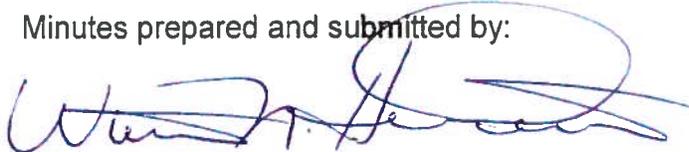
Closed session #2 – Potential Development Incentive in TID District #3

The minutes of this closed session will be filed separately and confidentially.

Adjournment

Motion (Hass/Caylor) to adjourn. Carried. Adjourned (from closed session) at 8:03 P.M.

Minutes prepared and submitted by:



William N. Heideman, WCMC
City Clerk

1306100

**COMMUNITY DEVELOPMENT COMMITTEE MINUTES
May 15, 2013, City Hall, Merrill, WI**

Present: Ryan Schwartzman, Pete Koblitz, Daniel Schneider, Nancy Kwiesielewicz and Betsy Wiesneski.

Others Present: Shari Wicke, Community Development Program Administrator.

The meeting was called to order at 8:00 a.m. Mr. Schneider made a motion to approve the minutes of the previous meeting; seconded by Ms. Wiesneski. The motion carried.

Ms. Kwiesielewicz made a motion to approve transferring \$20,000 Community Development Block Grant (CDBG) Administrative funds to Community Development Block Grant (CDBG) Rehabilitation funds; seconded by Mr. Koblitz and motion carried.

Shari Wicke presented the following homeowner application:
File#9752 – (A family of four with an income of \$43,674.) – The limit is \$50,300. The tax statement shows a Fair Market Value (FMV) of 75,300. Homeowner owes approximately \$56,934. against the property. Requesting a loan up to \$17,200.

Ms. Kwiesielewicz made a motion to approve the above homeowner loan applications; seconded by Mr. Schneider, motion carried.

No public comment.

There being no further business to discuss, Ms. Wiesneski made a motion to adjourn; seconded by Ms. Kwiesielewicz. The motion carried. Adjournment was at 8:15a.m.

Respectfully submitted,
Shari Wicke

1306120

**City of Merrill
Board of Public Works
Wednesday, May 29, 2013 at 5:30 P.M.
City Hall Basement Conference Room, 1004 East First Street**

Members Present (4 of 5): Mayor Bill Bialecki (Chairperson), Street Commissioner Richard Lupton, Alderman Steve Hass and Alderman Chris Malm. Alderman John Burgener had an excused absence.

Others Present Included: City Administrator Dave Johnson, City Attorney Tom Hayden, City Hall Maintenance Supervisor Ramona Pampuch, Building Inspector/Zoning Administrator Darin Pagel, Utility Superintendent Kim Kriewald, Alderman Dave Sukow, Mark Raymer, Ryan Peacock and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Mayor Bialecki called the meeting to order at 5:30 P.M.

Vouchers

The vouchers were in the meeting packet. Mayor Bialecki questioned the fact that vouchers related to the Park and Recreation Department were included with the Board of Public Works vouchers, and urged that, in the future, they be submitted to the appropriate board/committee.

Motion (Hass/Lupton) to approve the vouchers, as presented. Carried.

2013 Sidewalk Maintenance Project and related resolution

Building Inspector/Zoning Administrator Pagel had requested that this item be placed on the agenda.

A copy of a preliminary resolution on sidewalk maintenance projects and related special assessments was in the meeting packet. City Attorney Hayden provided additional information related to the resolution.

A public hearing on the 2013 Sidewalk Maintenance project was scheduled for 6:00 P.M. on June 26th, 2013. The hearing will be part of the regular Board of Public Works meeting for June. The actual start date for the projects would be after the regular August Common Council meeting.

Building Inspector/Zoning Administrator Pagel recommended that the curb, gutter and sidewalk project for the parking lot on East Main Street (former Courtview Apartments site) be included in the 2013 sidewalk maintenance projects. He is recommending this to decrease prices associated with the projects. Alderman Hass concurred with this recommendation.

Motion (Hass/Malm) to approve the resolution. Also, the curb, gutter and sidewalk project for the parking lot on East Main Street (former Courtview Apartments site) would be included. Carried.

The resolution will be on the June 11th, 2013 Common Council meeting agenda. Note: It is not necessary to add the parking lot project to the resolutions, since that project involves no special assessments.

Extend water and sewer on Alexander Street – Precision Lasers

City Administrator Johnson had requested that this item be placed on the agenda.

Precision Laser Cutting, 2210 Heldt Street, has submitted a verbal request to extend water and sanitary sewer lines on a portion of Alexander Street. The extension would allow them to add a paint line which could result in the creation of ten new jobs.

Various option and past practice related to extending utility lines were discussed. Alderman Sukow reported that he has contacted five property owners that would be affected if the extension were approved. Of the five, four were not interested in the lines being extended, and one was undecided.

City Administrator Johnson and City Attorney Hayden were directed to meet with official(s) from Precision Laser Cutting to discuss various options related to the request. Based on that meeting, they are to submit their findings to a future Committee of the Whole and/or Common Council meeting.

No formal action was taken at this time.

Upcoming Taylor Street Project – Replace the culverts

Street Commissioner Lupton had requested that this item be placed on the agenda. He suggested that the culverts on Taylor Street (between Cottage Street and Champagne Street) be replaced before the upcoming Taylor Street repair project.

1306121

Motion (Hass/Malm) to authorize the Street Department to replace the culverts on Taylor Street, between Cottage Street and Champagne Street, in preparation for the upcoming Taylor Street repair project. Carried.

Sale of wood doors removed from Probation and Parole during remodeling

City Hall Maintenance Supervisor Pampuch had requested that this item be placed on the agenda. She reported that 12 wood doors were removed from the Probation and Parole area of City Hall during remodeling. A City employee has inquired about the possibility of purchasing one or several doors. It was estimated that, the doors could probably be sold for \$50 to \$100 per door.

1306122

Motion (Hass/Malm) to consider, as surplus property, the 12 doors removed from the Probation and Parole area during remodeling, and sell all the doors. Each door is to be sold for a minimum of \$50. Carried.

Monthly report - Street Commissioner

The report was in the meeting packet. Street Commissioner Lupton reported that he is currently seeking quotes for the City purchase of a plow truck. This purchase has been budgeted.

Monthly report – Exterior Maintenance

The report was in the meeting packet. There are currently over 200 properties on which exterior maintenance orders have been written. There are also numerous nuisance complaints which are being addressed.

Monthly report – Northwinds Inspection

The report was in the meeting packet.

Monthly report – City Hall Maintenance Supervisor

No report submitted. All work related to the Probation and Parole remodeling at City Hall is either completed or near completion.

Monthly report from contracted engineering firms

No report(s) submitted.

Place monthly reports on file

Motion (Hass/Malm) to place the monthly reports on file. Carried.

Next meeting

Wednesday, June 26th, 2013 at 5:30 P.M. A public hearing on the proposed 2013 sidewalk maintenance projects will be included on that meeting agenda. The hearing will begin at 6:00 P.M.

Public Comment

Mark Raymer complimented board members for having open minds as they discuss and consider various issues. He also mentioned that he has requested an agenda item for the June meeting.

Alderman Hass praised the Street Department for their work on Prospect Street in preparation for the Memorial Day festivities at the Cenotaph.

Adjournment

Motion (Hass/Malm) to adjourn. Carried. Adjourned at 6:12 P.M.

Minutes prepared and submitted by:



William N. Heideman, WCMC
City Clerk

1306130

**City of Merrill
Health and Safety Committee
Monday, May 20, 2013 at 4:30 P.M.
City Hall Basement Conference Room, 1004 East First Street**

Voting Members Present (3 of 3): Alderwoman Anne Caylor (Chairperson), Alderwoman Kandy Peterson and Alderman Dave Sukow.

Others Present: City Administrator Dave Johnson, Fire Chief Dave Savone, Police Chief Ken Neff, Deputy Health Officer Norbert Ashbeck, Patricia Baacke and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Alderwoman Caylor called the meeting to order at 4:30 P.M.

Nuisance complaints and exterior maintenance report

The report was in the meeting packet. Deputy Health Officer Ashbeck reported that one of the cases on the report was a landlord-tenant issue.

Alderman Caylor remarked that progress is being made on the compliance and enforcement of exterior maintenance ordinances. Alderman Sukow added that this progress is possible because the City is being consistent as issues are addressed.

Vouchers

The vouchers were in the meeting packet.

Motion (Sukow/Peterson) to approve the vouchers, as presented. Carried.

2013-2014 Liquor License renewal applications

A list of license applicants was in the meeting packet. City Clerk Heideman reported that all anticipated applications have been returned, and that he has no concerns with the applications at this time. Between now and actual renewal time, research will be done to ensure that there are no reasons to deny any licenses or delay any approvals.

Police Chief Neff has no concerns with the applications as submitted.

1306131

Motion (Peterson/Sukow) to approve the 2013-2014 Beer & Liquor Licenses for Class "A", Class "B", "Class A", "Class B", Class "B" and "Class C" Wine, as submitted. All approvals would be contingent upon full compliance with the City of Merrill Code of Ordinances and Chapter 125 of the Wisconsin State Statutes. Carried.

Other beer and/or liquor license applications

None.

Request from businesses to close down East Main Street for "block party"

Note: At this time, Deputy Health Officer Ashbeck departed.

Information was in the meeting packet. Several eastside businesses have signed and submitted a request to close a block of East Main Street (between Poplar Street and Court Street) from 1:00 P.M. to midnight, on Friday, June 21st, 2013, in conjunction with a Main Street Block Party.

Police Chief Neff has no concerns with the request.

1306132

Motion (Sukow/Peterson) to approve the request from several businesses to close a block of East Main Street (from Poplar Street to Court Street) from 1:00 P.M. to midnight, for the Main Street Block Party on Friday, June 21st, 2013. Any music associated with the block party is to end by 11:00 P.M., and the street is to be cleaned up and reopened by midnight. Carried.

Ord. amendment to Sec. 36-86 re: Prohibit parking of certain vehicles on streets

The proposed ordinance was in the meeting packet.

The ordinance was drafted as a result of discussion held at the April 22nd, 2013 Health and Safety Committee meeting, regarding potential safety hazards created when school buses or other large vehicles are parked on the street.

The ordinance would prohibit parking a commercial vehicle, an oversized vehicle or a non-conforming vehicle on any street, boulevard, or other public way within the City of Merrill.

Police Chief Neff reported that he and Street Commissioner Lupton met to formulate the language for the ordinance. They are "comfortable" with the language of the ordinance and recommend approval.

Motion (Peterson/Sukow) to approve the ordinance. Carried.

The ordinance will be on the June 11th, 2013 Common Council meeting agenda.

Monthly Report – Fire Chief Savone

The report was in the meeting packet. Fire Chief Savone reported that "turning dirt" at the new fire station site has begun. This week is EMS week. The department will be receiving an award in Wausau on May 21st. Use of the new software will be "live" this week.

Alderman Sukow spoke favorably on the report format.

Monthly Report – Police Chief Neff

The report was in the meeting packet. Firearms training has been completed for the time being, but the department is now busy with other training.

Alderwoman Caylor stated that she has received numerous complaints related to "Rummage Sale" signs, specifically that they are being placed in the boulevard and/or not being removed in a timely manner.

Alderwoman Caylor also raised the issue of the Labor Day Parade route being changed. She asked if the paperwork for a parade permit has been submitted. Police Chief Neff responded that the paperwork has not yet been submitted. Police Chief Neff stated that he will contact Parks and Recreation Director Wendorf to determine who is responsible for the parade route and for submitting the paperwork to obtain a parade permit.

Monthly Report – Lincoln County Humane Society

The report was in the meeting packet.

Place monthly reports on file

Motion (Sukow/Peterson) to place the monthly reports on file. Carried.

Schedule next meeting

Monday, June 24th, 2013 at 4:30 P.M.

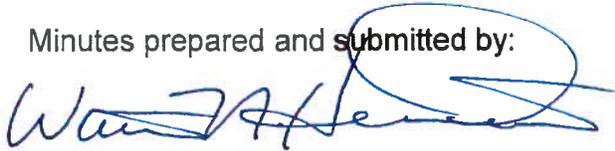
Public Comment

None.

Adjournment

Motion (Sukow/Peterson) to adjourn. Carried. Adjourned at 4:55 P.M.

Minutes prepared and submitted by:

A handwritten signature in blue ink, appearing to read "William N. Heideman", with a large circular flourish at the end.

William N. Heideman, WCMC
City Clerk

1306140

**City of Merrill
Personnel and Finance Committee
Tuesday, May 28, 2013 at 5:15 P.M.
Basement Conference Room at City Hall, 1004 East First Street**

Voting Members Present (3 of 3): Alderman Steve Hass (Chairperson), Alderwoman Anne Caylor and Alderman Ryan Schwartzman

Others Present Included: City Administrator Dave Johnson, Mayor Bill Bialecki, City Attorney Tom Hayden, Treasurer/Finance Director Kathy Unertl, Information Technology Manager Ron Turner, Mike Morrissey, Library Director Stacy Stevens and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Alderman Hass called the meeting to order at 5:15 P.M.

Vouchers

The vouchers were in the meeting packet.

Motion (Schwartzman/Caylor) to approve the vouchers. Carried.

Consider increase in room tax from 4% to 8%

Mayor Bialecki had requested that this item be placed on the agenda. He is requesting that consideration be given to increasing the lodging room tax from 4% to 8%. Mayor Bialecki is suggesting that the additional revenue could be used for new and additional directional signs as well as business district beautification projects. He explained that the typical room tax percentage in the area is 8% to 11%, and is even higher in some areas of Wisconsin.

Alderwoman Caylor stated that, before any increase is approved, a long-term plan for the increased revenue should be prepared and considered. City Administrator Johnson responded that, at the present time, there is at least four years' worth of known uses for the revenue.

Motion (Schwartzman/Caylor) to approve the increase in the lodging room tax from 4% to 8%, by an amendment to the Code of Ordinances Section 18-36. Carried.

The ordinance will be on the June 11th, 2013 Common Council meeting agenda.

Reorganization of Information Technology Department – Updated org. chart

Information was in the meeting packet.

City Administrator Johnson distributed a proposed updated City organizational chart. The major changes to the chart would be that the Information Technology Specialist position title would be changed to Information Technology Manager, and the person in that position would report to the City Administrator rather than to the Finance Director. Also, the Finance/Technology Director position title would be changed to Treasurer/Finance Director.

City Administrator Johnson then distributed another organization chart. He emphasized that he was distributing it for information only at this time, and he was not making any recommendations or seeking any action related to it. On this chart, the Enrichment Center would be under the responsibility of the Park and Recreation Department. This type of organization is already in place in several municipalities.

The Committee agreed by consensus that the first organizational chart distributed at the meeting should become the official City organizational chart at this time. Per City Attorney Hayden, no Common Council action is necessary.

Develop long-term plan for Information Technology Department

City Administrator Johnson reported that a long-term plan for Information Technology equipment, programs, etc. is being developed. He issued a reminder that such a plan will always be a "moving target", based on the fact that Information Technology undergoes rapid change.

The possibility of doing an Information Technology security audit was discussed.

No action was taken.

Monthly Report – Municipal Court

The report was in the meeting packet.

Monthly Report – Treasurer/Finance Director Unertl

The report was in the meeting packet. Treasurer/Finance Director Unertl reported that she is currently working on issues related to health insurance.

Monthly Report – City Attorney Hayden

The report was in the meeting packet.

Monthly Report – City Clerk Heideman

The report was in the meeting packet.

Monthly Report – City Administrator Johnson

The report was in the meeting packet.

Monthly Report – Building/Zoning Permits

The report was in the meeting packet.

Place monthly reports on file

Motion (Caylor/Schwartzman) to place the monthly reports on file. Carried.

Next meeting

Monday, June 24th, 2013 at 5:30 P.M.

Public Comment

None.

Motion to convene in closed session

Motion (Schwartzman/Caylor) to convene in closed session pursuant to Wisconsin State Statutes Section 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice to discuss bargaining strategy for 2013 negotiations with the City's Fire and Police unions and related issues. Carried 3-0 on roll call vote.

Convened in closed session at 5:51 P.M. Attending: Hass, Caylor, Schwartzman, Bialecki, Johnson, Hayden, Unertl and Heideman.

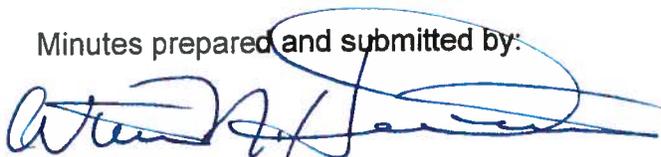
Closed session – Strategy for upcoming negotiations with Police & Fire unions

The minutes of the closed session will be filed separately and confidentially.

Adjournment

Motion (Caylor/Schwartzman) to adjourn. Carried. Adjourned (from closed session) at 6:05 P.M.

Minutes prepared and submitted by:



William N. Heideman, WCMC
City Clerk

1306160

**City of Merrill
City Plan Commission
Tuesday, June 4, 2013 at 5:15 P.M.
City Hall Basement Conference Room, 1004 East First Street**

Voting members present: Mayor Bill Bialecki (Chairperson), Alderman Steve Hass, Ken Maule, Melissa Schroeder and Pete Lokemoen. Dan Novitch had an excused absence.

Other attendees: City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Alderman Dave Sukow, Alderwoman Kandy Peterson, LeRoy Fischer and City Clerk Bill Heideman.

Call to order

Mayor Bialecki called the meeting to order at 5:15 P.M.

Minutes of May 7th, 2013 meeting

The minutes were in the meeting packet.

Motion (Hass/Maule) to approve, as presented, the minutes of the May 7th, 2013 City Plan Commission meeting. Carried.

Site Plan – Veteran's Memorial sign @ Merrill Memorial Park

Information was in the meeting packet. St. Francis Xavier Catholic Cemetery Veterans Memorial has paid the fee and submitted a site plan for a proposed sign at Merrill Memorial Park.

The only concern that Building Inspector/Zoning Administrator Pagel has is related to the possibility of the sign creating traffic visibility problems. It was suggested that a traffic visibility triangle be established to ensure that there are no safety issues related to traffic visibility.

1306161

Motion (Maule/Schroeder) to approve the site plan from St. Francis Xavier Catholic Church Veterans Memorial, for a proposed sign at Merrill Memorial Park, Memorial Drive, pending the establishment and outcome of a traffic visibility triangle. Carried.

Site Plan – Outdoor shelter @ Athletic Park

Information was in the meeting packet. The City of Merrill Park and Recreation Department and the Merrill Baseball Association have paid the fee and submitted a site plan for a proposed covered shelter at Athletic Park, Logan Street. Depending on the availability of funds, they are also hoping to install a deck as well.

Building Inspector/Zoning Administrator Pagel stated that, if the site plan is approved, measures be taken to help alleviate any water running into properties that abut Athletic Park.

1306162

Motion (Lokemoen/Maule) to approve, as submitted, the site plan from the City of Merrill Park and Recreation Department and the Merrill Baseball Association, for a covered shelter and, based on the availability of funds, a deck, at Athletic Park, Logan Street. Carried.

Site Plan – Dog park @ Merrill Area Recreation Complex (MARC)

Information was in the meeting packet. The City of Merrill Park and Recreation Department has paid the fee and submitted a site plan for a dog park at the Merrill Area Recreation Complex, 1100 Marc Drive.

Building Inspector/Zoning Administrator Pagel stated that, at this point, the site plan consists only of a chain-link fence. He has no concerns with the site plan as submitted.

1306163

Motion (Hass/Schroeder) to approve, as presented, the site plan from the City of Merrill Park and Recreation Department for a dog park at the Merrill Area Recreation Complex, 1100 Marc Drive. Carried.

Next meeting

Tuesday, July 2nd, 2013 at 5:15 P.M.

Public Comment

None.

Adjournment

Motion (Hass/Schroeder) to adjourn. Carried. Adjourned at 5:27 P.M.

Minutes prepared and submitted by:



William N. Heideman, WCMC
City Clerk

1306170

Transit Meeting
May 20, 2013

Present; Mr. Steve Willis, Mr. Gordon Geiger, Mr. Rick Blake – Chair Proxy, Ms. Susan Kunkel and Rich Grenfell – Transit Administrator.

Absent: Ms. Judith Blennert – Chairperson

Welcome and introduction of Ms. Susan Kunkel to the Transit Commission.

A motion to approve the minutes of the April 15, 2013 meeting was made by Mr. Willis and seconded by Mr. Geiger. C.U.

The Commission reviewed the 2013 First Quarter stats; Ridership and revenue decreased primarily due to the loss of MAPS ridership as stated in the 2012 annual report. New demographics are transitioning our statistics, so a true comparable will not exist until the start of the 2013-2014 school year. Disabled passengers increased by another 6 % and Adult passengers increased by 7%. These are the non-typical variables that are changing the demographics and service levels of the system.

A motion to place the report on file was made by Mr. Willis and seconded by Ms. Kunkel. C.U.

The Commission reviewed and discussed the conditions to employ a person with disabilities for the maintenance of the bus storage facility. The proposal, provided by Lincoln Industries, is primarily a shared expense that is reimbursed at a graduating scale for the first three years of employment. A recommendation to present the proposal to the Personnel & Finance Committee was made by Ms. Kunkel and seconded by Mr. Willis. C.U.

Administrator's Report;

No new information was provided or available on the FTA reported complaint or employee training for ergonomics and lifting.

No Public Comment.

A motion to adjourn was made by Ms. Kunkel and seconded by Mr. Geiger

Next transit meeting Monday, June 17, 2013.

**T. B. Scott Free Library Board of Trustees
REGULAR MEETING
May 15th, 2013**

Minutes

1. Opening

President Mike Geisler called the Regular Meeting of the Board of Trustees to order at 4:00 p.m. in the Library Board Room. Present: Gene Bebel (4:08-), Katie Breitenmoser, Paul Gilk, Chris Malm, Richard Mamer, Jim Wedemeyer and Vickie Yelle. Absent (ex.): Tim Meehean. Also present: Don Litzer (4:01-) and Ricky S. from MP3.

Correspondence received: a thank you letter from State Representative Mary Czaja for the use of the meeting room in addition to a donation of the Wisconsin Flag.

There was no public comment.

2. Consent Items

M Mamer/S Wedemeyer /C to approve the minutes of the April meeting as printed.
M Mamer/S Wedemeyer/C to accept the Monthly Revenue and Expense Printouts and Monthly Statistical Report for April as printed.

3. Reports/Discussion Items/Action Items

A. Community Outreach-Lincoln Hills and Lincoln County Jail: Ms. Stevens reported that she has meetings set up with staff at both Lincoln Hills and Lincoln County Jail to explore collaboration. Mr. Gilk requested that the Lincoln County Board representative on the committee overseeing these institutions be notified of the meetings. This item will be placed on the next meeting agenda for follow-up.

B. Building and Grounds Update and Request: Ms. Stevens contacted Dan Wendorf, Merrill City Forester, to obtain his recommendation for the elm tree in front of the library. Board consensus was to attempt to prune the tree, and not to remove it. Mr. Schroeder will contact the Merrill Street Department to ascertain whether they can perform the pruning or if the job must be contracted to a tree service. Ms. Stevens presented a report on the failure of the sump pump and requested funds to replace the pump. M Gilk/S Breitenmoser /C to approve \$650.93 from Endowment Fund monies to pay for a replacement sump pump as presented.

C. Trustee Essential #1-The Trustee Job Description: Ms. Stevens reviewed the general function, qualifications and principal activities presented in the Trustee Essential #1.

D. Reports from Friends/WVLS Representative: The Friends Spring Booksale was successful with proceeds over \$1,000. There was no report from the Lincoln County WVLS Representative.

4. Forthcoming Events & Library Director Report

- Youth Summer Library Program begins with the Rodeo Queens Friday June 7th. There will again be artwork in the Youth Services from the PRMS 6th grade art students.
- Adult Summer Reading Program begins May 28th.
- Ms Stevens, Mr. Litzer and Ms. Schuster attended the Wisconsin Association of Public Libraries (WAPL) conference, and enroute conducted site visits to three libraries with comparable service populations as part of the long range planning process. Mr. Litzer was a presenter at one of the WAPL conference programs.
- Ms. Stevens attended a City Department Head meeting at which time City Administrator Johnson discussed 2014 budget issues.
- Ms. Stevens presented the 2013 final report for Food for Fines.
- Mr. Mamer will present the IRS form 990 at the June Board meeting.

5. Adjournment:

The meeting adjourned at 4:40 p.m. The next regularly scheduled meeting of the Board of Trustees will be held on June 19th at 4:00 p.m. in the Library Board Room.

Stacy D. Stevens, Secretary

1306185

City of Merrill
Redevelopment Authority (RDA)

Tuesday, June 4th, 2013 at 8:00 A.M.
City Hall Council Chambers

RDA Present: Bill Bialecki, Ryan Schwartzman, Wally Smith, David Hayes, and Jill Laufenberg (at 8:08 a.m.)

RDA Absent: Ralph Sturm and Karen Karow

Others: Finance Director Kathy Unertl, City Administrator Dave Johnson, Mike Morrissey from Redevelopment Resources, City Attorney Administrative Assistant Diane Wais, City Building Inspector/Zoning Administrator Darin Pagel from Northwinds Inspection, Jim Beam from WJMT Radio, and MP-3

Call to Order: Chair Bialecki called the meeting to order at 8:00 a.m.

Approval of meeting minutes from April 23rd, 2013:

Motion (Schwartzman/Smith) to approve the meeting minutes. Carried.

Consider Request for Proposal (RFP) response(s) for sale of 318 Grand Ave. and proposed redevelopment plans:

Only one RFP response was received. Richard and Sharon Schmidt propose paving of an area off Merrill Street for private parking and green space throughout the rest of the property. Estimated costs for these site improvements are \$5,000. Their proposed purchase offer is \$4,350 for 318 Grand Ave.

The Schmidt's own the two buildings immediately to the west of the 318 Grand Ave. parcel which have been restored and are now occupied by Tactical Search and Rescue LLC and To Your Health LLC. The Schmidt's have a track record of rehabilitating historical buildings and running successful businesses. Building Inspector Darin Pagel advised that he has discussed the proposed site plan with the Schmidt's and has the legal authority to approve the plan.

Motion (Schwartzman/Hayes) to recommend accepting Richard and Sharon Schmidt's RFP response including sale price of \$4,350 for 318 Grand Ave. for private parking and green space. Carried.

1306186

Update on Committee of Whole May 14th actions on Lincoln House and continued discussion of future site redevelopment options:

City Administrator Dave Johnson highlighted the COW actions on May 14th to reject the demolition bid; directed a RFP be issued offering the building/site for \$1.00 subject to demolition of the existing structure and a site redevelopment plan; relocation of existing tenants; and rebidding of demolition project if no RFP responses by end of August.

Laufenberg asked about notice to tenants. The City has given the three tenants sixty (60) day notice to move. Mike Morrissey from Redevelopment Resources is assisting the City Attorney Office in preparation of Relocation Plan for the two residential tenants and the radio station. The plan will need to be submitted and approved by the State of Wisconsin's Department of Administration.

Kristen Fish from Redevelopment Resources is checking on potential CDBG funding for asbestos abatement, demolition, and site redevelopment. Wisconsin Department of Administration is now managing the CDBG programs instead of the Wisconsin Economic Development Corporation (WERC). Grant funding for 2013 is pending determination of Federal Housing and Urban Development (HUD) allocation to Wisconsin. Fish and Unertl will continue to review as potential funding option.

Laufenberg inquired about insurance settlement. The City has received \$130,000 which could be used for demolition if no interested developers. The insurance amount is based upon what it would cost just to restore the interior to the condition it was prior to the February 2013 water leak. Johnson reported that there would need to be major expenditures on the exterior to comply with the City's exterior maintenance code.

Update on proposed El Mezcal restaurant development TIF incentive which is located in TID No. 3:

Public interest in potential new restaurant was one of the items emphasized in the recent community survey. Commissioners commented that El Mezcal would be another business to attract travelers off Highway 51 turning left into City of Merrill.

The proposed TIF development incentives include up to \$35,000 for regional stormwater drainage, as well as \$100,000 pay-as-you-go TIF cash development incentive to be paid over five-year period after new tax increment generated. Bialecki and Unertl advised that the potential TIF development incentives were discussed in closed session of February 5th Committee of Whole meeting.

The cash development incentive is consistent with what City has done for other construction projects such as Walgreen's, Lincoln Community Bank, Caylor's Corners, Culver's, and the Wisconsin River island storage buildings. Bialecki also noted the Hurd/Superseal forgivable TIF loan based upon meeting job creation targets.

Update and discussion on “blight” elimination activities, including exterior maintenance enforcement and demolitions:

Building Inspector Darin Pagel reported that there are over two hundred properties on the exterior maintenance enforcement list; however, that just scratches the surface of the issues. Pagel emphasized that what is in a community and how buildings are being maintained are key evaluation criteria for potential new property owners and businesses.

Johnson, Unertl, and Pagel advised that the City is willing to work with property owners. For example, Development & Leasing and SEMCO just provided a plan for the next two+ years for demolitions of structures along the Wisconsin River east of North Center Avenue. Some “blighted” buildings in this area have already been demolished. When there is no response to exterior maintenance orders or failure to meet deadlines, the City is issuing citations and taking property owners to Merrill Municipal Court. It was noted that despite the yellow tape around the building and a scaffold, the property owner of Grecian Delight failed to meet the May 31st deadline for exterior painting.

Update and discussion of “The Distinctive City – Community Appeal Drives Economic Prosperity” article, Mayor’s Business Recruitment Task Force, and Merrill Community Forum Series activities:

Morrissey from Redevelopment Resources highlighted the key points in the Edward McMahon article on “The Distinctive City”, including that a community’s appeal drives economic prosperity and makes a City attractive for tourists to visit. Morrissey noted that areas of the City of Merrill have no trees, no hanging baskets, no bike racks, no benches, industrial-like streetlights, and no directional signage.

The McMahon article emphasizes that distinctiveness involves streetscapes, architecture, and historical preservation. Morrissey commented that Old City Hall and continuing deterioration of this highly visible property needs further RDA discussion. Various “blighted” commercial properties were highlighted via pictures.

As to status of various façade rehabilitation projects, Morrissey reported:

811-813 East 1 st Street	Just sold to the Hoffman’s for their antique business
406 West Main Street	Façade project completed
1502 West Main Street	Mark Raymer has started rehabilitation of building
Humphrey’s Pub	Concepts prepared and costs being evaluated for phasing
Central Carpet	Concept sketches done – waiting for contractor estimates
316 Grand Ave.	Waiting for contractor estimates

Unertl advised that City staff and contractors were discouraging commercial property owners from removing historical brick facades with vinyl siding replacement. RDA Commissioner consensus with this approach and reluctance to recommend any TIF incentives for vinyl siding façade replacements.

Next RDA Meeting: At the call of the RDA Chair.

Public Comment:

Jim Beam from WJMT Radio suggested that City explore recycling, including floor subway tile, when demolishing Lincoln House. He emphasized that for Quick Silver Broadcasting the key issues in relocating include technical connections, parking, and rental cost.

Beam also suggested that rather than paying \$10,000 for the El Mezcal restaurant liquor license that there should be potential negotiation with Club Modern and a deal worked out. Mayor Bialecki advised that the City's last liquor license was issued to Club Modern in May and noted that that business property is for sale.

Potential Closed Session: No closed session was held.

Adjournment:

Motion (Schwartzman/Smith) to adjourn the meeting at 9:10 a.m. Carried.

Minutes prepared by RDA Secretary Kathy Unertl

1806200

Merrill Area Community Enrichment Center
Committee on Aging
May 16, 2013

Committee Members Present: Chairperson Eugene Simon. Jack Ader, Diane Goetsch, Chris Malm, Peggy Jackelen and Art Lersch. Absent: Missy Holdorf

Meeting was called to order at 8:00 am. Motion was made by Malm, seconded by Lersch to approve the minutes from the March 2013 meeting. Motion carried.

Program updates:

Writers Club - Classes will begin in May with those who are interested in creating short stories of their own. Classes will also be offered in Rhinelander for those wanting to attend. Jane will be teaching the classes here at the center every other Monday.

Walking Club - scheduled to start the first Tuesday in June. The walkers will walk from City Hall for 45 minutes on Tuesday and Thursdays.

Older Americans Month Update - Several special activities were scheduled for the month of May. Rochelle Pennington Author and speaker will be at the center on May 10th. "Celebration of Life" and Korean War Memories was scheduled for May 15th. Volunteer recognition is scheduled for May 30th.

Leaf Casting Classes - Classes will begin in June and run through September. 6 people per class with a donation of \$20.00 to the center. Classes will run during the daytime as well as evening classes.

Summer Fish Boils - Randy Schultz will be providing Fish Boils for the center. The first one is scheduled for June 13th at Stange's Kitchenette. They will be held monthly through September.

Kate's Kids - Special friends spent their last day this school year with us on May 23rd with a special project, treats and a quilt that was given to the one student who will be leaving this year. Wonderful day planned with 7 students, 2 teachers and 9 volunteers.

Committee on Aging Officers; Nominations for Co- Chairperson. Jack Ader. Nominations for Chairperson. Eugene Simon. Motion was made by Malm, seconded by Jackelen to accept the nominations for board. Motion carried.

Conference Presentation; Jane presented to workshops at the State Alzheimer's Association Conference at the Dells the first week of May. One breakout session was creating a support group of your own and the other was a "Father's and Daughters" Journey.

WASC (Wisconsin Association of Senior Centers) Accreditation Process is underway for the MACEC. Kathy Olson and Jane are working hard to have completed this year. Other members from the community and committee will be asked to come on board once the outline is in place.

Ageless Wisdom Update; The entries continue to come in. The committee will discuss how many books to purchase and to give marketing ideas. We are hopeful to have a publication and distribution date of September 1st.

GRABAARWR Bike Event; The MACEC has been asked to have a Rest Stop in Merrill. We will set up at Stange's Kitchenette on June 24th from 10:00 am - 3:00 pm. Volunteers will help the staff man the stop. Food and drinks will be provided.

ADRC - Erin was not present.

Center Staffing; There was some committee discussion on the center and the staffing hours because of staffing shortages due to sick time. Jane will report back to the committee in June.

Motion made by Ader, seconded by Malm to approve the vouchers as presented. Motion carried. The committee has asked that Mayor Bialecki, Tom Haden, Kathy Unertl and Dave Johnson attend the meeting in June for discussion on budgetary cuts for 2014. A message will be directed to each of them for their input.

No public comment.

Motion made by Ader, seconded by Lersch to adjourn at 9:15 pm. Motion carried.

Minutes submitted by Jane A. Deau, Director MACEC.

1806210

Minutes
Airport Commission Meeting
Wednesday, May 1, 2013

Present: Gary Schwartz, Joe Malsack, Gary Schulz, Lyle Banser, Chris Malm and Airport Manager John Miller

Also Present: Larry Wenning, Steve Krueger, Brian Hough, Bill Kaiser and Taylor Kaiser

(1) Call to Order: Gary Schwartz called the meeting to order at 7:00 PM.

(2) Approval of the March 20, 2013 Minutes: John Miller said that Taylor Kaiser's name was misspelled and would be corrected. Joe Malsack made a motion to ratify the minutes of the March 20, 2013 meeting with that correction. The motion was seconded by Lyle Banser. The motion passed.

(3) Approval of Vouchers: The vouchers were reviewed and signed by all. Joe Malsack made a motion to approve the vouchers. The motion was seconded by Chris Malm. The motion passed.

(4) Update on 2006 Project: Will combine with the 2013 Terminal Project.

(5) 2013 Terminal Project: Gary Schwartz said that the contractors are waiting for the road load limits to come off, which should be in about two weeks, to get started on this year's project. John Miller said Van Ert Electric wants to get started by installing the cans for the light system along the new taxiway. They will also be working in the electrical vault. John said as soon as the ground is workable they will start putting in the rest of the lights.

Gary Schwartz brought everyone up to date regarding the bid for the light poles. Gary said that he and John Miller would come up with the options and report back to the Commission.

John Miller said that he has been in touch with the board at the Tomahawk Airport in regard to borrowing an entitlement. John said he has also spoken with their project manager from the Bureau of Aeronautics (BOA). John said Tomahawk is hesitant to release that money to us because they are afraid the Federal Government may discontinue the program. John said their project manager said he would advise Tomahawk it would be to their advantage to borrow us an entitlement at this time.

Gary Schwartz said that if we were to get the money from Tomahawk we should be able to start the work on the terminal this fall. Gary Schwartz said that if we do get that entitlement it will be time to get an architect involved with the planning.

(6) Discussion/Decision Approval of Com. Hangar Ground Lease in NEW

Terminal Area: Brian Hough presented his plan for a hangar in the new area of the Airport. Brian Hough said that he would like approval to build an 80 X 100 hanger to start a flight school on the Merrill Airport.

Gary Schulz questioned if the area selected was large enough to build that size hangar. John Miller said they would talk with Steve Opatik from Becher-Hoppe to confirm the hangar will fit there.

Brian Hough reviewed with the commission his financial and business plan to get the flight school operational. Brian felt that construction of the hangar could start by July 1st. Gary Schwartz said that a \$500 deposit was required to hold the site and he would have 1 year to build and then the deposit would be returned to him after completion.

Joe Malsack made a motion to approve the ground lease requested by Brian Hough. Gary Schulz seconded. Motion carried.

(7) Discussion/Decision Maintenance Hangar Floor Resurfacing: John Miller said that after last month's meeting he asked for and received more bids on the painting of the hanger walls. John said he received and accepted a bid from Heisler Painting for \$5,160.00. John said the painting of the walls is presently being done.

John said while removing the paint along the edge of the concrete floor he realized that there were a lot of areas that had deep pitting and the polishing previously approved was not going to work. John said he did some research and found that epoxy paint might be a better way to go.

The commission members viewed the hangar floor while John explained what he would like done. John said he has been in touch with Parker Coatings from Green Bay and has received a quote of \$6,780.00 for the paint for the floor. John said this is an industrial coating that was put down at a hangar in Iron Mountain and has lasted well for about six years now. Gary Schulz has seen this floor in Iron Mountain and it is a nice looking floor.

John Miller said that his company is also spending more on the preparation of the floor than he had anticipated but felt the final product will be worth the money. John Miller went over the agreement between the Commission and John Miller Aviation for the refurb of the Hangar. John said the commission is to pay for the painting of the walls and would pay for the materials for the floor. John Miller Aviation would do the labor for the floor.

John said the refurb of the hangar is still within the capital budget money allotted. After some discussion Joe Malsack made a motion to approve the cost of the paint for the floor. Lyle Banser seconded. Motion carried.

(8) Discussion Ground Lease: Taylor Kaiser said that he has been to see the City Attorney and did sign and notarize the lease and paid the sales tax. They also provided a certificate of insurance for \$1,000,000. Taylor said the reason they crossed out the City of Merrill as an additional insured on the policy was because they felt that they did not have personal control of the 5 foot footprint surrounding the hangar.

John Miller said crossing anything off the lease was unacceptable to the City Attorney. Bill Kaiser said that listing the City of Merrill as a co-insurer would be additional fee. After much discussion Bill was urged by the Commission to check this again, as no one else had any additional charges to provide paperwork naming the City as a co-insured.

After some additional discussion Taylor Kaiser then signed a new lease and they were witnessed signed by John Miller and Gary Schwartz.

(9) Discussion–Airport Name: No discussion this meeting but will be kept on the Agenda.

(10) Discussion of RRL Marketing Program: No discussion this meeting but will be kept on the Agenda.

(11) Manager's Report: John Miller reported that at the Aviation Conference he had just attended he spoke with Eric Johnson, our Project Manager from the BOA and Steve Opatik, from

Becher-Hoppe and was told that the beacon should be up in about 3 weeks and will be one of the first items completed when the project begins.

John reported that one of the seminars he attended was regarding Airport Safety Committees. John said a formal Safety Committee gives users of the airport a chance to speak about problems the Airport Manager or Commission Members May not be aware of. It would give a platform for the Airport Manager and Commission to act on these problems. John said this is something that he would like to talk about in the future.

John also stated that \$219,000,000 was shifted from AIP to the operational budget of the FAA. All agreed this is not good news for future projects

John said Hanger 9 has been rented to Dan Sire effective 5/1/2013.

John said the lights on 16/34 have started popping again when the warm weather came a few weeks ago. John said that he is keeping the lights manually on low to keep the breakers from popping. John said so far this is working so for safety reasons he will continue this for the time being.

John said Bryce Kolpeck from NTC has spoken with him about doing something at his facility the same day we do Airport Day. John and Bryce will continue talking about this as Airport Day gets closer.

John Miller said that he has spoken with the City Attorney and was told that the City will not help him at all when it comes to problems with the skydivers at Airport Day from a legal or insurance wise. John said the City Attorney said that Letters of No Fault are absolutely worthless.

Steve Krueger said that he has spoken with one of the skydivers and there is one day insurance coverage we could get for around \$500.00. Steve said he will get this information to John.

Brian Hough asked if the Airport had a non-profit certificate so that we could do a 50/50 raffle to raise money for Airport Day to get more attractions. Brian said Tomahawk does the calendar raffle to raise money.

(12) Chairman's Report: Gary Schwartz and John Miller attended the ribbon cutting at NTC. Gary spoke with Lori Weyers, President of NTC, after the ceremony about maybe getting an Aviation Program started there. He was told she would look into it.

(13) Aviation Happenings: Gary Schulz stated that Boeing is back in the air with the 787's.

Gary reported that with this \$219,000,000 from AIP to FAA the control towers will be kept open, and no airport projects will lose funding.

Gary talked about the certification process of airplanes.

(14) Public Comment: None

(15) Agenda Items for Next Meeting: Insurance for Skydivers Policy, Safety committee, NTC and Approval of Hangar for Dan Sire.

(16) Adjournment: Joe Malsack made a motion to adjourn. The motion was seconded by Chris Malm. The motion passed.

These Minutes were recorded by John Miller, the Airport Manager and were ratified at the May 15, 2013 Airport Commission Meeting.

1306225

Tourism Commission
April 19, 2013
Merrill Chamber Office

Attending: Dan Wendorf, Jim Arndt, Chris Malm, Debbie Kinsey

Missing: Lauree O'Day, Russ Grefe, Mayor Bill Bialecki

Called to Order: 12:20pm

Review of minutes: Change in last line of minutes from worth to work. A motion to approve the minutes with change made was made by Malm, seconded by Arndt, voted and carried.

Agenda Change ~ review of the Budget and will follow with the Funding applications.

Review of Budget: reviewed the current amounts allocated to each account.

Signage- the City is in need of signage. Does the City still have money for the signage? If so, how much? Tourist need to have signage to get around the City. Will have Chris Malm see how much money is available from the City? Will see if the Tourism Commission has money available to help fund signage. Would like to have the signage come back through Tourism Commission to be OK. City would have the high school students come up with new city logo, however did not bring in anything. What is Merrill's slogan? Smart Move, Location, People, Nature. Would need to know who we are for a new slogan. Gateway to the Northwoods, North of the City, South of the Woods. Would need to do research about the City slogan and why it was picked. Would need to be able to have people be able to tell it is Merrill. No explanation to be needed. One logo for everyone to use.

Funding Applications:

Winterfest – Dog Sled Race Request amount- \$1,000: They are piggy-backing events. Making it one big weekend event. Volleyball was a big turnout. Musher's Spaghetti dinner didn't go as well as previous year. Amount granted - \$810.

Run United Request amount - \$250: Fundraiser for United Way. Would like the group to show how many overnight stays they bring in. Amount granted - \$225.

Merrill Airport Days Request amount - \$2,000: would like to see them advertise in the outside Merrill areas. Amount granted - \$900.

Merrill Lion's Labor Day Car Show requested amount - \$2,200: Would like to see more advertising in the outside area. Amount granted - \$1,350

Lincoln County Fair request amount -\$2,000: reviewed and amount granted \$675.

Gleason Heritage Days request amount \$400: Would like to see the hotel stays that are brought in. Amount granted \$180.

WI River Pro Rodeo request amount \$4,500: The association does do all advertising that is asked of them. They do bring in may hotel stays. Amount granted \$2,700.

Gazebo Nights requested amount \$1405.00: Would like to see the group become an organization and show outside the area advertising. Would need to see the overnight stays. Amount granted \$180.

Concertina requested amount - \$400: Has worked well in providing the information that is needed. Amount granted - \$360.

Ice Drags requested amount - \$2,200: would like an additional amount for their 50th Anniversary. Would like to be able to push more advertising in the Chicago area and more TV spots. Commission will be requesting that all information is in a typed out format. Amount granted - \$1,800.

Barleyfest requested amount - \$2,500: Does work with the hotels in an overnight package. 700 people in attendance last year. Local places are doing events before and after this event. This event is funded by sponsorship. Would like to see another event piggyback this event that would need a different organization to take care of. They have dropped the Brew News advertising. Amount granted - \$2,250.

Pork in the Park requested amount - \$1,000: New event outside of the MARC on September 14th. The Chamber is organizing this event during the Fall Ride. Ribs will be for sale, and people will be able to vote on their favorite. The hotels will already be full, but another event piggybacking what is going on in the area. Amount granted - \$900.

Gymkhana requested amount - \$300: would like to see the overnight stays. Amount granted - \$270.

Ladies Lifestyle Expo requested amount - \$500: would like to see the overnight stays. Amount granted - \$450.

Review the Budget and funding applications. Budget – Other Promotions \$2000, Contingency \$1,000, Conferences \$2,200, Additional Advertising \$19,000, Administration & Rent \$7,000, Marketing Support \$3000 total of \$34,200. Funding applications total of \$13,050, grand total of \$47,250. Changes made to the Budget and a 10% reduction of all of the funding applications amounts granted. A motion to approve the budget and funding applications was made by Malm, and seconded by Arndt, voted and carried.

No public comment.

A motion to adjourn the meeting was made at 2:15pm by Arndt, and seconded by Malm. Next meeting will be planned via email at a later date.

1305251

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Health and Safety Committee
Re: Amending Chapter 2, Article II, Section 2-23 to
add (6) On-Duty Member of the Merrill Police
Department Auxiliary

ORDINANCE NO. 2013-

Introduced: May 14, 2013

1st Reading: May 14, 2013

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 2, Article II, Section 2-23 of the Code of Ordinances for the City of Merrill is amended to add the following at (6):

Sec. 2-23. - Issuance of citation.

- (a) *Law enforcement officer.* Any law enforcement officer may issue citations authorized under this article.
- (b) *City officials.* The following city officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:
 - (1) Any law enforcement officer;
 - (2) Fire chief or fire inspector;
 - (3) School crossing guards;
 - (4) Building inspector, plumbing inspector, electrical inspector, HVAC inspector;
 - (5) Street and weed commissioner.
 - (6) On-duty member of the Merrill Police Department Auxiliary under the direction of the Chief of Police or designee.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

William R. Bialecki,
Mayor

Attest:

William N. Heideman, City Clerk

1305252

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Health and Safety Committee
Re: Amending Chapter 24, Article II, Section 24 to
add (25) Merrill Police Department Auxiliary

ORDINANCE NO. 2013-

Introduced: May 14, 2013

1st Reading: May 14, 2013

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1 Chapter 24 of the Code of Ordinances for the City of Merrill is amended to add the following at (25):

Sec. 24-25. – Merrill Police Department Auxiliary

The Chief of Police may organize a Volunteer Civilian Police Auxiliary and shall provide for the training, planning, staffing, direction, and control of all the members of the Auxiliary for the the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the city ordinances.

All members of the Police Auxiliary shall be volunteer and will not receive monetary compensation for their service.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

William R. Bialecki,
Mayor

Attest:

William N. Heideman, City Clerk

1305253

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Health and Safety Committee
Re: Amending Chapter 26, Article II, Section 26-33
to add (b) and (c) related to Merrill Police
Department Auxiliary

ORDINANCE NO. 2013-

Introduced: May 14, 2013

1st Reading: May 14, 2013

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 26, Article II, Section 26--33 of the Code of Ordinances for the City of Merrill is amended to add the following at (b) and (c):

Sec. 26-33. - Failure to obey lawful order.

- (a) It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his duties.
- (b) It shall be unlawful for any person to obstruct any public official who is authorized to issue a citation, by refusal to remain present with the official while the official is issuing a citation and is acting in an official capacity in carrying out his duties in respect to the enforcement of the City of Merrill Code of Ordinances.
- (c) It shall be unlawful for any person to fail to obey the direction or order of an on-duty member of the Merrill Police Department Auxiliary while such auxiliary member is acting in an official capacity in carrying out his duties.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

William R. Bialecki,
Mayor

Attest:

William N. Heideman, City Clerk

1306250

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Health and Safety Committee
Re: Amending Chapter 36, Article II, Division 3,
Section 36 -86 – Parking of Commercial Motor
Vehicles, Oversized Vehicles or Equipment

ORDINANCE NO. 2013-

Introduced: June 11, 2013

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 36, Article II, Division 3, Section 36 of the Code of Ordinances for the City of Merrill is amended to add the following at Section 36-86:

Sec. 36-86. – ~~Parking semitrucks and related equipment~~ Parking of Commercial Motor Vehicles, oversized vehicles or equipment.

~~No person owning or having control of any truck, trailer, truck power unit, tractor, semi-trailer or other vehicle or combination of vehicles over 30 feet in length, generally defined as a "semi-trailer" or "semi-trailer tractor" of any length, shall park the same upon any street, boulevard (terrace) thereof, avenue or other public way in the city in any district. The provisions of this section shall not be deemed to prohibit the lawful parking of such vehicle or attachments upon any said residential street for the actual loading or unloading of goods, wares or merchandise; providing, however, that the "loading and unloading" of goods, wares or merchandise shall be limited to the actual time consumed in such operation. The common council may designate specific truck parking zones.~~

- (1) No Person may park a commercial motor vehicle, an oversized vehicle or a non-conforming vehicle on any street, alley, boulevard, or other public way within the City of Merrill.
- (2) Definitions:
 - a. "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

- i. A single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle's registered weight or actual gross weight is more than 26,000 pounds.
 - ii. The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.
 - iii. The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under s. 340.01 (31) or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.
 - iv. The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.
- b. "Oversized Vehicle" means a vehicle or combination of vehicles over 30 feet in length
- c. "Non-Conforming Vehicle" means any vehicle or equipment which is not in conformity with the requirements the provisions of Wis. Stats. § 110.075 and Wis. Stats. ch. 347, including any type of towed or self-propelled unit. Non-conforming vehicles also include any vehicle or trailer which has stored on or within it and not otherwise fully enclosed by rigid sections of the vehicle or trailer body any of the following:
 - i. Unlicensed vehicles,
 - ii. Vehicle parts or tires which are unattached or otherwise not designed for use on that specific vehicle,
 - iii. Inoperable appliances
 - iv. Inoperable vehicles
 - v. Scrap
 - vi. Junk
 - vii. Debris

- (3) Exceptions: This section does not prohibit the otherwise legal parking, stopping or standing of vehicles under the following circumstances:
- a. The parking of vehicles on private property with consent of the owner and otherwise conforming to all other ordinances.
 - b. A vehicle which is temporarily parked for the purpose of, and while actually engaged in, loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a

licensed operator so that it may promptly be moved in case of an emergency, to avoid obstruction of traffic or when ordered to by a traffic officer,

- c. The vehicle of a public utility, or a telecommunications carrier parked, stopped or left standing as required for maintenance, installation, repair, construction or inspection of its facilities by the public utility or a telecommunications carrier when warning signs, flags, traffic cones, or flashing yellow lights or barricades, have been placed to warn approaching motorists of any obstruction to the traveled portion of the highway,
- d. The parking of a vehicle operated by a unit of government,
- e. The parking, stopping or standing of vehicles or equipment used in highway maintenance or construction work, when the nature of the work is such as to require the stopping or standing of the vehicle or equipment on the roadway,
- f. The temporary stopping, standing or parking of a vehicle involved in an authorized parade, or in accordance with a street use permit,
- g. A vehicle stopped, standing or parked on a temporary basis and authorized to do so by the Chief of Police or his designee,
- h. A vehicle stopped, standing or parked in an area designated by ordinance for the parking of vehicles otherwise prohibited by this section.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved:

William R. Bialecki, Mayor

Attest:

William N. Heideman, City Clerk

1306251

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Personnel and Finance
Committee
Re: Amending Chapter 18, Article II, Section 18-36
to amend Imposition of Room Tax.

ORDINANCE NO. 2013-

Introduced: June 11, 2013

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 18, Article II, Section 18-36 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 18-36. - *Imposition of room tax.*

- (1) Pursuant to Wis. Stats. § 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodgings to transients by hotel keepers, motel operators, bed and breakfast operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. Such tax shall be capped at the rate of ~~four~~ eight percent of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wis. Stats. § 77.52(2)(a)1. In order to defray the cost of collection, one-tenth percentage point of the room tax rate under this section may be retained by the hotel, motel or other authorized person filing a return and the balance shall be paid to the city as herein provided.
- (2) The tourism commission established by section 2-153, is the principal organization for the purpose of promotion of convention and tourist business and shall distribute ~~three~~ _____ percentage points of the total room tax rate. The funds distributed by the tourism commission shall be used on tourism promotion and development. The city will retain one-half percentage point of the room tax rate for promotion of the city area recreation complex and one-fourth percentage point of the room tax rate for the cost of administration.
- (3) The tourism commission shall require entities receiving monies generated by room tax collections to submit an annual report to the tourism commission

and the common council, on or before April 1, following December 31 of the previous year for monies received in the previous year.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved:

William R. Bialecki,
Mayor

Attest:

William N. Heideman, City Clerk

RESOLUTION NO. _____

A PRELIMINARY RESOLUTION OF INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS BY POLICE POWER UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES

RESOLVED, by the Common Council of the City of Merrill, Wisconsin:

- A. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, to levy special assessments under the police power upon all properties abutting the following improvements in the City of Merrill, Wisconsin:
 - 1. Sidewalk inspection pursuant to sidewalk inspection program. Sidewalk maintenance area is generally confined to the First Ward and Second Ward East of Center Avenue:
 - a) Isolated sidewalk requested or needed.
 - b) Driveway approaches requested or needed.
 - c) Curb and gutter requested or needed.
- B. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the street shall be on a reasonable basis as approved by the Common Council and which rates are in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Chapter 18, Article III, Division 3 of the Code of Ordinances, City of Merrill, Wisconsin.
- C. The assessments against any parcels of land may be paid in cash not later than November 1 of the year such improvements are made, or in installments as provided by Chapter 18, Article III, Division 3 of the Code of Ordinances, City of Merrill, Wisconsin. Rate of interest on installment payments shall be as set by Common Council action.
- D. The City Engineering Department shall, with respect to the items mentioned at paragraph A above, prepare a report consisting of:
 - 1. Preliminary or final plans and specifications with maps of the improvements.
 - 2. An estimate of the entire cost of the proposed work or improvements.
 - 3. A schedule of the proposed assessments as to each parcel of property affected.

4. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.
- E. The City Engineering Department shall complete and file such reports in the City Clerk's office for public inspection no later than June 5, 2013.
1. The Board of Public Works of the City of Merrill shall hold a public hearing on Wednesday, June 26, 2013 at 6:00 p.m. The hearing shall be held in the Council Chambers in the City Hall, Merrill, Wisconsin, on the improvements mentioned in paragraph A above. The City Clerk shall cause a notice of said hearing to be published once as a Class I notice no later than June 14, 2013. The City Clerk shall mail a copy of the notice to all interested persons at least ten (10) days before the date of the hearing.

Recommended by Board of Public Works

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki

Mayor

Passed: _____

William N. Heideman

City Clerk

1306261

RESOLUTION NO.

A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MERRILL, WISCONSIN AND GATEWAY NORTH LLC FOR CONSTRUCTION OF A RESTAURANT FACILITY

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 and Redevelopment Area No. 1 on September 13, 2005 and amended the area on July 11, 2006; and,

WHEREAS, Gateway North LLC is constructing a new restaurant on property located within TID No. 3 and Redevelopment Area No. 1; 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, new property tax base will be generated and about 15 – 20 full-time equivalent positions will be created as a result of this new restaurant, and,

WHEREAS, the City of Merrill and Gateway North LLC have negotiated the development agreement to provide an incentive payment (pay as you go tax increment financing incentive) not to exceed \$100,000 to facilitate the commercial redevelopment, as well as reimbursement for costs of stormwater drainage improvements through the property for stormwater coming from the north, in an amount not to exceed \$35,000, and in addition, the City agrees to provide an economic development grant, upon proper application, pursuant to City of Merrill Code of Ordinance Chapter 4, to facilitate the issuance of a Reserve Class B liquor license for the premises;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of June, 2013, that the Mayor and City Clerk are authorized to sign the Development Agreement by and between the City of Merrill and Gateway North LLC and to facilitate the implementation thereof.

Recommended by: Committee of the Whole

CITY OF MERRILL, WISCONSIN

William R. Bialecki
Mayor

Moved: _____

Passed: _____

William N. Heideman
City Clerk

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING AND CLARIFYING EMERGENCY
PROCLAMATION PROCEDURES**

WHEREAS, conditions may arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the local unit of government; and,

WHEREAS, in the event of such disaster or threat, it may be necessary to declare such conditions constitute an “emergency” as defined in Wis. Stats. §323; and,

WHEREAS, it is desirable to outline the order in which certain officials may exercise power granted to them in declaring such an emergency;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of June, 2013, that in the event an emergency occurs within The City of Merrill at a time when the City Council is unable to meet promptly for the purpose of making such a declaration, the following persons may declare a state of emergency by proclamation as authorized by Wis. Stats. §323.14(4) (b):

- (a) The Mayor,
- (b) In the event the Mayor is unavailable, the City Administrator,
- (c) In the event the Mayor and the City Administrator are unavailable, the Chief of either the Police or Fire Department.

The proclamation shall be subject to ratification, alteration, modification, or repeal by the City Council as soon as that Council can meet, but the subsequent action taken by the City Council shall not affect the prior validity of the proclamation.

The emergency power of the City of Merrill conferred under Wis. Stats. §323.11 includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the City of Merrill and includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways or other areas.

Recommended by: Mayor Bialecki

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki
Mayor

Passed: _____

William N. Heideman
City Clerk

1306263

RESOLUTION NO. _____

A RESOLUTION APPROVING THE 2012 COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE CITY OF MERRILL WASTEWATER TREATMENT PLANT

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 2012, and has determined that it reflects the performance of the Wastewater Treatment Plant during 2012; 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 11th day of June, 2013, that:

1. The Compliance Maintenance Annual Report for 2012 is hereby approved and authorized to be filed with the WDNR.
2. That the Compliance Maintenance Annual Report for 2012 is an accurate indication of the performance of the City of Merrill Wastewater Treatment Plant for the year 2012.
3. That report sets forth the following actions necessary to maintain an effluent requirement contained in the Wisconsin Pollutant Discharge Elimination Systems Permit:
 - (a) Continue to address collection system operations and work to eliminate the potential for sanitary sewer overflows (SSO).

Recommended by Mayor Bialecki

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki, Mayor

Passed: _____

William N. Heideman, City Clerk