

November 12<sup>th</sup>, 2013

*Note: These minutes are subject to review and approval at the next regular Common Council meeting.*

The Common Council of the City of Merrill met on the above date in Regular Session, at the City Hall Council Chambers, 1004 East First Street. Mayor William R. Bialecki called the meeting to order at 7:00 P.M.

**131110** Invocation by Pastor Paul Hohman, New Testament Church

**131115** Pledge of Allegiance

**131120** Roll Call showed the following Common Council members present (8 of 8): 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).

The following were also in attendance: Community Enrichment Center Director Jane, Deau, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Street Commissioner Richard Lupton, Airport Manager/FBO John Miller, Police Chief Ken Neff, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl, City Hall Maintenance Supervisor Ramona Vanderkam and Park & Recreation Director Dan Wendorf.

**131130** Minutes of October Meeting

Motion (Hass/Malm) to dispense with the reading of the minutes of the October 8<sup>th</sup>, 2013 Common Council meeting and approve them as published. Carried.

**131140** Revenue and Expense Report – October 2013

Motion (Hass/Sukow) to approve, as submitted, the October 2013 Revenue and Expense report. Carried.

**131160** Communications and Petitions

**131161** Consider request from Merrill Area Development Corporation to amend Article I, Section 1.02(e) of a development agreement to change the width of an easement from a maximum of 50 feet to a maximum of 25 feet.

Mayor Bialecki is bringing this request directly to the Common Council. The development agreement was approved by the Common Council by Resolution #2326 on September 5<sup>th</sup>, 2013, by a vote of 7 to 0.

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

Public hearing on proposed 2014 City budget

Motion (Sukow/Malm) to open the public hearing. Carried.

Brad Bacher stated his opinion that the current budget situation covers up the real problem. He questioned the motives of the Finance Director. He stated his concerns related to Special Assessments and also suggested eliminating the City Administrator position. Mr. Bacher is against any property tax increase next year.

Representing Merrill Distributing, John Schewe stated that he was alarmed when he learned of the potential 7% tax increase. He feels that there are not enough dollars in this community for such an increase. He emphasized the important of adequate discretionary income for both citizens and businesses.

Andrea Krueger stated that, in her opinion, City taxpayers cannot tolerate a 7% tax increase. She suggested that the City reduce the budget by 7%.

Motion (Sukow/Caylor) to close the public hearing. Carried.

**131190** Committee of the Whole

**131191** The Committee recommends approving, as presented at the November 5<sup>th</sup> Committee of the Whole meeting, the agreement between the City of Merrill and the City of Tomahawk to establish a joint municipal court.

Motion (Caylor/Malm) to adopt. Carried.

**1311130** Health and Safety Committee

**1311131** The Committee recommends approving the change of agent application from Kwik Trip Inc., appointing Heather E. Timm as agent at Kwik Trip #386, 2311 East Main Street.

Motion (Schwartzman/Sukow) to adopt. Carried.

**1311160** City Plan Commission

**1311161** The Commission recommends approving, as submitted by Park City Paths, the signage placement plan for four self-guided walking paths (historical, retail fitness and parks). For all signs placed on private property, Park City Paths would be responsible for obtaining a written waiver of liability from the property owner. City sign permits would not be required.

Motion (Hass/Schwartzman) to adopt. Carried.

**1311230** Placing Committee Reports on file

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

**1311240** Mayor's Appointments

Kathy Colclasure, to the Housing Authority, term to expire November 10<sup>th</sup>, 2018

Motion (Malm/Schwartzman) to approve the appointment. Carried.

**1308250** **ORDINANCE NO. 2013-17**

SECOND READING OF AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 10, TO CHANGE FROM A MUNICIPAL COURT TO A JOINT MUNICIPAL COURT

Motion (Hass/Caylor) to suspend the rules and give the ordinance a third reading by title only. Carried.

THIRD READING OF AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 10, TO CHANGE FROM A MUNICIPAL COURT TO A JOINT MUNICIPAL COURT

Motion (Hass/Caylor) to adopt. Carried 8-0 on roll call vote.

**1311250      ORDINANCE NO. 2013-**

AN ORDINANCE AMENDING CITY OF MERRILL CODE OF ORDINANCES CHAPTER 6, ARTICLE IV, SECTION 6-96 TO INCLUDE KEEPING OF CHICKENS

Motion (Hass/Schwartzman) to refer to the Health and Safety Committee and schedule a public hearing on the ordinance. Roll call vote resulted in a 4-4 tie. Voting Yes – Alderman Malm, Alderman Hass, Alderman Schwartzman and Alderwoman Caylor. Mayor Bialecki broke the tie by voting Yes. Therefore the motion to refer to the Health and Safety Committee and schedule a public hearing carried.

**1311251      ORDINANCE NO. 2013-18**

FIRST READING OF AN ORDINANCE RELATED TO THE SALARY FOR THE ELECTED STREET COMMISSIONER

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

SECOND READING OF AN ORDINANCE RELATED TO THE SALARY FOR THE ELECTED STREET COMMISSIONER

THIRD READING OF AN ORDINANCE RELATED TO THE SALARY FOR THE ELECTED STREET COMMISSIONER

Motion (Caylor/Burgener) to adopt. Carried 6-2 on roll call vote. Voting No – Alderman Malm and Alderman Sukow.

**1311252      ORDINANCE NO. 2013-19**

FIRST READING OF AN ORDINANCE RELATED TO THE SALARY FOR THE ELECTED CITY CLERK

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

SECOND READING OF AN ORDINANCE RELATED TO THE SALARY FOR THE ELECTED CITY CLERK

THIRD READING OF AN ORDINANCE RELATED TO THE SALARY FOR THE ELECTED CITY CLERK

Motion (Hass/Burgener) to adopt. Carried 6-2 on roll call vote. Voting No – Alderman Malm and Alderman Sukow.

**1311253      ORDINANCE NO. 2013-20**

FIRST READING OF AN ORDINANCE ADOPTING THE 2014 CITY OF MERRILL BUDGET AND ESTABLISHING THE TAX LEVY FOR YEAR 2013

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

SECOND READING OF AN ORDINANCE ADOPTING THE 2014 CITY OF MERRILL BUDGET AND ESTABLISHING THE TAX LEVY FOR YEAR 2013

THIRD READING OF AN ORDINANCE ADOPTING THE 2014 CITY OF MERRILL BUDGET AND ESTABLISHING THE TAX LEVY FOR YEAR 2013

Motion (Sukow/Caylor) to adopt. Carried 5-3 on roll call vote. Voting No – Alderwoman Peterson, Alderman Burgener and Alderman Norton.

Public hearing on agenda item #1311260 (Alley vacation)

City Attorney Hayden asked if anyone wanted to speak to the resolution vacating an alley. Nobody spoke for or against the alley vacation.

**1311260      RESOLUTION NO. 2346**

**A RESOLUTION AUTHORIZING THE VACATION OF A NORTH-SOUTH 20 FOOT WIDE ALLEY LYING BETWEEN LOTS 10, 11, 12, AND 6, 7, 8, 9, IN BLOCK 3 OF MRS. STEWART'S ADDITION**

WHEREAS, Alan K. Malm, on behalf of Development and Leasing Corporation, has requested the vacation of an alley located between Lots 10, 11 12 and 6, 7, 8, 9 in Block 3 of Mrs. Stewart's Addition to Jenny, in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on August 28, 2013, and the City Plan Commission on September 3, 2013, have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12<sup>th</sup> day of November, 2013, that the following described alley be vacated:

A part of Block Three (3) of Mrs. Stewart's Addition to Jenny located in the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Twelve (12), Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin; more particularly described as follows:

The North-South 20 foot wide alley lying West of Lots Ten (10), Eleven (11), and Twelve (12) of said Block Three (3), and East of Lots Six (6), Seven (7), Eight (8) and Nine (9) of said Block Three (3), all in said Mrs. Stewart's Addition to Jenny.

The City reserves to itself, for the benefit and welfare of the general public, an easement within the vacated area for the construction, repair, and maintenance of utilities, services and storm drainage features.

BE IT FURTHER RESOLVED, that the City hereby declares that the alley to be vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

Motion (Sukow/Burgener) to adopt. Carried.

**1311270** Mayor's Communications

Mayor Bialecki thanked the Common Council and City staff for their work in preparing and adopting the 2014 City Budget.

As Thanksgiving approaches, Mayor Bialecki urged everyone to remember to give thanks. He also urged everyone to make visitors welcome during the upcoming hunting season.

Senator Ron Johnson will be holding a Town Hall meeting at the City Council Chambers on Friday, November 15<sup>th</sup> at 4:30 P.M.  
Assemblywoman Mary Czaja will make an appearance at the T.B. Scott Library that same day.

Mayor Bialecki congratulated Alderman Ryan Schwartzman, and his wife, Stephanie, on the birth of a baby girl.

**1311280** Public Comment Period

City Clerk Bill Heideman read a statement and stated that, if reelected next April, he would decline the compensation increase, as a small gesture to help address the City's dire financial situation.

Gerald Kleinhans commented on condemnation/demolition orders related to a property he owns. He maintains that he did quality work to rehab the property. He was told to come to this meeting to get answers to his questions.

Alderman Hass reminded anyone interested in running for municipal office(s) can pick up candidate packets, including nomination papers, at the Clerk/Treasurer office. The packets will be available near the end of the month. The first day that nomination papers can be circulated is December 1<sup>st</sup>.

Alderman Malm thanked the public for a large turnout for the budget hearing. He explained that, for 2014, the Common Council used money from the General Fund to make up the shortfall, rather than burden taxpayers with a tax increase. He stated that the 2015 budget preparation process will begin much earlier, allowing nine or ten months for budget preparation and consideration, rather than one.

**1311999** Motion (Hass/Caylor) to adjourn. Carried. Adjourned at 8:13 P.M.

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William R. Bialecki  
Mayor

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William N. Heideman, CMC, WCMC  
City Clerk

I, William N. Heideman, City Clerk of the City of Merrill, Wisconsin, do hereby certify that the Mayor approved the above action of the Common Council on November 15<sup>th</sup>, 2013.

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William N. Heideman, CMC, WCMC  
City Clerk