

February 11<sup>th</sup>, 2014

*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.

**140210** Invocation by Pastor Angie Steinhauer, Christ United Methodist Church

**140215** Pledge of Allegiance

**140220** 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: Police Captain Corey Bennett, Fire Captain Mike Drury, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Utility Superintendent Kim Kriewald, Street Commissioner Richard Lupton, Airport Manager/FBO John Miller, Building Inspector/Zoning Administrator Darin Pagel, Library Director Stacy Stevens, Finance Director Kathy Unertl, City Hall Maintenance Supervisor Ramona Vanderkam and Park & Recreation Director Dan Wendorf. Community Enrichment Center Director Jane Deau had an excused absence.

**140230** Minutes of January Meeting

Motion (Hass/Sukow) to dispense with the reading of the minutes of the January 14<sup>th</sup>, 2014 Common Council meeting and approve them as published. Carried.

**140240** Revenue and Expense Report – December 2013 & January 2014

Motion (Hass/Sukow) to approve, as submitted, the December 2013 and January 2014 Revenue and Expense reports. Carried.

**140260** Communications and Petitions

**140261** Employee Recognition

City Clerk Heideman read certificates of recognition for the following City employees: Brad G. Byer, 25 years of service, Mary T. Weege, 25 years of service, Gerald T. Hooch, 25 years of service.

Alderman Hass mentioned that the City is fortunate to have employees who are willing to serve the City for many years. Tonight those receiving certificates have a total of 75 years of service.

**140290** Committee of the Whole**140291** Consider recommendation(s) from February 11<sup>th</sup> Committee of the Whole meeting regarding potentially changing Building Inspector/Zoning Administrator position from a contracted position to a full-time city employee position.

At that meeting, the Committee recommended changing the Building Inspector/Zoning Administrator position from a contracted position to a full-time City employee position, with the \$9,423 necessary to make the change to be taken from the Utility Fund.

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

**1402120** Board of Public Works**1402121** The Board recommends approving the Single Stream Recycling Process Agreement with Eagle Waste and Recycling, Inc. Street Commissioner Lupton would be directed to get clarification on the amount that Eagle Waste will pay the City, and also get assurance that Eagle Waste will provide justification in any change in the payment amount.

Motion (Hass/Malm) to adopt.

Alderman Hass requested that the rules be suspended in order to grant floor privileges to Jim Whittinghill, a representative of Eagle Waste and Recycling Inc. Without objection, it was so ordered.

Jim Whittinghill provided information and answered questions. He thanked the City for the opportunity to be partners with Eagle Waste in this new program.

Motion to adopt carried.

**1402130** Health and Safety Committee

**1402131** The Committee recommends approving the change of agent application from Walmart Stores East, LLC, appointing Matthew Colby as agent at Walmart #1366, 3500 East Main Street.

Motion (Sukow/Caylor) to adopt. Carried.

**1402132** Consider applications from St. Francis Xavier Catholic Church for seven temporary Class “B” (picnic) licenses to sell fermented beverages during fish fries in Bellarmine Hall at St. Francis Xavier Catholic Church, 1708 East Tenth Street, on the following dates in 2014: March 7<sup>th</sup>, March 14<sup>th</sup>, March 21<sup>st</sup>, March 28<sup>th</sup>, April 4<sup>th</sup>, April 11<sup>th</sup> and April 18<sup>th</sup> (Alderwoman Caylor is bringing the applications directly to the Common Council)

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

**1402140** Personnel and Finance Committee

**1402141** The Committee recommends paying, from the Over-collected Taxes Account, the duplicate 2013 personal property tax bill of \$272.30 for G & G Auto, 2417 East Main Street.

Motion (Schwartzman/Norton) to adopt. Carried 8-0 on roll call vote.

**1402150** Water and Sewage Disposal Committee

**1402151** The Committee recommends approving, as presented, the replacement of the two SCADA computers and also recommends approving, as presented, the quote from Altronex Control Systems to upgrade the associated hardware and software for the SCADA system. The total cost of replacing the computers and the upgrades is \$15,476, and, if approved, would be paid for from utility funds.

Motion (Burgener/Norton) to adopt.

Alderman Hass and Alderwoman Caylor questioned the timing of this purchase. They stated their opinion that the purchase should have been part of the 2014 budget process, particularly considering that the purchase is in excess of \$15,000.

Finance Director Unertl responded that sufficient funds were already in the utility account to pay for the computer replacement and software upgrade, therefore no Common Council action is required to approve the purchase.

Alderman Burgener requested that his motion be withdrawn. Without objection, it was so ordered. The computer and software upgrades will be purchased via utility funding.

**1402230** Placing Committee Reports on file

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

**1311250** **ORDINANCE NO. 2014-02**

Note: The three readings of the following ordinance have already occurred at previous Common Council meetings.

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

Motion (Hass/Caylor) to table the ordinance. Motion failed.

Motion (Schwartzman/Norton) to adopt. Carried 6-2 on roll call vote. Voting No – Alderman Hass and Alderwoman Caylor.

**1402250** **ORDINANCE NO. 2014-03**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 16, SECTION 1 TO ADD AN ANNUAL CHICKEN FEE

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 AMENDING CHAPTER 16, SECTION 1 TO ADD AN ANNUAL CHICKEN FEE

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 16, SECTION 1 TO ADD AN ANNUAL CHICKEN FEE

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

**1402251      ORDINANCE NO. 2014-04**

FIRST READING OF AN ORDINANCE AMENDING THE DISTRICT ZONING MAP OF THE CITY OF MERRILL, WISCONSIN FOR PROPERTY IN SECTIONS 11, 12, AND 14, TOWNSHIP 31 NORTH, RANGE 6 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF MERRILL

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

SECOND READING OF AN ORDINANCE AMENDING THE DISTRICT ZONING MAP OF THE CITY OF MERRILL, WISCONSIN FOR PROPERTY IN SECTIONS 11, 12, AND 14, TOWNSHIP 31 NORTH, RANGE 6 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF MERRILL

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

**1402260      RESOLUTION NO. 2355**

**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 Second District, west 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/Zoning 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/Zoning Department shall complete and file such reports in the City Clerk's office for public inspection no later than February 5, 2014.

The Board of Public Works of the City of Merrill shall hold a public hearing on Wednesday, February 26, 2014 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 February 14, 2014. 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.

Motion (Caylor/Burgener) to adopt. Carried.

**1402270** Mayor's Communications

Mayor Bialecki thanked the Street Department, Water Utility, Police Department and Fire Department for their work addressing issues related to severe winter weather conditions recently.

The Merrill Police Department will be hosting a Safe Kids car seat check on Saturday, February 15<sup>th</sup>, from 9:00 A.M. to 1:00 P.M.

**1402280** Public Comment Period

Charles Novitch, 1302 Cottage Street, complimented two firefighters, Phil Skoug and Chris Marion, for responding quickly and efficiently to a recent call for service at his residence.

Mr. Novitch then reported that, in 2013, a petition with 80 signatures was submitted to the City. The petitioners had concerns regarding the siren noise coming from the Northcentral Technical College (NTC) Public Safety Center for Excellence (PSCE), 1603 Champagne Street, during law enforcement/emergency training sessions.

At the June 11<sup>th</sup>, 2013 Common Council meeting, a discussion with Northcentral Technical College (NTC) representatives was held to address these concerns. In response, NTC has suggested some possible solutions and has also submitted the results of a noise study conducted by Bloom Companies, LLC.

In the opinion of Mr. Novitch and the petition signers, little has been done in eight months to address and resolve this issue. Mr. Novitch also questioned portions of the noise study report.

Mr. Novitch reported that the petitioners are angry, disappointed and upset at the lack of progress on this issue. He requested that the City ask NTC to discontinue the use of sirens until the situation is resolved.

Mr. Novitch concluded by stating that he appreciates the work that protective services entities provide, but that excessive siren noise, for extended periods of time, cannot and should not be tolerated.

**1402999** Motion (Hass/Caylor) to adjourn. Carried. Adjourned at 8:15 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 February 13<sup>th</sup>, 2014.

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William N. Heideman, CMC, WCMC  
City Clerk