

June 10<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 7:02 P.M.

**140610** Invocation by Justin Novitski, Merrill Bible Church

**140615** Pledge of Allegiance

**140620** Roll Call showed the following Common Council members present (7 of 8): Alderman Chris Malm (First District), Alderman Peter Lokemoen (Second District), Alderman Ryan Schwartzman (Third District), Alderwoman Kandy Peterson (Fourth District), Alderman John Burgener (Fifth District), Alderman Dave Sukow (Sixth District) and Alderman Rob Norton (Seventh District).

The following were also in attendance: City Attorney Tom Hayden, City Clerk Bill Heideman, Street Commissioner Richard Lupton, 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. Community Enrichment Center Director Jane Deau, Transit Director Rich Grenfell, City Administrator Dave Johnson, Utility Superintendent Kim Kriewald, Airport Manager/FBO John Miller and Building Inspector/Zoning Administrator Darin Pagel had excused absences.

Oath of Office for Eros, the Police Department Canine Officer. City Clerk Heideman administered the oath and officer Matt Drabek repeated the oath on behalf of Eros.

**140625** Public Comment Period

None.

**140630** Minutes of May Meetings

Motion (Burgener/Schwartzman) to dispense with the reading of the minutes of the May 13<sup>th</sup>, 2014 and May 29<sup>th</sup>, 2014 Common Council meetings and approve them as published. Carried.

- 140640** Revenue and Expense Report – May 2014
- Motion (Burgener/Peterson) to approve, as submitted, the May 2014 Revenue and Expense report. Carried.
- 140660** Communications and Petitions
- 140661** Claim filed by Caleb Baumann, 206 North Court Street, for damage to his vehicle that he alleges was caused by a police officer during a traffic stop on April 17<sup>th</sup>, 2014. The City's insurance carrier recommends that the claim be denied. The basis for their recommendation is that the investigation conducted by the City's insurance carrier revealed no negligence on behalf of the City, and that there is not enough evidence to prove that the police officer caused the damage to the vehicle.
- Motion (Schwartzman/Burgener) to deny the claim. Carried.
- 140662** Consider request from Joint Municipal Judge Seubert to approve the hours that the joint municipal court will operate
- Motion (Schwartzman/Sukow) to approve the hours, as presented. Carried.
- 140690** Committee of the Whole
- 140691** Consider recommendation(s) from June 10<sup>th</sup>, 2014 Committee of the Whole meeting regarding the recommendation from City Administrator Johnson to lift the hiring freeze to replace a retiring firefighter
- At that meeting, the Committee of the Whole recommended delaying consideration until the current strategic planning sessions are completed.
- No action was taken.
- 1406110** Parks and Recreation Commission
- 1406111** The Commission recommends approving the concessions agreement with Merrill Youth Hockey Association, Inc. for the Smith Center.
- Motion (Burgener/Sukow) to adopt. Carried.

**1406120** Board of Public Works

**1406121** The Board recommends approving the request from Lynn Zentner, Master Gardener Class and Park City Gardens to plant and maintain perennials and annuals in the roundabout.

Motion (Schwartzman/Sukow) to adopt. Carried.

**1406122** The Board recommends approving the request from Street Commissioner Lupton to sell the Street Department trailer that was formerly used for recycling.

Motion (Sukow/Norton) to adopt. Carried.

**1406130** Health and Safety Committee

**1406131** The Committee recommends approving the applications from V.F.W. Post 1638 for five temporary Class “B” (picnic) licenses to sell fermented malt beverages at the V.F.W. Fair Stand (Lincoln County Fairgrounds) during the Lincoln County Fair, July 30-August 3, 2014.

Motion (Sukow/Norton) to adopt. Carried.

**1406132** The Committee recommends approving the application from V.F.W. Post 1638 for a temporary Class “B” (picnic) license to sell fermented malt beverages at Riverside Park during a Veteran’s Picnic on August 24<sup>th</sup>, 2014.

Motion (Burgener/Norton) to adopt. Carried.

**1406133** The Committee recommends approving the applications from Merrill Firefighters Charities for three temporary Class “B” (picnic) licenses to sell fermented malt beverages at Ott’s Park during the Merrill Firefighters Charities Softball Tournament, August 1-3, 2014.

Motion (Sukow/Lokemoen) to adopt. Carried.

**1406134** The Committee recommends approving the applications from the Merrill Alumni Wrestling Club for five temporary Class “B” (picnic) licenses to sell fermented beverages in a fenced-in tent at the Lincoln County Fairgrounds during the Lincoln County Fair, July 30–August 3, 2014.

Motion (Burgener/Sukow) to adopt. Carried.

**1406135** The Committee recommends approving the premises to premises transfer of Class “B” (beer) and ‘Class B” (liquor) license held by Kim’s of Wisconsin, Qemal Alimi, (d/b/a New Pine Ridge Restaurant), from 300 South Pine Ridge Avenue to 1302 North Center Avenue, effective on or about June 11<sup>th</sup>, 2014.

Motion (Sukow/Peterson) to adopt. Carried.

**1406136** The Committee recommends approving the 2014-2015 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.

Motion (Burgener/Sukow) to adopt. Carried.

**1406137** The Committee recommends approving the request from several businesses to close a block of East Main Street (from Poplar Street to Court Street) from 2:00 P.M. to midnight, for the Main Street Block Party on Friday, June 20<sup>th</sup>, 2014. 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.

Motion (Schwartzman/Burgener) to adopt. Carried.

**1406138** The Committee recommends approving the 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 20<sup>th</sup>, 2014, in conjunction with a Main Street Block Party. Outdoor music would also be allowed until 11:00 P.M.

Motion (Sukow/Peterson) to adopt. Carried.

**1406140** Personnel and Finance Committee

**1406141** The Committee recommends approving, as presented, the amendments to the City Hall general meeting and conference room use policy.

Motion (Schwartzman/Burgener) to adopt. Carried.

**1406142** The Committee recommends writing off the following 2013 Personal Property Tax bills as Over-Collected Taxes: Farmers Insurance (\$30.63), Yours & Mine Consignment (\$30.63) and Thelma’s Apparel (\$46.08).

Motion (Schwartzman/Burgener) to adopt. Carried 7-0 on roll call vote.

- 1406143** The Committee recommends accepting a \$150,000 donation from the Bierman Family Foundation, to be used for improvements at Lion's Park.
- Motion (Norton/Peterson) to adopt. Carried.
- 1406144** The Committee recommends accepting the Assistance to Firefighters Grant from the Department of Homeland Security in the amount of \$34,474. 10% of the grant amount (\$3,447) would be paid from local funds (2% Fire Dues Account).
- Motion (Schwartzman/Peterson) to adopt. Carried 7-0 on roll call vote.
- 1406150** Water and Sewage Disposal Committee
- 1406151** The Committee recommends approving the purchase of a YSI In-Line Analyzer from Mulcahy Shaw Water Inc., Cedarburg, WI, at a cost of \$18,574.30. The purchase would be made from the Wastewater Phosphorus Removal Account.
- Motion (Norton/Burgener) to adopt. Carried.
- 1406230** Placing Committee Reports on file
- Motion (Sukow/Peterson) to place the following committee reports on file: Housing Authority, Committee of the Whole (Strategic Planning Reports), Community Development Committee, Parks and Recreation Commission, Board of Public Works, Health and Safety Committee, Personnel and Finance Committee, Water and Sewage Disposal Committee, City Plan Commission, Library Board, Redevelopment Authority and Airport Commission. Carried.
- 1406250** **ORDINANCE NO. 2014-18**
- AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION II, SECTION 36-26(D)(4)(B) TO AMEND FORFEITURE AMOUNTS FOR DISABLED PARKING VIOLATIONS
- Motion (Schwartzman/Sukow) 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 36, ARTICLE II, DIVISION II, SECTION 36-26(D)(4)(B) TO AMEND FORFEITURE AMOUNTS FOR DISABLED PARKING VIOLATIONS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION II, SECTION 36-26(D)(4)(B) TO AMEND FORFEITURE AMOUNTS FOR DISABLED PARKING VIOLATIONS

Motion (Norton/Lokemoen) to adopt. Carried 7-0 on roll call vote.

**1406251      ORDINANCE NO. 2014-19**

AN ORDINANCE AMENDING CHAPTER 16, FEES, RATES AND DEPOSITS CUSTOMARILY USED, TO CHANGE THE INSUFFICIENT FUNDS CHECK FEE FROM \$20 TO \$30

Motion (Burgener/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 AMENDING CHAPTER 16, FEES, RATES AND DEPOSITS CUSTOMARILY USED, TO CHANGE THE INSUFFICIENT FUNDS CHECK FEE FROM \$20 TO \$30

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 16, FEES, RATES AND DEPOSITS CUSTOMARILY USED, TO CHANGE THE INSUFFICIENT FUNDS CHECK FEE FROM \$20 TO \$30

Motion (Schwartzman/Burgener) to adopt. Carried 7-0 on roll call vote.

**1406252      ORDINANCE NO. 2014-20**

AN ORDINANCE AMENDING THE ADMINISTRATIVE PROCEDURE MANUAL AT CHAPTER 2, SECTION 4(A) TO ADD (5) AUDIO, VIDEO, DATA TRANSMISSIONS & COMMUNICATIONS AND (6) REWRITABLE RECORDING SYSTEMS

Motion (Schwartzman/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 AMENDING THE ADMINISTRATIVE PROCEDURE MANUAL AT CHAPTER 2, SECTION 4(A) TO ADD (5) AUDIO, VIDEO, DATA TRANSMISSIONS & COMMUNICATIONS AND (6) REWRITABLE RECORDING SYSTEMS

THIRD READING OF AN ORDINANCE AMENDING THE ADMINISTRATIVE PROCEDURE MANUAL AT CHAPTER 2, SECTION 4(A) TO ADD (5) AUDIO, VIDEO, DATA TRANSMISSIONS & COMMUNICATIONS AND (6) REWRITABLE RECORDING SYSTEMS

Motion (Schwartzman/Peterson) to adopt. Carried 7-0 on roll call vote.

**1406253      ORDINANCE NO. 2014-21**

AN ORDINANCE AMENDING CHAPTER 30, ARTICLE II, SECTION 30-34(B) TO ADD LANGUAGE LIMITING GARBAGE COLLECTION

Motion (Schwartzman/Sukow) 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 30, ARTICLE II, SECTION 30-34(B) TO ADD LANGUAGE LIMITING GARBAGE COLLECTION

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 30, ARTICLE II, SECTION 30-34(B) TO ADD LANGUAGE LIMITING GARBAGE COLLECTION

Motion (Schwartzman/Norton) to adopt. Carried 7-0 on roll call vote.

**1406260      RESOLUTION NO. 2371**

**A RESOLUTION AUTHORIZING THE VACATION OF A PART OF THOMAS STREET**

WHEREAS, Jennifer Beach and Dennis and Melissa Ruge have requested the vacation of a portion of Thomas Street in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on March 19, 2014 and the City Plan Commission on April 1, 2014 and have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, that the following described street be vacated:

A part of South Thomas Street within R.C. Schulzs Addition to Merrill, located in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 15, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin, described as follows;

Beginning at the Southwest corner of Lot 1 of Certified Survey Map No. 2386, recorded in Volume 13 of Certified Survey Maps on Page 181 as Document No. 500402, which is the intersection of the North right of way line of Arthur Street and the East right of way line of South Thomas Street; Thence West on the Westerly extension of the South line of said Lot 1 of Certified Survey Map No. 2386 and the North right of way line of Arthur Street to the Southerly extension of the West right of way line of South Thomas Street; Thence North along West right of way line of South Thomas Street and said Southerly extension thereof to the Westerly extension of the North line of said Lot 1 of Certified Survey Map No. 2386; Thence East on said Westerly extension of the North line of Lot 1 of Certified Survey Map No. 2386 to the East right of way line of said South Thomas Street which is the Northwest corner of said Lot 1 of Certified Survey Map No. 2386; Thence South along said East right of way line of Thomas Street and the West line of said Lot 1 of Certified Survey Map No. 2386 to the point of beginning.

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 street 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 (Schwartzman/Peterson) to adopt. Carried.

**1406261 RESOLUTION NO. 2372**

**A RESOLUTION AUTHORIZING THE VACATION OF A PART OF ARTHUR STREET**

WHEREAS, Jennifer Beach and Dennis and Melissa Ruge, have requested the vacation of a portion of Arthur Street in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on March 19, 2014 and the City Plan Commission on April 1, 2014 and have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, that the following described street be vacated:

### Arthur Street

A part of Arthur Street within R.C. Schulzs Addition to Merrill, located in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 15, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin, described as follows;

Beginning at the Southeast corner of Lot 9 of Block 2 of said R.C. Schulzs Addition to Merrill, which is the intersection of the North right of way line of said Arthur Street and the West right of way line of John Street and the Southeast corner of Lot 1 of Certified Survey Map No. 2386, recorded in Volume 13 of Certified Survey Maps on Page 181 as Document No, 500402; Thence West along said North right of way line of Arthur Street and the South line of said Lot 1 of Certified Survey Map No. 2386 and the Westerly extension thereof to the Southerly extension of the West right of way line of South Thomas Street; Thence South along said Southerly extension of the West right of way line of South Thomas Street to the ordinary high water mark of Devil Creek; Thence Southeasterly along said ordinary high water mark of Devil Creek to the South right of way line of said Arthur Street and the Northwest corner of Lot 2 of said Certified Survey Map No. 2386; Thence East along said South right of way line of Arthur Street and the North Line of Lot 2 of Certified Survey Map No. 2386 to the Southerly extension of said West right of way line of John Street; Thence North along said Southerly extension of the West right of way line of John Street to the point of beginning.

The intent of this legal description is to include all the lands originally dedicate for Arthur Street lying between the Southerly extension of the West right of way line of South Thomas Street and the Southerly extension of the West right of way line of John Street.

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 street 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 (Schwartzman/Sukow) to adopt. Carried.

**1406262 RESOLUTION NO. 2373****A RESOLUTION AMENDING EMPLOYEE BENEFITS – PAID LEAVES AT SECTION 12-2, TO ADD “CONTINUOUS” SERVICE**

WHEREAS, the Common Council of the City of Merrill adopted a Personnel Policies, Employee Handbook for the City of Merrill non-union employees by Resolution No. 2226; and

WHEREAS, the Personnel and Finance Committee has reviewed that manual as it relates to Paid Leaves at Section 12-2, to add “continuous” service; and,

WHEREAS, the Personnel and Finance Committee has recommended a change to that policy as follows:

12-2-1 *Non-union personnel including Police Support Positions.*

The following vacation schedule applies to all non-union City personnel (except for Administrative, Professional, Supervisory, Technical Personnel and police and fire non-union personnel working other than a standard 40 hour per week Monday through Friday schedule). A work week is defined as five working days.

1 <sup>st</sup> year of continuous service	40 hours
2 <sup>nd</sup> to 8 <sup>th</sup> years of continuous service	80 hours
9 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	120 hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	160 hours
18 <sup>th</sup> and after years of continuous service	208 hours

12-2-2 *Administrative, Professional, Supervisory and Technical Personnel.*

The following vacation schedule applies to all Administrative, Professional, Supervisory and Technical Personnel (except for police and fire non-union personnel working other than a standard 40 hour per week Monday through Friday schedule). A work week is defined as five working days.

1 <sup>st</sup> year of continuous service	40 hours
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	80 hours
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	120 hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	160 hours
18 <sup>th</sup> and after years of continuous service	208 hours

12-2-3 Non-union police personnel (except Support Positions).

The Chief of Police reserves the right to determine the number of personnel on vacation at any one time in order to insure maximum protection and safety of the City. A work week for Police Department Supervisors working the same shift as union police personnel shall be defined consistent with the definition of the work week in the police union contract and this policy shall be applied consistent with the police union contract. Police supervisors, on a Monday-Friday, 40 hours schedule, have a five (5) day work week, said work week being defined as 40 hours. The vacation policy for the Police Department Supervisors is as follows:

1 <sup>st</sup> year of continuous service	40 hours
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	80 hours
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	120 hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	160 hours
18 <sup>th</sup> and after years of continuous service	208 hours

12-2-4 Non-union fire personnel.

The Fire Chief reserves the right to determine the number of personnel on vacation at any one time in order to insure maximum protection and safety of the City.

Chief and Captains - Administration:

1 <sup>st</sup> year of continuous service	5 Days
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	10 Days
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	15 Days
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	20 Days
18 <sup>th</sup> and after years of continuous service	25 Days

Captains - Operations:

1 <sup>st</sup> year of continuous service	72 Hours
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	120 Hours
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	192 Hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	240 Hours
18 <sup>th</sup> and after years of continuous service	312 Hours

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, that the Personnel Policies Employee Handbook is amended by adding the highlighted language as follows at Section 12-2

12-2-1 Non-union personnel including Police Support Positions.

The following vacation schedule applies to all non-union City personnel (except for Administrative, Professional, Supervisory, Technical Personnel and police and fire non-union personnel working other than a standard 40 hour per week Monday through Friday schedule). A work week is defined as five working days.

1 <sup>st</sup> year of continuous service	40 hours
2 <sup>nd</sup> to 8 <sup>th</sup> years of continuous service	80 hours
9 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	120 hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	160 hours
18 <sup>th</sup> and after years of continuous service	208 hours

12-2-2 Administrative, Professional, Supervisory and Technical Personnel.

The following vacation schedule applies to all Administrative, Professional, Supervisory and Technical Personnel (except for police and fire non-union personnel working other than a standard 40 hour per week Monday through Friday schedule). A work week is defined as five working days.

1 <sup>st</sup> year of continuous service	40 hours
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	80 hours
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	120 hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	160 hours
18 <sup>th</sup> and after years of continuous service	208 hours

12-2-3 Non-union police personnel (except Support Positions).

The Chief of Police reserves the right to determine the number of personnel on vacation at any one time in order to insure maximum protection and safety of the City. A work week for Police Department Supervisors working the same shift as union police personnel shall be defined consistent with the definition of the work week in the police union contract and this policy shall be applied consistent with the police union contract. Police supervisors, on a Monday-Friday, 40 hours schedule, have a five (5) day work week, said work week being defined as 40 hours. The vacation policy for the Police Department Supervisors is as follows:

1 <sup>st</sup> year of continuous service	40 hours
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	80 hours
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	120 hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	160 hours

18<sup>th</sup> and after years of continuous service 208 hours

12-2-4

*Non-union fire personnel.*

The Fire Chief reserves the right to determine the number of personnel on vacation at any one time in order to insure maximum protection and safety of the City.

Chief and Captains - Administration:

1 <sup>st</sup> year of continuous service	5 Days
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	10 Days
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	15 Days
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	20 Days
18 <sup>th</sup> and after years of continuous service	25 Days

Captains - Operations:

1 <sup>st</sup> year of continuous service	72 Hours
2 <sup>nd</sup> to 6 <sup>th</sup> years of continuous service	120 Hours
7 <sup>th</sup> to 13 <sup>th</sup> years of continuous service	192 Hours
14 <sup>th</sup> to 17 <sup>th</sup> years of continuous service	240 Hours
18 <sup>th</sup> and after years of continuous service	312 Hours

Motion (Norton/Schwartzman) to adopt. Carried.

**1406263 RESOLUTION NO. 2374**

**A RESOLUTION APPROVING PARTICIPATION IN THE WISCONSIN LOCAL GOVERNMENT INVESTMENT POOL**

WHEREAS, the State of Wisconsin has created a Local Government Investment Pool; and,

WHEREAS, it may prove beneficial for the City of Merrill to participate in the program;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, that the City of Merrill participate in the State of Wisconsin's Local Government Investment Pool, pursuant to provisions of Section 25.50 of the Wisconsin Statutes,

BE IT FURTHER RESOLVED, that the following be designated as the “Local Officials” authorized to transfer funds to or from the Department of Administration for deposit in the Fund:

Kathy Unertl	Finance Director
Kathy Seubert	Administrative Assistant

Notification of changes in authorized officials may be made to the Department of Administration in writing without modification to this resolution.

BE IT FURTHER RESOLVED, the Local Government Investment Pool is authorized to accept telephone requests, emails and facsimile transmissions, for withdrawal of funds.

Motion (Schwartzman/Peterson) to adopt. Carried.

**1406264 RESOLUTION NO. 2375**

**A RESOLUTION APPROVING A NORTH CENTRAL WISCONSIN STORMWATER COALITION COOPERATIVE AGREEMENT**

WHEREAS, the Wisconsin Department of Natural Resources regulates municipal storm sewer systems discharging water to surface or groundwaters through the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program; and,

WHEREAS, the goal of the WPDES Storm Water Program is to prevent the transportation of pollutants to Wisconsin’s water resources via stormwater runoff; and,

WHEREAS, the City of Merrill in Lincoln County, Wisconsin owns stormwater facilities that are required to be permitted under the Wisconsin Pollutant Discharge Elimination System (WPDES); and,

WHEREAS, the Stormwater Management Cooperative Agreement is between Marathon County, the cities of Baraboo, Marshfield, Merrill, Mosinee, Schofield, Stevens Point, Wausau, and Wisconsin Rapids; the villages of Kronenwetter, Rothschild and Weston, and the town of Rib Mountain, herein referred to as the North Central Wisconsin Stormwater Coalition; and,

WHEREAS, the purpose of the Agreement, which is authorized pursuant to ss.66.0301, Wis. Stats., is to develop and implement a single information and outreach program meeting the requirement of the Wisconsin Administrative Code and to increase awareness of stormwater impacts on waters of the state while avoiding duplication of efforts and saving costs; and,

WHEREAS, the coalition will cooperate to adapt and revise operating procedures and municipal ordinances to comply with the requirements of the WPDES General Permits held by each party to the agreement and any changes made to the Wisconsin Administrative Code;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, hereby authorizes and executes a Stormwater Management Cooperative Agreement between Marathon County, the cities of Baraboo, Marshfield, Merrill, Mosinee, Schofield, Stevens Point, Wausau and Wisconsin Rapids; the villages of Kronenwetter, Rothschild, and Weston; and the Town of Rib Mountain.

Motion (Norton/Schwartzman) to adopt. Carried.

**1406265      RESOLUTION NO. 2376**

**A RESOLUTION APPROVING THE 2013 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 2013, and has determined that it reflects the performance of the Wastewater Treatment Plant during 2013; 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 10<sup>th</sup> day of June, 2014, that:

1. The Compliance Maintenance Annual Report for 2013 is hereby approved and authorized to be filed with the WDNR.
2. That the Compliance Maintenance Annual Report for 2013 is an accurate indication of the performance of the City of Merrill Wastewater Treatment Plant for the year 2013.
3. That report sets forth the following actions necessary to maintain an effluent requirement contained in the Wisconsin Pollutant Discharge Elimination Systems Permit:
  - (a) Develop and implement a Capacity, Management, Operation & Maintenance (CMOM) program.
  - (b) Review testing schedule for phosphorus and determine what changes can be made to be more proactive with available resources to remain in compliance.

Motion (Schwartzman/Burgener) to adopt. Carried.

**1406266 RESOLUTION NO. 2377**

**A RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MERRILL, WISCONSIN AND PINE DELLS INVESTMENT, LLC**

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

WHEREAS, Pine Dells Investment LLC is constructing a commercial development on property located within TID No. 3 and,

WHEREAS, the City of Merrill finds that the proposed development and the fulfillment of the items and conditions of the attached Agreement are in the vital and best interest of the City of Merrill, Redevelopment Authority and City residents and serves a public purpose in accordance with State law; and,

WHEREAS, the City and Pine Dells Investment, LLC, have negotiated the development agreement to provide an incentive payment to facilitate the commercial development;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Pine Dells Investment, LLC, and to facilitate the implementation thereof.

Motion (Schwartzman/Burgener) to adopt. Carried 6-1 on roll call vote. Voting No – Alderman Malm.

**1406267      RESOLUTION NO. 2378**

**A RESOLUTION APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW RANDALL C. WIXSON D/B/A RC-N-DI INVESTMENTS TO CONSTRUCT ADDITIONAL SELF STORAGE UNITS AT 1106 W. MAIN STREET, MERRILL**

WHEREAS, Randall C. Wixson d/b/a RC-N-DI Investments has requested an amendment to his Conditional Use Permit pursuant to the Merrill Zoning Code Section 113, Article IV for the purpose of constructing an additional building with 24 storage units at the following described location:

Lot one (1) of Certified Survey Map 2251 a/k/a 1106 W. Main Street, Merrill, Lincoln County, Wisconsin; and,

WHEREAS, the City Plan Commission scheduled a public hearing on the application June 3, 2014, due public notice having been given and opportunity given to those interested to speak on the application; and,

WHEREAS, the City Plan Commission has reviewed the application, for the amendment, allowing for construction of an additional building with 24 storage units and revising the description of the Planned Unit Development, has found that it does meet the requirements of Merrill Zoning Code Section 113, Article IV and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of June, 2014, that the Conditional Use Permit issued to Randall C. Wixson d/b/a RC-N-DI Investments be amended to add an additional building with 24 storage units at the aforesaid described premises.

Motion (Schwartzman/Sukow) to adopt. Carried.

**1406270** Mayor's Communications

Mayor Bialecki urged everyone to support the numerous summer events upcoming in Merrill.

Fireworks have been scheduled for the Fourth of July at the MARC. A rain date has not yet been scheduled, but it was be publicized once it is established.

**1406999** Motion (Burgener/Schwartzman) to adjourn. Carried. Adjourned at 7:59 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 June 16<sup>th</sup>, 2014.

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William N. Heideman, CMC, WCMC  
City Clerk