

December 9th, 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.

141210 Invocation by Pastor Paul Hohman, New Testament Church

141215 Pledge of Allegiance

141220 Roll Call showed the following Common Council members present (8 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), Alderman Rob Norton (Seventh District) and Alderman Tim Meehean (Eighth District).

The following were also in attendance: Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Street Commissioner Richard Lupton, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl and Park and Recreation Director Dan Wendorf. Enrichment Center Director Tammie Mrachek had an excused absence.

141225 Public Comment Period

Mayor Bialecki issued a reminder that this is a public comment period, not a public hearing.

City Attorney Hayden reported that he has contacted, Collette Anderson, Wisconsin Department of Health Services, to discuss the two resolutions related to Conditional Use Permit applications for adult family homes. Based on that discussion, City Attorney Hayden stated his opinion that a Conditional Use Permit is irrelevant to the issue at hand and not necessary to operate these types of facilities. He recommends that the resolutions for item #1412261 and #1412262 be tabled.

Betty Hulke, 1401 Cedar Street, stated that she lives near the potential adult family home being considered at 1305 Cedar Street. She has no problem with those who would become residents. However, she does have concerns related to the condition of the house should it become an adult family home for developmentally disabled.

Jeff Schram, 1005 N. Cottage Street, stated the he was speaking on behalf of Richard Martens, 1102 Cottage Street. Mr. Schram thanked Alderman Burgener and Alderman Lokemoen for opposing the resolutions related to the adult family homes, and urged the other Common Council members to oppose them as well. Mr. Schram thanked Building Inspector/Zoning Administrator Pagel for supplying requested information. Mr. Schram raised the questions that, if a Conditional Use Permit is not required, why did the neighboring residents receive notification of a public hearing on the Conditional Use Permit application, and why was a public hearing even held. Mr. Schram stated that when Our Way was considering opening this type of facility, they should have formed a committee to participate in the consideration process. He questioned the proximity of the proposed facility to Harbor House.

Speaking for himself, Jeff Schram spoke on the Wisconsin State Statutes as they relate to distance and density requirements for the type of facilities that Our Way Inc. is seeking to open.

Ellin Fisher, 1301 E. 14th Street, spoke in favor of the two resolutions related to Conditional Use Permit applications for adult family homes. She stated that residents of this type of facility are not criminals, but are quiet souls in search of a home. She commended the Our Way Inc. staff on the care they provide, and asked that the new residents of these facilities be welcomed to the neighborhood.

Pastor Brad Main spoke in favor of the ordinance rezoning 1212 S. Center Avenue.

John Rell, N3331 County Highway K, also spoke in favor of the ordinance rezoning 1212 S. Center Avenue.

Phil Borchardt, 300 W. Eighth Street, stated that he was strongly opposed to the opening of adult family home at 1104 Cottage Street. He stated that there has never before been a business at that property and mentioned that there is already that type of facility located within the proximity of 2,500 feet. He added that the new facility would be in the same aldermanic district as the existing facility of the same type. In addition to his concerns related to another business in that area, he has concerns related to the increase in traffic.

Mary Ann Zastrow, 1303 Cedar Street, has concerns related to the increase in traffic on Cedar Street if an adult family home is opened there, given the fact that Cedar Street is a dead-end street. She suggested that Our Way Inc. seek alternative sites for this facility.

Dave Johnson, 1010 Johnson Street, stated that a rental property is the same as a business entity, and that, in a rental property, the tenants could change more frequently than residents of an adult family home.

Betty Hulke stated that she was speaking for, not against, the potential residents if the house at 1305 Cedar Street becomes an adult family home. She has safety concerns related to that house being used as an adult family home for developmentally disabled individuals.

Mayor Bialecki requested that the order of agenda items be changed and that agenda items #1412261 and #1412262 be considered next. Without objection, it was so ordered.

1412261 RESOLUTION NO.

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF OPERATING AN ADULT FAMILY HOME/DEVELOPMENTALLY DISABLED AT 1104 COTTAGE STREET IN MERRILL, WISCONSIN

WHEREAS, Our Way, Inc. has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV for the purpose of operating an Adult Family Home/Developmentally Disabled on the following described property:

Lot Two (2) Block One (1) and the North 95.80 feet of Lot One (1) Block One (1) of Ron Woller's First Addition to the City of Merrill, Lincoln County, Wisconsin, AKA 1104 Cottage Street; and

WHEREAS, the City Plan Commission scheduled a hearing on the application on December 2, 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, found that it does meet the requirements of Merrill Zoning Code Chapter 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 9th day of December, 2014, that a conditional use permit shall be issued to Our Way, Inc. for the purpose of operating an Adult Family Home/Developmentally Disabled at 1104 Cottage Street, Merrill.

Motion (Meehean/Lokemoen) to table the resolution, along with the resolution for agenda item #1412262. Carried.

1412262 RESOLUTION NO.

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF OPERATING AN ADULT FAMILY HOME/DEVELOPMENTALLY DISABLED AT 1305 CEDAR STREET IN MERRILL, WISCONSIN

WHEREAS, Our Way, Inc. has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV for the purpose of operating an Adult Family Home/Developmentally Disabled on the following described property:

Lots One (1) and Two (2) Block Four (4) of Natzke's Addition to the City of Merrill, Lincoln County, Wisconsin, AKA 1305 Cedar Street; and

WHEREAS, the City Plan Commission scheduled a hearing on the application on December 2, 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, found that it does meet the requirements of Merrill Zoning Code Chapter 113, Article IV and has recommended approval of said application, provided that fencing is installed in the rear yard bordering the Zastrow property;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of December, 2014, that a conditional use permit shall be issued to Our Way, Inc. for the purpose of operating an Adult Family Home/Developmentally Disabled at 1305 Cedar Street, Merrill, Wisconsin, provided that fencing is installed in the rear yard bordering the Zastrow property.

Note: This resolution was tabled by the same motion that tabled the previous agenda item, #1412261.

- 141230** Minutes of November Meeting
- Motion (Burgener/Sukow) to dispense with the reading of the minutes of the November 11th, 2014 Common Council meeting and approve them as published. Carried.
- 141240** Revenue and Expense Report – November 2014
- Motion (Burgener/Sukow) to approve, as submitted, the November 2014 Revenue and Expense report. Carried.
- 141261** Employee Recognition
- City Clerk Heideman read a certificate of recognition for the following City employee: Richard J. Grenfell, 25 years of service.
- 141290** Committee of the Whole
- 141291** Consider recommendation(s) from the December 9th, 2014 Committee of the Whole meeting related to the request from City Administrator Johnson to eliminate the hiring freeze and task the City Administrator with evaluating and approving hiring for budgeted vacancies in City positions. Newly created positions would continue to be approved by Common Council action only.
- At that meeting, the Committee of the Whole recommended approving the policy, as presented.
- Motion (Schwartzman/Burgener) to adopt. Carried.
- 141292** Consider recommendation(s) from the December 9th, 2014 Committee of the Whole meeting related to the bids received on the potential City sale of the former Fire Station #1 at 701 East First Street
- At that meeting, the Committee of the Whole recommended approving the bid of \$350,000 from the City of Merrill Housing Authority, with the stipulation that a maximum of \$150,000 of the sale receipts be used to erect a Parks and Recreation Department maintenance building at the Merrill Area Recreation Complex (MARC).
- Motion (Meehean/Schwartzman) to adopt. Carried 8-0 on roll call vote.

- 1412150** Water and Sewage Disposal Committee
- 1412151** The Committee recommends approving the water & sewer service fee increases for 2015 as presented.
- Motion (Schwartzman/Sukow) to adopt. Carried.
- 1412152** The Committee recommends approving, as presented, the amendment to the current lease agreement with New Cingular Wireless PCS, LLC. The agreement allows them to house telecommunications equipment on the East Street Water Tower. The amendment would result in the City receiving an additional \$300 per month as part of the agreement.
- Motion (Meehean/Norton) to adopt. Carried.
- 1412160** City Plan Commission
- 1412161** Update on Comprehensive Plan update proposal from North Central Wisconsin Regional Planning Commission (NCWRPC). Note: Because the funding (\$20,000) has already been budgeted, no Common Council action is necessary. This item was placed on the agenda for information only.
- No action was taken.
- 1412230** Placing Committee Reports on file
- City Clerk Heideman requested that he be authorized to amend the December 2nd, 2014 City Plan Commission minutes, to change a reference to Alderman Hass to Steve Hass. Without objection, it was so ordered.
- Motion (Sukow/Burgener) to place the following committee reports on file: Housing Authority, Parks and Recreation Commission, Board of Public Works, Health and Safety Committee, Personnel and Finance Committee, Water and Sewage Disposal Committee, City Plan Commission (as amended), Transit Commission, Library Board, Redevelopment Authority, Enrichment Center Committee on Aging, Airport Commission and Board of Canvass. Carried.
- 1412240** Mayor's Appointments
- Mike Wilson, to the Housing Authority, term to expire November 10th, 2015
- Motion (Schwartzman/Peterson) to approve the appointment. Carried.

1411250 ORDINANCE NO. 2014-26

SECOND READING OF AN ORDINANCE AMENDING THE DISTRICT ZONING MAP OF THE CITY OF MERRILL, WISCONSIN FOR 1212 SOUTH CENTER AVENUE, TO REZONE FROM THOROUGHFARE COMMERCIAL TO PUBLIC DISTRICT

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

THIRD READING OF AN ORDINANCE AMENDING THE DISTRICT ZONING MAP OF THE CITY OF MERRILL, WISCONSIN FOR 1212 SOUTH CENTER AVENUE, TO REZONE FROM THOROUGHFARE COMMERCIAL TO PUBLIC DISTRICT

Motion (Schwartzman/Peterson) to adopt. Carried 7-1 on roll call vote. Voting No – Alderman Norton.

1412250 ORDINANCE NO. 2014-27

AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 6, SECTION 36-166 TO ADD TRUCK ROUTES

Motion (Sukow/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 CHAPTER 36, ARTICLE II, DIVISION 6, SECTION 36-166 TO ADD TRUCK ROUTES

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 36, ARTICLE II, DIVISION 6, SECTION 36-166 TO ADD TRUCK ROUTES

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

1412251 ORDINANCE NO. 2014-28

AN ORDINANCE AMENDING CHAPTER 105, ARTICLE I, DIVISION 2, SECTION 52, RELATED TO BUILDING INSPECTION PROCEDURES IN CASES OF UNSAFE BUILDINGS

Motion (Sukow/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 105, ARTICLE I, DIVISION 2, SECTION 52, RELATED TO BUILDING INSPECTION PROCEDURES IN CASES OF UNSAFE BUILDINGS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 105, ARTICLE I, DIVISION 2, SECTION 52, RELATED TO BUILDING INSPECTION PROCEDURES IN CASES OF UNSAFE BUILDINGS

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

1412260 RESOLUTION NO. 2395

Without objection, City Attorney Hayden read the resolution by title only and then provided a verbal summary of the resolution.

A RESOLUTION AMENDING EMPLOYEE BENEFITS – FRINGE BENEFITS AT SECTION 14-5, GROUP INSURANCE PROGRAM OF THE NON-UNION PERSONNEL POLICIES PERTAINING TO CO-INSURANCE AND OUT-OF-POCKET LIMITS AND TO ELIMINATE THE 15% PARTICIPATION LIMIT IN THE GROUP HEALTH INSURANCE INCENTIVE PLAN

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 Fringe Benefits at Section 14-5, ~~to amend co-insurance and maximum out-of-pocket limits as they relate to Federal Internal Revenue Service requirements and to eliminate the 15% participation limit in the Group Health Insurance Incentive Plan~~ ~~to delete the traditional Health Insurance option at Section 14-5-1 and add 20/80 deductibles to the High Deductible Health Plan - Health Savings Account (HSA) eligible at Section 14-5-2, and renumbering subsequent paragraphs;~~ and

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

14-5-1 High Deductible Health Plan - Health Savings Account (HSA) Eligible. The Employees are offered a High Deductible Health Plan - Health Savings Account (HSA) Eligible with ~~\$1,300~~~~,250~~ individual and ~~\$2,600~~~~,500~~ family deductible levels. In addition the Employee will pay 20% ~~coinsurance~~ ~~up~~

to a maximum out-of-pocket expense of \$1,700 – individual and \$3,400 – family of the next \$2,000 individual and \$4,000 family coinsurance. The Employees will pay eight and ninety-eight hundreds (8.98) percent of the monthly premium per pay period not to exceed 24 pay periods per year, and the City agrees to pay the remaining amounts of the High Deductible group health insurance.

- 14-5-2 Group Health Insurance Incentive Plan. In the event that any regular full-time employee eligible for the City's group health insurance program obtains coverage under another health insurance plan through employee's spouse or family member not sponsored by the City, and the employee provides written evidence of such other coverage and declines coverage under the City's group health insurance program, the City will pay the employee \$3,000 (\$250 per month) if the employee would have been eligible for the family group health insurance plan or \$1,500 (\$125 per month) if the employee would have been eligible for the single group health insurance plan as an incentive. Such incentive payment is paid by the City at the same time that longevity payments are made under Section 6-9 of this manual. ~~This incentive program is available on a first-come, first-served basis to the first fifteen-percent (15%) of eligible regular full-time employees who register for the program. At any time, a maximum of fifteen-percent (15%) of regular full-time city employees eligible for the City's group health insurance program may be enrolled under this incentive program.~~

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of December, 2014, that the Personnel Policies Employee Handbook is amended by deleting and adding the highlighted language as follows at Section 14-5-1 and 14-5-2:

- 14-5-1 High Deductible Health Plan - Health Savings Account (HSA) Eligible. The Employees are offered a High Deductible Health Plan - Health Savings Account (HSA) Eligible with \$1,300,1,250 individual and \$2,600,2,500 family deductible levels. In addition the Employee will pay 20% coinsurance up to a maximum out-of-pocket expense of \$1,700 – individual and \$3,400 – family of the next \$2,000 individual and \$4,000 family coinsurance. The Employees will pay eight and ninety-eight hundreds (8.98) percent of the monthly premium per pay

- period not to exceed 24 pay periods per year, and the City agrees to pay the remaining amounts of the High Deductible group health insurance.
- 14-5-2 Group Health Insurance Incentive Plan. In the event that any regular full-time employee eligible for the City's group health insurance program obtains coverage under another health insurance plan through employee's spouse or family member not sponsored by the City, and the employee provides written evidence of such other coverage and declines coverage under the City's group health insurance program, the City will pay the employee \$3,000 (**\$250 per month**) if the employee would have been eligible for the family group health insurance plan or \$1,500 (**\$125 per month**) if the employee would have been eligible for the single group health insurance plan as an incentive. Such incentive payment is paid by the City at the same time that longevity payments are made under Section 6-9 of this manual. ~~This incentive program is available on a first-come, first-served basis to the first fifteen-percent (15%) of eligible regular full-time employees who register for the program. At any time, a maximum of fifteen-percent (15%) of regular full-time city employees eligible for the City's group health insurance program may be enrolled under this incentive program.~~

Motion (Schwartzman/Sukow) to adopt. Carried.

1412270 Mayor's Communications

Mayor Bialecki thanked the audience for their attendance and participation.

Mayor Bialecki extended "Merry Christmas" greetings to the community.

The Transit Department annual Tour of Lights will be held December 10th. Seats are still available.

Mayor Bialecki thanked the Caylor family for once again decorating the gazebo and Christmas tree at Normal Park.

WJFW Newswatch 12 will be broadcasting live from the Fire Station on the morning of December 10th, beginning at 7:00 A.M.

A badge-pinning ceremony for the newest member of the Fire Department will be held at the Fire Station at 6:00 P.M. on December 11th.

1412999 Motion (Burgener/Schwartzman) to adjourn. Carried. Adjourned at 7:52 P.M.

William R. Bialecki
Mayor

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 December 11th, 2014.

William N. Heideman, CMC, WCMC
City Clerk