

March 10th, 2015

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.

150310 Invocation by Pastor Angie Steinhauer, Christ United Methodist Church

150315 Pledge of Allegiance

150320 Roll Call showed the following Common Council members present (6 of 8): Alderman Peter Lokemoen (Second District), Alderman Ryan Schwartzman (Third District), Alderwoman Kandy Peterson (Fourth District), Alderman Dave Sukow (Sixth District), Alderman Rob Norton (Seventh District) and Alderman Tim Meehean (Eighth District). Alderman Chris Malm (First District) was absent and Alderman John Burgener (Fifth District) had an excused absence.

The following were also in attendance: 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, Enrichment Center Director Tammie Mrachek, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, Library Director Stacy Stevens, Finance Director Kathy Unertl and Park and Recreation Director Dan Wendorf.

150325 Public Comment Period

None.

150330 Minutes of February Meeting

Motion (Schwartzman/Peterson) to dispense with the reading of the minutes of the February 10th, 2015 Common Council meeting and approve them as published. Carried.

150340 Revenue and Expense Report – February 2015

Motion (Schwartzman/Peterson) to approve, as submitted, the February 2015 Revenue and Expense report. Carried.

150360 Communications and Petitions

150361 Petition for Direct Annexation from Nortrax Inc., for property owned by Nortrax Inc., described as follows: Approximately 31 acres in size and located in Sections 17 and 18, Township 31 North, Range 7 East, Township of Pine River, Lincoln County Wisconsin. Specifically, the area is located between Big Eddy Road and U.S. Highway 51, approximately ¼ mile south of State Truck Highway 64. This petition is to be referred to the City Plan Commission and the Board of Public Works.

Motion (Meehean/Norton) to refer to the City Plan Commission and to the Board of Public Works. Carried.

1503120 Board of Public Works

1503121 Consider bids for demolition of structure at 900 East First Street. Mayor Bialecki is bringing this item directly to the Common Council.

Motion (Meehean/Norton) to approve the bid of \$32,680 from C & D Excavating. Carried.

1503130 Health and Safety Committee

1503131 The Committee recommends approving the application from Kwik Trip Inc. for a Class "A" (liquor) license for Kwik Trip #386, 2311 East Main Street, effective March 11th, 2015.

Motion (Sukow/Peterson) to adopt. Carried.

1503132 The Committee recommends approving the applications from the Lincoln County Rodeo Association Inc. for three temporary Class "B" (picnic) licenses to sell fermented beverages at the Lincoln County Fairgrounds during a Wisconsin River Pro Rodeo event on June 12-14, 2015.

Motion (Sukow/Peterson) to adopt. Carried.

1503133 The Committee recommends approving the change of agent application from Walgreens Co., appointing Jane L. Zipperer as agent at Walgreens (#10574), 101 North Center Avenue.

Motion (Sukow/Peterson) to adopt. Carried.

1503140 Personnel and Finance Committee

1503141 The Committee recommends approving, as presented, the request from Transit Director Grenfell and Parks and Recreation Director Wendorf to authorize a new full-time shared Transit Driver/Park Laborer position with City benefits.

Motion (Schwartzman/Meehean) to adopt. Carried.

1503142 The Committee recommends approving, as presented, the interim replacement plan for City Hall Maintenance (including Temporary Classification), and also recommends approving the long-term plan of combining the City Hall Maintenance Supervisor position and Library Maintenance Supervisor position into one full-time shared position.

Motion (Schwartzman/Meehean) to adopt. Carried.

1503150 Water and Sewage Disposal Committee

1503151 The Committee recommends approving, as presented, the second amendment to the water tower attachment communications site agreement with Alltel Communications Wireless of Louisiana, Inc., a Louisiana corporation d/b/a Verizon Wireless. The agreement allows Verizon Wireless to house telecommunications equipment on the Taylor Street Water Tower, and the second amendment would allow them to replace and upgrade certain equipment.

Motion (Norton/Meehean) to adopt. Carried.

1503152 The Committee recommends approving the quote of \$59,915 from Envirotech for the City purchase of an Aries Pathfinder camera with supporting equipment and software, to be used for sewer inspections.

Motion (Norton/Schwartzman) to adopt. Carried.

1503153 The Committee recommends approving the quote of \$25,000 from Strand Associates for an Operations and Needs Review at the Wastewater Treatment Plant.

Motion (Norton/Lokemoen) to adopt. Carried.

1503185 Redevelopment Authority

1503186 The Authority recommends pursuing acquisition of 900 East First Street through Lincoln County delinquent tax foreclosure process, with the City/Redevelopment Authority assuming financial responsibility for razing the existing structure.

Motion (Schwartzman/Meehean) to adopt. Carried 6-0 on roll call vote.

1503230 Placing Committee Reports on file

Motion (Sukow/Peterson) 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, Transit Commission, Library Board, Redevelopment Authority, Enrichment Center Committee on Aging, Airport Commission and Zoning Board of Appeals. Carried.

1503240 Mayor's Appointments

Ben Debroux, to the Parks and Recreation Commission, term to expire May 1st, 2017

Troy Pieper, to the Parks and Recreation Commission, term to expire May 1st, 2017

Gary Schulz, to the Airport Commission, term to expire October 1st, 2020

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

1503250 **ORDINANCE NO. 2015-04**

City Attorney Hayden requested that he be allowed to give the ordinance a first reading by title and summary only. Without objection, it was so ordered.

AN ORDINANCE AMENDING CHAPTER 36, ARTICLE IV, SECTION 36-211 TO 217 TO ADD PROVISIONS FOR SNOWMOBILE OPERATION

Motion (Sukow/Meehean) 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 IV, SECTION 36-211 TO 217 TO ADD PROVISIONS FOR SNOWMOBILE OPERATION

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 36,
ARTICLE IV, SECTION 36-211 TO 217 TO ADD PROVISIONS FOR
SNOWMOBILE OPERATION

Motion (Sukow/Schwartzman) to adopt. Carried 6-0 on roll call vote.

1503251 ORDINANCE NO. 2015-05

City Attorney Hayden requested that he be allowed to give the ordinance a first reading by title and summary only. Without objection, it was so ordered.

AN ORDINANCE AMENDING CHAPTER 36, ARTICLE V, SECTION 36-249 TO 255 TO ADD PROVISIONS FOR ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE OPERATION

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 36,
ARTICLE V, SECTION 36-249 TO 255 TO ADD PROVISIONS FOR ALL-
TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE OPERATION

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 36,
ARTICLE V, SECTION 36-249 TO 255 TO ADD PROVISIONS FOR ALL-
TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE OPERATION

Motion (Sukow/Schwartzman) to adopt. Carried 6-0 on roll call vote.

1503252 ORDINANCE NO. 2015-06

AN ORDINANCE AMENDING CHAPTER 32, ARTICLE III, SECTION 32-54(B)(9) TO ADD LANGUAGE RELATING TO ASSESSMENT OF SIDEWALK COSTS

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 32,
ARTICLE III, SECTION 32-54(B)(9) TO ADD LANGUAGE RELATING TO
ASSESSMENT OF SIDEWALK COSTS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 32,
ARTICLE III, SECTION 32-54(B)(9) TO ADD LANGUAGE RELATING TO
ASSESSMENT OF SIDEWALK COSTS

Motion (Schwartzman/Peterson) to adopt. Carried 5-1 on roll call vote.
Voting No – Alderman Norton.

1503253 ORDINANCE NO. 2015-07

AN ORDINANCE AMENDING CHAPTER 32, ARTICLE III, SECTION 32-58(A) TO ADD LANGUAGE RELATING TO ASSESSMENT OF SIDEWALK COSTS

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 32, ARTICLE III, SECTION 32-58(A) TO ADD LANGUAGE RELATING TO ASSESSMENT OF SIDEWALK COSTS

THIRD READING OF AN ORDINANCE AMENDING CHAPTER 32, ARTICLE III, SECTION 32-58(A) TO ADD LANGUAGE RELATING TO ASSESSMENT OF SIDEWALK COSTS

Motion (Schwartzman/Peterson) to adopt. Carried 5-1 on roll call vote.
Voting No – Alderman Norton.

1503260 RESOLUTION NO. 2403

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

WHEREAS, the Board of Public Works of the City of Merrill, Wisconsin held a Public Hearing in the City Hall, Merrill, Wisconsin, for the purpose of hearing all persons interested in the matters contained in the preliminary resolution of the City of Merrill, of its intent to exercise special assessment powers pursuant to Police Power under Sec. 66.07 Wis. Stats., all as set forth below, and the reports of the Engineering Department mentioned therein on the following proposed projects and other matters, to-wit:

Preliminary Resolution of January 13, 2015, a copy of which is attached hereto, on which a hearing was held on the 28th day of January, 2015;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of March, 2015, to complete the following public works projects in the City of Merrill:

1. Sidewalk maintenance 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.
 - d) Memorial Drive sidewalk extension on the west side of that street from East 6th Street to north of East 10th Street.

NOW THEREFORE, BE IT FURTHER RESOLVED, by the Common Council of the City of Merrill, Wisconsin,

1. That the reports of the City Building Inspector/Zoning Department pertaining to construction of said improvements, including the plans and specifications are hereby adopted and approved.
2. That the Board of Public Works shall cause the improvements to be made by City employees or it may advertise and let any part or all of the same out on bids.
3. That payment for said improvements be made by assessing the costs to the property benefited as indicated in said report, as an exercise of the Police Power.
4. Those benefits shown on the reports are true and correct, having been determined on a reasonable basis and are hereby confirmed.
5. That the assessments for all projects included in said reports are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or any assessment jointly for any purpose or purposes.
6. The assessment against any parcel may be paid in cash not later than November 1 of the year such improvements are made, or in installments as provided by City Ordinance, and if not so paid, shall be extended upon the tax roll as a delinquent tax against said parcel and all proceedings in relation to the collection, return and sale of property for the delinquent real estate taxes shall apply to such assessment except otherwise provided by Statute.
7. The City Clerk is directed to publish this resolution as a Class 1 notice in the official newspaper.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against the property to every property owner whose name appears on the assessment roll whose post office address is known or who can with reasonable diligence be ascertained.

Motion (Schwartzman/Meehean) to adopt. Carried.

1503270 Mayor's Communications

Mayor Bialecki thanked Alderman Sukow, City staff, Willie Schult and anyone else that helped with preparing the ordinances related to snowmobile, ATV and UTV operations.

Mayor Bialecki congratulated Mason Reinhardt for winning a state championship at the WIAA State Wrestling Tournament. He also extended best wishes to the Merrill High School Boys Basketball Team as they enter sectional play on March 12th.

The Girl's Sixth Grade State Basketball Tournament will be held in Merrill on March 28-29.

1503999 Motion (Sukow/Schwartzman) to adjourn. Carried. Adjourned at 7:45 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 March 12th, 2015.

William N. Heideman, CMC, WCMC
City Clerk