



**CITY OF MERRILL**  
**COMMON COUNCIL**  
**MINUTES • TUESDAY JULY 14, 2015**

**Regular Meeting**

**City Hall Council Chambers**

**7:00 PM**

1. Silent Prayer
2. Pledge of Allegiance
3. Call to Order and Roll Call:

Mayor Bialecki called the meeting to order at 7:00 P.M.

Attendee Name	Title	Status	Arrived
Chris Malm	Aldersperson - First District	Present	
Pete Lokemoen	Aldersperson - Second District	Present	
Ryan Schwartzman	Aldersperson - Third District	Present	
Kandy Peterson	Aldersperson - Fourth District	Excused	
John Burgener	Aldersperson - Fifth District & President	Present	
Dave Sukow	Aldersperson - Sixth District	Present	
Rob Norton	Aldersperson - Seventh District	Present	
Tim Meehean	Aldersperson - Eighth District	Present	
Bill Bialecki	Mayor	Present	

The following were also in attendance: Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Utility Superintendent Kim Kriewald, 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 & Recreation Director Dan Wendorf.

4. Public Comment Period:

Christopher Winters expressed his perception that the current signage at the intersection of State Highway 64 and First Street is inadequate. He also expressed concerns related to ensuring adequate funding for several park projects.

5. Minutes of previous Common Council meeting(s):

1. Minutes of June 9, 2015 and June 23, 2015 Common Council meetings

Motion (Burgener/Sukow) to approve.

<b>RESULT:</b> <b>APPROVED</b>
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6. Revenue & Expense Reports:

1. Revenue & Expense Report as of June 30, 2015

Motion (Burgener/Schwartzman) to approve.

<b>RESULT:</b> <b>APPROVED</b>
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7. General agenda items:

1. Claim filed by John Thiel Jr. for damages to his vehicle at a gravel patch on Center Avenue on June 22, 2015.

The City's insurance carrier recommends that this claim be denied. The basis for their recommendation is that their investigation revealed no negligence on behalf of the City.

Motion (Schwartzman/Burgener) to deny the claim.

<b>RESULT:</b> <b>CARRIED</b>
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2. 2014 Audit Presentation by Schenck SC representatives

Representing Schenck SC, Dave Maccoux and Greg Pitel gave a presentation on the 2014 City Audit.

No action was necessary, requested or taken.

3. Tourism Report

The report was in the meeting packet for information only. No action was necessary, requested or taken.

4. Employee Years of Service Recognition:

Don P. Seubert II, 20 years (Police Department)

City Clerk Heideman read a certificate of recognition for Don Seubert II.

8. Board of Public Works:

1. Consider Street Use Permit application from Ott's Garage Teen Center, 805 East Main Street, to close East Main Street (eastern boundary of Ott's Garage to Scott Street), from 4:00 P.M. to 9:00 P.M. on Wednesday, July 22, 2015, for a skateboard demonstration.

Motion (Schwartzman/Norton) to approve the application.

<b>RESULT:</b> <b>APPROVED</b>
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9. City Plan Commission:

1. Consider Public Participation Plan for amending City Comprehensive Plan.

Motion (Meehean/Burgener) to approve the plan.

**RESULT: APPROVED**

10. Health and Safety Committee:

1. Consider 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 7-9, 2015.

Motion (Sukow/Schwartzman) to approve the applications.

**RESULT: APPROVED**

2. Consider applications from Merrill Fastpitch for three temporary Class "B" (picnic) licenses to sell fermented malt beverages in the concession stands and the softball field stands at the Merrill Area Recreation Complex (MARC), 1100 MARC Drive, during the annual Merrill Fastpitch Tournament, July 24-26, 2015.

Motion (Sukow/Burgener) to approve the applications.

**RESULT: APPROVED**

3. Consider application from RStore Merrill, LLC, Sara Rosenberg, Agent, for a Class "A" (beer) license and a "Class A" (liquor) license for RStore #40, 1001 North Center Avenue, effective July 23rd, 2015.

Motion (Sukow/Lokemoen) to approve the application.

**RESULT: APPROVED**

4. Consider request from Ballyhoos, 124 North Prospect Street, to close Prospect Street (Grand Avenue west to the western edge of Miller Home Furnishings), from 9:00 A.M. to 10:00 P.M. on Saturday, August 1st, 2015. Ballyhoos is also requesting an extension of premises to sell alcoholic beverages in the closed-off area from 4:00 P.M. to 10:00 P.M. that same day. Both requests are in conjunction with the Merrill Lobster Fest.

Motion (Sukow/Norton) to approve the request.

Alderman Lokemoen suggested that the language of the request be amended to indicate that Prospect Street would be closed from Grand Avenue west to the southern (instead of the western) edge of Miller Home Furnishings. Without objection, it was so ordered.

**RESULT: APPROVED**

5. Consider applications from Fraternal Order of Eagles for five temporary Class "B" (picnic) licenses to sell fermented malt beverages in the Eagles Fair Stand (Lincoln County Fairgrounds) during the Lincoln County Fair, July 22-July 26, 2015.

Motion (Norton/Schwartzman) to approve the applications.

<b>RESULT:</b>	<b>APPROVED</b>
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11. Personnel and Finance Committee:

1. Consider bids for potential sale of City property at 410 Blaine Street

Motion (Meehean/Burgener) to approve the bid of \$8,000 from Scott Bruenig and apply the funds realized from the sale to a Community Development block grant associated with the property.

<b>RESULT:</b>	<b>APPROVED</b>
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12. Placing Committee Reports on File:

1. Consider placing the following minutes on file: Ad-Hoc Committee on Fairgrounds Property, Airport Commission, Board of Public Works, City Plan Commission, Committee of the Whole, Enrichment Center Committee on Aging, Health and Safety Committee, Housing Authority, Library Board, Parks and Recreation Commission, Personnel and Finance Committee, Redevelopment Authority, Water and Sewage Disposal Committee and Zoning Board of Appeals.

Motion (Sukow/Meehean) to place all minutes on file, as submitted.

<b>RESULT:</b>	<b>CARRIED</b>
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13. Ordinances:

1. Consider ordinance to amend Code of Ordinances Chapter 16, at 38-40 and 38-42(a) and 38-48(b), related to changes in various service charges.

ORDINANCE 2015-11

City Attorney Hayden gave the ordinance a first reading by summary only.

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

The ordinance was given a second reading and a third reading.

<b>RESULT:</b>	<b>APPROVED [7 TO 0]</b>
<b>MOVER:</b>	Rob Norton, Alderperson - Seventh District
<b>SECONDER:</b>	John Burgener, Alderperson - Fifth District & President
<b>AYES:</b>	Malm, Lokemoen, Schwartzman, Burgener, Sukow, Norton, Meehean
<b>EXCUSED:</b>	Peterson

14. Resolutions:

1. A Resolution approving the 2014 Compliance Maintenance Annual Report for the City of Merrill Wastewater Treatment Plant (Resolution #2414).

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 2014, and has determined that it reflects the performance of the Wastewater Treatment Plant during 2014; 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 14<sup>th</sup> day of July, 2015, that:

1. The Compliance Maintenance Annual Report for 2014 is hereby approved and authorized to be filed with the WDNR.
2. That the Compliance Maintenance Annual Report for 2014 is an accurate indication of the performance of the City of Merrill Wastewater Treatment Plant for the year 2014.

Motion (Norton/Burgener) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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2. A Final Resolution of Intent to exercise Special Assessment Powers by Police Power under Section 66.0703 of the Wisconsin Statutes, related to the Superior Street/West Tenth Street project (Resolution #2415).

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 City Building Inspector/Zoning Department mentioned therein on the following proposed projects and other matters, to-wit:

Preliminary Resolution of April 14, 2015, a copy of which is attached hereto, on which a hearing was held on the 27<sup>th</sup> day of May, 2015;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of July, 2015, to complete the following public works projects in the City of Merrill:

1. The complete reconstruction of the following:
  - Superior Street from Grand Avenue to W. 10<sup>th</sup> Street
  - W. Tenth Street from Superior Street to North State Street

This project involves the installation of:

- a. Asphalt road reconstruction with curb, gutter and sidewalk on West 10<sup>th</sup> Street (No sidewalk will be installed on Superior Street, per Common Council Recommendation of June 9, 2015)
  - b. Water main
  - c. Sanitary Sewer
  - d. Storm Sewer
  - e. Water and sewer laterals where needed.
2. Said public improvements shall include, where appropriate:
- a. The Grading of said street.
  - b. The surfacing of said street with asphalt.
  - c. The installation of curb and gutter on said street.
  - d. The installation, removal or replacement of sidewalk on West 10<sup>th</sup> Street, driveway and curb and gutter on said streets.
  - e. The installation of water main and water laterals on said street.
  - f. The installation of sanitary sewer and sewer laterals on said street.
  - g. All improvements shall be done to plans and specifications prepared by the City's contracted engineer.

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 approve.

Motion (Meehean/Lokemoen) to amend by removing all references to sidewalk on West Tenth Street. Motion to amend carried.

<b>RESULT:</b>	<b>APPROVED</b>
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#### 15. Mayor's Communications

Mayor Bialecki thanked the protective service departments for their work at a tragic incident earlier in the day.

The Police Department and Fire Department are sponsoring the third annual Community Night Out from 5:00 P.M. to 8:00 P.M. on Tuesday, August 4<sup>th</sup>. That event will be held at Normal Park.

The Lincoln County Fair will be July 22-26.

The annual Merrill Fastpitch Tournament will be held at the MARC from July 24-26.

The annual Merrill Firefighters Charities Softball Tournament will be held at Ott's Park from August 7-9.

The first annual Merrill Lobster Fest will be held on Saturday, August 1<sup>st</sup>.

Lincoln County is sponsoring a hazardous waste collection on Saturday, August 8<sup>th</sup>.

Mayor Bialecki congratulated Scott Doerr on his election as State President of the Eagles. He also praised the Eagles for their long-term service to the community.

#### 16. Adjournment

Motion (Burgener/Schwartzman) to adjourn. Carried. Adjourned at 7:42 P.M.