



# CITY OF MERRILL

## COMMON COUNCIL

MINUTES • TUESDAY SEPTEMBER 8, 2015

Regular Meeting

City Hall Council Chambers

7:00 PM

1. Call to Order

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	Present	
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: Police Captain Corey Bennett, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Clerk Bill Heideman, City Administrator Dave Johnson, Street Commissioner Richard Lupton, Enrichment Center Director Tammie Mrachek, Fire Chief Dave Savone, Finance Director Kathy Unertl and Park and Recreation Director Dan Wendorf. Police Chief Ken Neff and Building Inspector/Zoning Administrator Darin Pagel had excused absences.

2. Silent Prayer

3. Pledge of Allegiance

4. Public Comment Period

There was no public comment.

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

1. Minutes of August 11, 2015 meeting

Motion (Burgener/Sukow) to approve the minutes of the August 11<sup>th</sup>, 2015 Common Council meeting.

**RESULT: APPROVED**

6. Revenue & Expense Reports(s):

1. Revenue & Expense Report as of August 31, 2015

Motion (Burgener/Sukow) to approve the Revenue and Expense Report as of August 31<sup>st</sup>, 2015.

**RESULT: APPROVED**

7. General agenda items:

1. Employee Years of Service Recognition:

Terence L. Vanden Heuvel, 35 years (Wastewater Treatment Plant)

Vincent L. Conrad, 25 years (Street Department)

City Clerk Heideman read certificates of recognition for the two employees.

8. Board of Public Works:

1. Consider Bicycle and Pedestrian Plan. At a meeting on August 11, 2015, the Common Council referred the plan to the Health and Safety Committee and the Board of Public Works.

Motion (Schwartzman/Peterson) to approve the plan.

**RESULT: APPROVED**

2. Bid for project to replace heating, ventilating and air conditioning (HVAC) in portions of City Hall.

Mayor Bialecki mentioned that the project would be for electric baseboard heating only and would not address any City Hall air-conditioning issues.

Motion (Lokemoen/Burgener) to approve the bid of \$115,185 from Pieper Electric.

**RESULT: APPROVED**

9. Committee of the Whole:

1. Request for Proposal (RFP) submissions for fairgrounds grandstand.

Motion (Burgener/Schwartzman) to approve the bid of \$1,149,000 from Dant Clayton for a 3,000 seat facility.

**RESULT: APPROVED**

10. Health and Safety Committee:

1. Consider application from the Merrill Historical Society, 100 East Third Street, for a temporary Class "B" license to sell fermented malt beverages and wine at 100 East Third Street on Saturday, November 7, 2015, as part of a trivia contest.

Motion (Sukow/Malm) to approve the application.

**RESULT: APPROVED**

2. Consider application from St. Francis Xavier Catholic Church, 1708 East Tenth Street, for a temporary Class "B" license to sell fermented malt beverages and wine at 1708 East Tenth Street (inside and on grounds) on Sunday, October 4, 2015, as part of a fall festival. Alderman Sukow is bringing this application directly to the Common Council.

Motion (Sukow/Malm) to approve the application.

**RESULT: APPROVED**

11. Water and Sewage Disposal Committee:
1. Bid for Prairie River Watermain Crossing project. Alderman Norton is bringing the bid directly to the Common Council.
- Motion (Norton/Meehean) to reject the bid of \$284,900 from James Peterson Sons Inc. and rebid the project in 2016.

**RESULT: REJECTED**

12. Mayor's Appointments:
1. Tony Kusserow to the Redevelopment Authority, term to expire September, 2020.
  2. Joseph Malsack to the Airport Commission, term to expire October 1, 2021.
- Motion (Meehean/Schwartzman) to approve the two appointments.

**RESULT: APPROVED**

13. Placing Committee Reports on File:
1. Consider placing the following minutes on file: Board of Public Works, City Plan Commission, Committee of the Whole, Community Development Committee, Health and Safety Committee, Housing Authority, Library Board, Merrill Enrichment Center Committee, Parks and Recreation Commission, Personnel and Finance Committee, Redevelopment Authority, Tourism Commission, Transit Commission and Water and Sewage Disposal Committee.
- Motion (Sukow/Norton) to place the reports on file.

**RESULT: PLACED ON FILE**

14. Ordinances:
1. Ordinance stipulating allowable dimensions for commercial use fire pits.  
ORDINANCE 2015-16
- City Attorney Hayden gave the ordinance a first reading.
- Motion (Sukow/Burgener) 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 [UNANIMOUS]</b>
<b>MOVER:</b>	Dave Sukow, Alderperson - Sixth District
<b>SECONDER:</b>	John Burgener, Alderperson - Fifth District & President
<b>AYES:</b>	Malm, Lokemoen, Schwartzman, Peterson, Burgener, Sukow, Norton, Meehean

2. Ordinance to increase room tax from 4% to 6%.

ORDINANCE 2015-17

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

City Attorney Hayden gave the ordinance a first reading.

Motion (Schwartzman/Burgener) 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 [UNANIMOUS]</b>
<b>MOVER:</b>	Ryan Schwartzman, Alderperson - Third District
<b>SECONDER:</b>	John Burgener, Alderperson - Fifth District & President
<b>AYES:</b>	Malm, Lokemoen, Schwartzman, Peterson, Burgener, Sukow, Norton, Meehean

15. Resolutions:

1. A Resolution to amend Tourism Promotion Agreement between the City, the Tourism Commission and the Merrill Area Chamber of Commerce (Resolution #2417).

WHEREAS, the City of Merrill adopted an amended Ordinance No. 98-25 (the "Room Tax Ordinance") which created the City's Room Tax and the Merrill Tourism Commission; and,

WHEREAS, Wisconsin Statutes and the City of Merrill Room Tax Ordinance requires that seventy percent (70%) of the Room Tax be devoted to tourism promotion and development under the direction of the Merrill Tourism Commission; and,

WHEREAS, the Merrill Tourism Commission is authorized to contract with a tourism entity to accomplish its tasks of tourism development and tourism promotion and the only organization in the City of Merrill that qualifies as a tourism entity under state law is the Merrill Area Chamber of Commerce; and,

WHEREAS the City of Merrill Tourism Commission and the Merrill Area Chamber of Commerce have negotiated a new agreement for the Chamber to provide staff and services for tourism development and promotion in the City of Merrill; and,

WHEREAS the Agreement provides that the Merrill Area Chamber of Commerce will be paid for its services only out of the proceeds of the Room Tax devoted to tourism development and promotion and also provides that the City of Merrill Chamber of Commerce will report the results of its activities on a regular basis to the Tourism Commission and annually to the Tourism Commission and the City of Merrill Common Council;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of September, 2015, that the amended Tourism Promotion Agreement between the City of Merrill, Merrill Tourism Commission and the Merrill Area Chamber of Commerce is hereby approved.

BE IT FURTHER RESOLVED, that the appropriate city officials are hereby authorized to execute the amended Agreement on behalf of the City of Merrill and the Merrill Tourism Commission.

Motion (Schwartzman/Meehean) to approve the resolution.

<b>RESULT:</b>	<b>APPROVED</b>
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2. A Resolution approving a Conditional Use Permit for a Group Child Care Facility located at 122 N. State Street in Merrill.

WHEREAS, Renee-Hertzfeldt f/k/a Renee Williams, d/b/a Building Block, has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV for the purpose of operating a Group Child Care facility on the following described property:

Lot Ten (10), Block Five (5) of McCord and Wright Addition to the City of Merrill, Lincoln County, Wisconsin; and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on September 1, 2015, due public notice having been given an opportunity given to those interested to speak on the application; and,

WHEREAS, the City Plan Commission has reviewed the Application, but has no recommendation of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of September, 2015, that a conditional use permit shall be issued to Renee Hertzfeldt, d/b/a Building Block for the purpose of operating a Group Child Care facility on the above described property.

<b>RESULT:</b>	<b>REJECTED BY ROLL CALL VOTE [0 TO 8]</b>
<b>MOVER:</b>	Dave Sukow, Alderperson - Sixth District
<b>SECONDER:</b>	Rob Norton, Alderperson - Seventh District
<b>NAYS:</b>	Malm, Lokemoen, Schwartzman, Peterson, Burgener, Sukow, Norton, Meehean

3. A Resolution authorizing the filing of an Urban Forestry Grant application (Resolution #2418).

WHEREAS, the applicant, City of Merrill, is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects specified in §23.097(1g) and (1r), Wis. Stats., and;

WHEREAS, the applicant attests to the validity and veracity of the statements and representations contained in the grant application, and;

WHEREAS, the applicant requests a grant agreement to carry out the project;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of September, 2015, that the applicant, City of Merrill, will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers City of Merrill, by its City Forester, its official or employee to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between the applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement requests to the DNR
5. Sign and submit other required documentation

BE IT FURTHER RESOLVED, the incumbent's name and contact information is Dan Wendorf, City Forester, Telephone No. 715-536-7313, email address is Dan.Wendorf@ci.merrill.wi.us.

Motion (Sukow/Meehean) to approve.

**RESULT: APPROVED**

4. A Resolution authorizing a Development Agreement by and between the City of Merrill, Wisconsin and RD Properties LLC (Resolution #2419).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 8 on September 13, 2011 and amended the boundary and TIF Plan on September 24, 2013; and,

WHEREAS, RD Properties LLC proposes acquisition, demolition, and then future construction of new commercial building in the 500-block of West Main Street, which is located within TID No. 8; and,

WHEREAS, the City of Merrill finds that the proposed redevelopment 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 RD Properties LLC have negotiated Phase I of the development agreement to provide for acquisition and demolition of former manufacturing building on North Genesee Street.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8<sup>th</sup> day of September, 2015, that the Mayor and City Clerk are authorized to sign the Phase I development agreement by and between the City of Merrill and RD Properties LLC and to facilitate the implementation thereof.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

5. A Resolution honoring Cheri L. Reinhardt for her long-term service to the City of Merrill (Resolution #2420).

WHEREAS, Cheri L. Reinhardt has served the City of Merrill Transit Department for 19 years, from September 4, 1996 to September 4, 2015; and,

WHEREAS, these years of service have been marked by dedication to the best interests of our community, and the safety and well-being of our employees and citizens; and

WHEREAS, Cheri L. Reinhardt has earned the admiration and respect of her fellow employees by the way in which she has carried out her duties; and

WHEREAS, Cheri L. Reinhardt's skills and experience will be missed at the City of Merrill Transit Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE

CITY OF MERRILL, WISCONSIN this 8<sup>th</sup> day of September, 2015, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Cheri L. Reinhardt has given the City of Merrill Transit Department and commends her for those 19 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Cheri L. Reinhardt, congratulate her upon the occasion of her retirement from the City of Merrill Transit Department, and extend our warmest wishes for her enjoyment of continued prosperity in the years that lie ahead.

Motion (Common Council/Common Council) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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6. A Resolution honoring Michael J. Schroeder for his long-term service to the City of Merrill (Resolution #2421).

WHEREAS, Michael J. Schroeder has served the City of Merrill Library for 27 years, from January 11, 1988 to September 3, 2015; and,

WHEREAS, these years of service have been marked by dedication to the best interests of our community, and the safety and well-being of our employees and citizens; and

WHEREAS, Michael J. Schroeder has earned the admiration and respect of his fellow employees by the way in which he has carried out his duties; and

WHEREAS, Michael J. Schroeder's skills and experience will be missed at the City of Merrill Library;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8<sup>th</sup> day of September, 2015, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Michael J. Schroeder has given the City of Merrill Library and commends him for those 27 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Michael J. Schroeder, congratulate him upon the occasion of his retirement from the City of Merrill Library, and extend our warmest wishes for his enjoyment of continued prosperity in the years that lie ahead.

Motion (Common Council/Common Council) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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7. A Resolution honoring James A. Rehwinkel for his long-term service to the City of Merrill (Resolution #2422).

WHEREAS, James A. Rehwinkel has served the City of Merrill for 23 years, from March 30, 1992 to September 4, 2015; and,

WHEREAS, these years of service have been marked by dedication to the best interests of our community, and the safety and well-being of our employees and citizens; and

WHEREAS, James A. Rehwinkel has earned the admiration and respect of his fellow employees by the way in which he has carried out his duties; and

WHEREAS, James A. Rehwinkel's skills and experience will be missed at the City of Merrill Janitorial Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8<sup>th</sup> day of September, 2015, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service James A. Rehwinkel has given the City of Merrill Janitorial Department and commends him for those 23 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of James A. Rehwinkel, congratulate him upon the occasion of his retirement from the City of Merrill Janitorial Department, and extend our warmest wishes for his enjoyment of continued prosperity in the years that lie ahead.

Motion (Common Council/Common Council) to approve.

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

Airport Day will be held at the Merrill Municipal Airport on Saturday, September 12<sup>th</sup>. An Open House at the Northcentral Technical College (NTC) Center of Excellence in Merrill is also scheduled for September 12<sup>th</sup>.

The Fall Ride Motorcycle event will be on Saturday, September 19<sup>th</sup>.

The annual Pork in the Park event will be held at the MARC on September 19<sup>th</sup>. Mariachi Night will be held at Normal Park that evening. A soccer tournament will be held at the MARC, also on September 19<sup>th</sup>.

Merrill Transit will be offering a "Nickel Tour" on Saturday, September 19<sup>th</sup>. These tours will be offered from 10:00 A.M. to 2:00 P.M., and will begin at the Merrill Historical Society.

The City will officially take possession of the fairgrounds on Thursday, September 10<sup>th</sup>. Groundbreaking for the new grandstand will be held that same day.

After discussion, it was agreed to schedule a 2016 budget meeting for Friday, October 16<sup>th</sup>. The meeting will begin at 8:00 A.M. in the City Hall Common Council Chambers.

17. Adjournment

Motion (Burgener/Norton) to adjourn. Carried. Adjourned at 7:37 P.M.