



CITY OF MERRILL

COMMON COUNCIL

MINUTES • TUESDAY FEBRUARY 9, 2016

Regular Meeting

City Hall Council Chambers

7:00 PM

1. Call to Order

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

Attendee Name	Title	Status	Arrived
Chris Malm	Aldersperson - First District	Excused	
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	

Also in attendance: Public Works Director/City Engineer Rod Akey, Police Lieutenant Matt Drabek, Interim Street Superintendent Roger Drewek, Fire Captain Mike Drury, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Administrator Dave Johnson, Building Inspector/Zoning Administrator Darin Pagel, Library Director Stacy Stevens, Finance Director Kathy Unertl, Park and Recreation Director Dan Wendorf and City Clerk Bill Heideman.

2. Invocation by Pastor Paul Hohman, New Testament Church

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

There was no public comment.

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

1. Minutes of January 12, 2016 meeting and January 20, 2016 meeting.

Motion (Burgener/Sukow) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. Revenue and Expense Reports for periods ending December 31, 2015 & January 31, 2016

Motion (Burgener/Sukow) to place on file.

RESULT: PLACED ON FILE

8. Communications and Petitions:

None.

9. General agenda items:

1. Employee Years of Service Recognition:

Faith E. Martinson, 15 years (Library)

City Clerk Heideman read a certificate of recognition for Faith E. Martinson.

10. Committee of the Whole:

1. Consider recommendation(s) from February 9, 2016 Committee of the Whole meeting regarding a proposal from Kindhearted Home Care, LLC for a development previously planned for 900 East First Street to relocate to 120 South Mill Street (former Lincoln House site) and related matters.

At their meeting on February 9th, 2016, the Committee of the Whole recommended approving the proposal. If the proposal is approved, a development agreement would be drafted. That agreement would be subject to Common Council approval.

Motion (Meehean/Burgener) to approve.

RESULT: APPROVED

11. Health & Safety Committee:

1. Consider applications from St. Francis Xavier Catholic Church for seven temporary Class "B" (picnic) licenses to sell fermented beverages during fish fries in Bellarmine Hall at St. Francis Xavier Catholic Church, 1708 East Tenth Street, on the following dates in 2016: February 12th, February 19th, February 26th, March 4th, March 11th, March 18th and March 25th. Alderman Norton is bringing these applications directly to the Common Council.

Motion (Norton/Peterson) to approve.

RESULT: APPROVED

12. Redevelopment Authority:

1. Consider purchase of Lot 4 of Certified Survey Map No. 2467 for \$200,000 to facilitate 1501 Highway 107 apartment development. The Redevelopment Authority recommends approving the purchase.

Motion (Schwartzman/Burgener) to approve.

RESULT:	APPROVED BY ROLL CALL VOTE [5 TO 2]
AYES:	Schwartzman, Peterson, Burgener, Sukow, Meehean
NAYS:	Lokemoen, Norton
EXCUSED:	Malm

13. Committee Reports:

1. Consider placing the following committee reports on file: Airport Commission, Committee of the Whole/City Plan Commission/Redevelopment Authority (joint meeting), Community Development Committee, Housing Authority, Library Board, Merrill Enrichment Center Committee, Parks & Recreation Commission, Redevelopment Authority and Water & Sewage Disposal Committee.

Motion (Sukow/Schwartzman) to place on file.

RESULT:	PLACED ON FILE
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14. Ordinances:

None.

15. Resolutions:

1. A Resolution authorizing a Development Agreement by and between the City of Merrill, Wisconsin and Nicolet/Premier's LLC (Resolution #2445). The Redevelopment Authority recommends approving the resolution.

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 5 on August 27, 2007; and,

WHEREAS, Nicolet/Premier's LLC proposes acquisition of about five acres of land at 1501 Highway 107, for construction of three apartments buildings with attached garages, which is located within TID No. 5; 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 Nicolet/Premier's LLC have negotiated the development agreement to provide an incentive payment not to exceed \$500,000 to facilitate the development;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of February, 2016, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Nicolet/Premier's LLC and to facilitate the implementation thereof.

Motion (Schwartzman/Burgener) to approve.

RESULT:	APPROVED
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2. A Preliminary Resolution of intent to exercise special assessment powers by police power under Section 66.0703 of the Wisconsin State Statutes (Resolution #2446). Mayor Bialecki is bringing this resolution directly to the Common Council.

Without objection, City Attorney Hayden read the resolution by synopsis only.

RESOLVED, by the Common Council of the City of Merrill, Wisconsin:

- A. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, to levy special assessments under the police power upon all properties abutting the following improvements in the City of Merrill, Wisconsin:
 1. Sidewalk inspection pursuant to sidewalk inspection program. Sidewalk maintenance area is generally confined to the Third District, west of Pier Street and south of East Third Street involving:
 - a) Isolated sidewalk repairs requested or needed.
 - b) Driveway approaches requested or needed.
 - c) Curb and gutter requested or needed.
 - d) New sidewalk extensions as requested and/or approved by Board of Public Works.
 2. Reconstruction of Blaine Street from East 5th Street north to the dead end involving:
 - a) Replacement of existing sewer and water mains.
 - b) Replacement of existing sanitary lift station.
 - c) Replacement of existing sewer and water laterals.
 - d) Replacement and upgrade of existing storm sewers.
 - e) Curb and Gutter and pavement replacement.
 - f) Limited sidewalk replacement associated with utility replacements.
 3. Reconstruction of East Sixth Street from Blaine Street to North Mill Street involving:
 - a) Replacement of existing sewer and water mains.
 - b) Replacement of existing sewer and water laterals.
 - c) Replacement and upgrade of existing storm sewers.
 - d) Curb and Gutter and pavement replacement.
 - e) Limited sidewalk replacement associated with utility replacements.

4. Reconstruction of Hendricks Street from East Sixth Street to East Eighth Street involving:
 - a) Replacement and upgrade of existing storm sewers.
 - b) Curb and Gutter and pavement replacement.
5. Reconstruction of East Eighth Street from Pier Street to Hendricks Street involving:
 - a) Replacement of existing sewer and water mains.
 - b) Replacement of existing sewer and water laterals.
 - c) Replacement and upgrade of existing storm sewers.
 - d) Curb and gutter installation and pavement replacement.
 - e) Limited sidewalk replacement associated with utility replacements.
- B. Said public improvements shall include, where appropriate:
 1. The grading of said street.
 2. The surfacing of said street with asphalt.
 3. The installation of curb and gutter on said street.
 4. The installation, removal or replacement of sidewalk, driveway and curb and gutter on said street.
 5. The installation of water main and water laterals on said street.
 6. The installation of sanitary sewer and sewer laterals on said street.
 7. The installation of storm sewer on said street.
 8. All improvements shall be completed to plans and specifications prepared or approved by the Public Works Director and recorded in the office of the Public Works Director/City Engineer.
- C. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the street shall be on a reasonable basis as approved by the Common Council and which rates are in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Chapter 18, Article III, Division 3 of the Code of Ordinances, City of Merrill, Wisconsin.
- D. The assessments against any parcels of land may be paid in cash not later than November 1 of the year such improvements are made, or in installments as provided by Chapter 18, Article III, Division 3 of the Code of Ordinances, City of Merrill, Wisconsin. Rate of interest on installment payments shall be as set by Common Council action.
- E. The City Public Works Director/City Engineer or City Building Inspector shall,

with respect to the items mentioned at paragraph A above, prepare a report consisting of:

1. Preliminary or final plans and specifications with maps of the improvements.
 2. An estimate of the entire cost of the proposed work or improvements.
 3. A schedule of the proposed assessments as to each parcel of property affected.
 4. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.
- F. The City Public Works Director/City Engineer or City Building Inspector shall complete and file such reports in the City Clerk's office for public inspection no later than February 3, 2016.

The Board of Public Works of the City of Merrill shall hold a public hearing on Wednesday, February 24, 2016 at 6:00 p.m. The hearing shall be held in the Council Chambers in the City Hall, Merrill, Wisconsin, on the improvements mentioned in paragraph A above. The City Clerk shall cause a notice of said hearing to be published once as a Class I notice no later than February 12, 2016. The City Clerk shall mail a copy of the notice to all interested persons at least ten (10) days before the date of the hearing.

Motion (Schwartzman/Meehean) to approve.

RESULT:	APPROVED
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3. A Resolution honoring Michael J. Hamann for his long-term service to the City of Merrill (Resolution #2447).

WHEREAS, Michael J. Hamann has served the City of Merrill Police Department for over 32 years, from November 28, 1983 to January 14, 2016; 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. Hamann 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. Hamann's skills and experience will be missed at the City of Merrill Police Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of February, 2016, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Michael J. Hamann has given the City of Merrill Police Department and commends him for those 32 years of

service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Michael J. Hamann, congratulate him upon the occasion of his retirement from the City of Merrill Police 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.

RESULT:	APPROVED
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16. Mayor's Communications

Mayor Bialecki reminded everyone of the Spring Primary election on Tuesday, February 16th.

Mayor Bialecki extended congratulations and best wishes to Diane Goetsch and to her business, Kindhearted Home Care.

17. Adjournment

Motion (Burgener/Schwartzman) to adjourn. Carried. Adjourned at 7:13 P.M.