



CITY OF MERRILL
COMMON COUNCIL
MINUTES • TUESDAY MARCH 8, 2016

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	

Also in attendance: Public Works Director/City Engineer Rod Akey, Interim Street Superintendent Roger Drewek, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Administrator Dave Johnson, Police Chief Ken Neff, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl, Park and Recreation Director Dan Wendorf and City Clerk Bill Heideman.

2. Invocation by Pastor Andy Perry, Bible Presbyterian Church

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

Interim Street Superintendent Drewek explained that he had applied for the new Street Superintendent position. He reported that, although he was given an interview, he did not receive an offer to take the position. He questioned whether the City wants to promote from within, and speculated that, if not, it could hurt employee morale.

Kyle Gulke stated that, in his opinion, Kindhearted Home Care is not the right fit for the former Lincoln House site.

Erik Pfantz agreed with Mr. Gulke, adding that he thinks the downtown area should accommodate people of all ages.

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

1. Minutes of February 9, 2016 meeting

Motion (Burgener/Schwartzman) to approve.

RESULT: APPROVED

7. Revenue & Expense Report(s):

1. Revenue and Expense Report for period ending February 29, 2016

Motion (Burgener/Meehean) to place on file.

RESULT: PLACED ON FILE

8. Communications and Petitions:

1. A petition related to Charter Ordinance 2015-C1, related to replacing the elected Street Commissioner with an appointed Street Superintendent. The petition demands that the Charter Ordinance be submitted to a vote of the electors of the City of Merrill (277 signatures submitted, 263 verified).

Mayor Bialecki requested that the Common Council agree, by consensus, to place a question related to this petition on the November, 2016 election ballot. Without objection, it was so ordered.

The petition was not submitted timely enough to be placed on the April election ballot.

9. Board of Public Works:

1. Project related to sidewalk inspection pursuant to the City sidewalk inspection policy. Sidewalk maintenance area is generally confined to the Third District, west of Pier Street and South of East Third Street. The Board of Public Works recommends approval.

Motion (Schwartzman/Lokemoen) to approve.

RESULT: APPROVED

2. Project related to reconstruction of Blaine Street from East Fifth Street, north to dead end. The Board of Public Works recommends approval.

Motion (Schwartzman/Meehean) to approve.

RESULT: APPROVED

3. Project related to the reconstruction of East Sixth Street from Blaine Street to North Mill Street. The Board of Public Works recommends approval.

Motion (Meehean/Norton) to approve.

RESULT: APPROVED

4. Project related to the reconstruction of Hendricks Street from East Sixth Street to East Eighth Street. The Board of Public Works recommends approval.

Motion (Schwartzman/Burgener) to approve.

RESULT: APPROVED

5. Project related to the reconstruction of East Eighth Street from Pier Street to Hendricks Street. The Board of Public Works recommends approval.

Motion (Meehean/Schwartzman) to approve.

RESULT: APPROVED

10. Health and Safety Committee:

1. Consider application from CAP Operations, Gail Closser, Agent, for a Class "A" (beer) and a "Class A" (liquor) license for Holiday #71, 702 N. Center Avenue, effective March 15, 2106. The Health and Safety Committee recommends approval.

Motion (Sukow/Peterson) to approve.

RESULT: APPROVED

2. Consider application from CAP Operations, Mary J. Hofele, Agent, for a Class "A" (beer) license for Holiday #49, 1312 W. Main Street, effective March 15, 2016. The Health and Safety Committee recommends approval.

Motion (Sukow/Peterson) to approve.

RESULT: APPROVED

3. 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, April 30, 2016, as part of the 2016 History Hunt. The Health and Safety Committee recommends approval.

Motion (Sukow/Meehean) to approve.

RESULT: APPROVED

11. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Board of Canvass, Board of Public Works, City Plan Commission, Committee of the Whole, Health and Safety Committee, Housing Authority, Library Board, Personnel and Finance Committee, Transit Commission, Water and Sewage Disposal Committee and Zoning Board of Appeals.

Motion (Sukow/Burgener) to place on file.

RESULT: PLACED ON FILE

12. Ordinances:

1. Ordinance Repealing Chapter 2, Article VI, Section 2-151 to eliminate the Parking Commission. The Health and Safety Committee recommends approval.

ORDINANCE 2016-02

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.

City Attorney Hayden gave the ordinance a second reading and a third reading.

Motion (Sukow/Burgener) to approve.

RESULT:	APPROVED [7 TO 1]
AYES:	Malm, Lokemoen, Schwartzman, Peterson, Burgener, Sukow, Meehean
NAYS:	Norton

2. An Ordinance amending Chapter 36, Article VII, Section 36-314, related to airport traffic regulations. The Airport Commission recommends approval.

ORDINANCE 2016-03

City Attorney Hayden gave the ordinance a first reading.

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

City Attorney Hayden gave the ordinance a second reading and a third reading.

Motion (Schwartzman/Malm) to approve.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Malm, Lokemoen, Schwartzman, Peterson, Burgener, Sukow, Norton, Meehean

13. Resolutions:

1. A Resolution approving acquisition and approving the land cleanup and reuse negotiated agreement to facilitate the development of land at 201 South Prospect Street, by the City of Merrill (Resolution #2448).

WHEREAS, the Merrill Area Development Corporation (MADC) is the owner of Lot 2 of CSM No. 2536 recorded in Lincoln County, Wisconsin; and,

WHEREAS, City officials, the Wisconsin Department of Natural Resources (DNR), MADC and others are desirous of taking the necessary environmental response actions and pursuing all avenues necessary to facilitate the cleanup and development of the property described above, with the goal of achieving DNR case closure, through the DNR and ultimate reuse of the property to benefit the City of Merrill and the State of Wisconsin; and,

WHEREAS, MADC, the DNR, and the City of Merrill have initiated steps necessary to ultimately achieve transfer of the property to the City of Merrill while taking advantage of various programs to clean up and avoid responsibility for environmental contamination believed to exist on the property; and,

WHEREAS, the DNR has determined that the City of Merrill is not a responsible party with respect to environmental contamination at the site and will not become a responsible party if the City acquires title to that property in accordance with Wis. Stats. §292.11(9)(e)1m; and,

WHEREAS, The City of Merrill does hereby enter into the Land Cleanup and Reuse Negotiated Agreement, attached to this resolution, and will comply with the terms therein; and,

WHEREAS, it is necessary that the City of Merrill acquire title via condemnation or other proceedings under Ch. 32, Wis. Stats., to facilitate transfer of the property to the City of Merrill from MADC, without becoming a responsible party and to achieve beneficial use of the property;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of March, 2016, that the Land Cleanup and Reuse Negotiated Agreement is hereby approved and City staff and officials are authorized to take all means necessary, including condemnation, to accomplish all activities relating to the remediation and ultimate redevelopment of the property described above.

Motion (Schwartzman/Lokemoen) to approve.

RESULT:	APPROVED
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2. A Resolution authorizing a Development Agreement by and between the City of Merrill and Alamsa, LLC (Kindhearted Home Care) (Resolution #2449).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 6 on May 12, 2009 and amended the district boundary and plan on September 22, 2015; and,

WHEREAS, Alamsa, LLC is purchasing a vacant lot and constructing a new two-story commercial building at 120 S. Mill Street within TID No. 6: and,

WHEREAS, the City of Merrill finds that the proposed development and the fulfillment of the items and conditions of the attached Development Agreement are in the vital and best interest of the City of Merrill, the Merrill Redevelopment Authority and City residents and serves a public purpose in accordance with State law; and,

WHEREAS, additional tax base will be generated, existing jobs retained, and an important community service provided, and,

WHEREAS, Alamsa, LLC has negotiated the development agreement to provide an incentive payment not to exceed \$100,000 to facilitate new building construction;

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

CITY OF MERRILL, WISCONSIN this 8th day of March, 2016, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Alamsa, LLC and to facilitate the implementation thereof.

BE IT FURTHER RESOLVED that this resolution replaces Resolution No. 2435.

Motion (Schwartzman/Burgener) to approve.

RESULT:	APPROVED
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14. Mayor's Communications

The Spring Election and Presidential Primary Election will be April 5th.

The new grandstand at the Merrill Festival Grounds is being erected. A tractor pull at that site has been scheduled for July 9th.

15. Adjournment

Motion (Burgener/Schwartzman) to adjourn Carried. Adjourned at 7:35 P.M.