



CITY OF MERRILL
COMMITTEE OF THE WHOLE
AGENDA • TUESDAY SEPTEMBER 13, 2016

Regular Meeting

City Hall Council Chambers

5:30 PM

- I. Call to Order
- II. Public Comment Period
- III. Agenda items for consideration:
 1. Ordinance amending Chapter 113, Article VI, Section 113-168, related to Off-Street Parking Restrictions in Residential Areas.
 2. Ordinance amending Chapter 8, Article XII, Section 8-330, to add Mobile Food Vendors.
 3. Ordinance amending Chapter 16, Section 1, to add licensing fees for Mobile Food Vendors.
 4. Ordinance related to Mobile Food Vendors in Parks (commercial enterprise approval required).
 5. Mobile Food Vendor Permit Application form.
 6. Ordinance creating the Festival Grounds Committee.
 7. Schedule Committee of the Whole 2017 budget (all-day) meeting.
- IV. Adjournment

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Board of Public Works
Re: Amending Chapter 113, Article VI, Section 113-168 Off –Street Parking Restrictions in Residential Areas

ORDINANCE NO. 2016-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article VI, Section 113-168 of the Code of Ordinances for the City of Merrill is amended as follows:

• **Sec. 113-168 – Off-street Parking Restrictions in Residential Areas.**

(a) *Where permitted.* Unless the district regulations provide otherwise, off-street vehicle parking is permitted in a residential district or any district where residential is the primary use in the following location:

- (1) Parking shall be allowed on any improved yard area(s). Improved yard areas is defined as covered with rotten granite, asphalt, cement or other similar material approved by the Building Inspector.
- (2) Notwithstanding the above, no parking shall be allowed on any unimproved yard area, which is adjacent to a public street.
- (3) Complaints will be initiated by a written nuisance complaint received from adjacent property owners(s), district Alderperson, and/or Building, Zoning and Property Inspector.

- ~~(1) An improved driveway of asphalt, concrete, gravel, or rotten granite not to exceed 30 feet in width extending from the right-of-way to an attached or detached accessory building with vehicles parked not nearer than five feet to a front property line or three feet to a side lot line.~~
- ~~(2) An improved pad adjacent to an accessory building not to exceed 12 feet in width and a length not to exceed that of the accessory building.~~
- ~~(3) In no case shall the improved parking or driveway area exceed ten percent of the total lot area. Improved parking and driveway areas in existence as of the date of this ordinance are considered existing nonconforming~~

Attachment: Ordinance on off-street parking in residential areas (1932 : Ordinance related to off-street parking)

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved: _____

William R. Bialecki,
Mayor

Attest: _____

William N. Heideman, City Clerk

Attachment: Ordinance on off-street parking in residential areas (1932 : Ordinance related to off-street parking)

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Health and Safety Committee
Re: Amending Chapter 8, Article XII, Section 8-330
to add Mobile Food Vendors

ORDINANCE NO. 2016-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

Attachment: Ordinance to add Mobile Food Vendors (1926 : Ordinance to add mobile food vendors)

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 8, Article XII, Section 8-330 of the Code of Ordinances for the City of Merrill is created to add the following:

Sec. 8-330 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile Food Vehicle – a commercially manufactured, self-contained, mobile food unit including trucks, carts and trailers, in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer.

Mobile Food Vehicle Vendor – the owner of a mobile food vehicle or pushcart; hereafter referred to as “vendor”.

Pushcart – a non-self-propelled wheeled cart, specifically designed and used for keeping, storing, or warming food or beverage for sale by a mobile food vehicle vendor, which may be moved by one person without the assistance of a motor.

Sec. 8-331 License Required

- a. It shall be unlawful for any person to do any of the following within a public right-of-way or on public property in the City of Merrill without first having obtained a State of Wisconsin Mobile Restaurant/Mobile Service Base Permit and a valid food vending license as prescribed in this article:
 - (1) Operate a mobile food vehicle or pushcart;
 - (2) Serve, sell, or distribute food from a mobile food vehicle or pushcart;
 - (3) Cook, wrap, package, or portion food in a mobile food vehicle or pushcart for service, sale, or distribution.

- b. No person shall park, stop, or operate a mobile food vehicle or pushcart, on or within a public right-of-way or on public property in the City of Merrill, without the appropriate permits/licenses. nor shall any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle or pushcart in a location adjacent to or within a one-hundred foot radius of the nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning, or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the most recent application for a mobile food vending license was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
- c. All vendors will abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in such spaces so long as it abides by all other parking restrictions, including required payments in both parking meters, when applicable.
- d. Mobile food vehicles are not permitted on public sidewalks.
- e. Vendors are not allowed in City parking lots or on public property, except as part of an approved special event or upon approval by the **Health and Safety Committee.** Vendors are **not** allowed in City parks except where prior approval has been granted by the Parks and Recreation Commission.
- f. The City shall not regulate Vendors in private parking lots so long as the property owner has granted permission and all required health licenses are valid. However, the host parking lot must remain in compliance with the zoning ordinance including off-street parking requirements for the host lot, and the mobile food vehicle or cart shall not block required drive aisles.
- g. In residential areas (such as areas not adjacent to City parks), vendors are not permitted to park and stay in one location; vendors must keep moving and make only short stops to sell products, except as part of an approved special event or upon approval by the **Health and Safety Committee.**
- h. A person with a valid driver's license of such a classification to allow the operation of the mobile food vehicle shall be with the vehicle at all times that any activity is taking place in the mobile food vehicle. The vendor is liable for any violations or this subsection.
- i. No person will park, stop, or operate a mobile food vehicle, nor will any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the City is occurring, except when the vendor has obtained a permit or otherwise properly obtained permission to do so.
- j. Appropriate permits or other properly obtained permission must be obtained to park, stop, or operate a mobile food vehicle or push cart in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the City is occurring.
- k. All mobile food vehicle vendors are prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer, or to any planter or tree or other public amenity.
- l. All signage must be permanently affixed to the mobile food vehicle or pushcart. No accessory signage will be placed outside or around the mobile food vehicle or pushcart.
- m. Mobile food vehicle or pushcart vending hours on public right-of-way are from **8:00 a.m. to 10:00 p.m. (Sunday through Thursday) and from 8:00 a.m. to 11:00 p.m. (Friday and Saturday).** Mobile food vehicle must be closed, the area cleaned and the mobile

food vehicle removed by the time specified. Mobile food vehicle vending hours are not restricted on private property locations.

- n. Nothing in this article shall be deemed to supersede or repeal any ordinance, National Fire Protection Association Codes and Standards, or administrative regulation relating to noise, park closing hours, or parking, except as specifically provided in the article. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual of which is in the disturbance of public peace and welfare.

Sec. 8-332 License Application; Regulation

- a. Any person desiring to operate a mobile food vehicle or pushcart will make written application for a mobile food vending licenses to the City Clerk's office. The application for such license shall be on forms provided by the City Clerk's office and will include all of the following:
- (1) The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
 - (2) A description, including make, model, VIN number, and licenses plate, of the mobile food vehicle.
 - ~~(3)~~ (4) A valid copy of all necessary licenses, permits or certificates required by the County of Lincoln, the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof, including but not limited to valid proof of registration for the vehicle and driver's licenses for all operators and documentation of the necessary approvals from the Lincoln County Health Department for operation as a mobile food vendor.
 - ~~(3)~~(4) A copy of general liability insurance with a \$1,000,000 limit, with the City of Merrill listed as additional insured.
 - ~~(4)~~(5) Any additional information deemed necessary by the City Clerk to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.
- b. Upon receipt of an application for a mobile food vending license, the clerk may conduct a background check and may refer to the Chief of Police or his or her designee who may make and complete an investigation of the statements made in such registration. Any such investigation will be completed as soon as practicable. The City Clerk may refuse to register the applicant if any of the following is determined:
- (1) The application contains any material omission or materially inaccurate statements.
 - (2) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related the applicant fitness to engage in direct selling; or
 - (3) The applicant failed to comply with any requirement of §8-302(a)(4).
- c. Each mobile food vending license will expire on March 31st of each year.
- d. A mobile food vending license is not transferable from person to person
- e. A mobile food vending license is only valid for one vehicle only and is not transferable
- f. The mobile food vending license will be permanently and prominently affixed to the mobile food vehicle.
- g. Licenses, late fee and renewal fees shall be paid in accordance with the fee schedule as established by the Common Council, from time to time, and as indicated on the schedule of licenses and fees appearing in Chapter 16 of this Code.

Sec. 8-333 Suspension and Revocation

A mobile food vending licenses may be suspended or revoked by the City Clerk, ~~or~~ the Chief of Police, or the Fire Chief, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provisions of this article, if there are noise complaints related to the mobile food vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to the licensed activity. Notice of suspension or revocation will be personally served on the applicant and will include a statement of the act(s) upon which the denial is based. Appeals are available as set out in §8-302(h).

Sec. 8-334 Violations and Penalties.

- a. Any person violating any provisions of this article shall be subject to the forfeitures and penalties contained in §2-19 of this Code. Each day of violation shall constitute a separate offense.
- b. The Police Department, Fire Department, and the Department of Public Works shall have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
 Adopted: _____
 Approved: _____
 Published: _____

Approved:

 William R. Bialecki,
 Mayor

Attest:

 William N. Heideman, City Clerk

Attachment: Ordinance to add Mobile Food Vendors (1926 : Ordinance to add mobile food vendors)

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Health & Safety Committee
Re: Amending Chapter 16, Section 1 to add
licensing fees for Mobile Food Vendors

ORDINANCE NO. 2016-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 16, Section 1 of the Code of Ordinances for the City of Merrill is amended as follows:

<u>CHAPTER 8</u> BUSINESS LICENSING AND REGULATIONS		
8-19(b)(2)	Cigarette and tobacco products retailer license application fee	\$100.00
8-47(c)(1)	Transient merchant registration application fee	\$50.00
8-112(b)(2)	Application fee for application to operate public vehicles, taxicabs or automobiles for hire upon city streets	\$15.00 per vehicle
8-112(c)	License fee for operation of public vehicles, taxicabs or automobiles for hire upon city streets for one cab licensed	\$35.00
	For each additional cab licensed	\$10.00
8-117	Taxicab driver's license annual fee	\$15.00
8-138(a)	Permit to operate amusement arcade—application fee	\$25.00
8-183	License for cleaning, dyeing or pressing of garments and items of all kinds—annual fee	\$20.00
8-210(a)	Sexually oriented business license application and investigation fee	\$100.00

Attachment: Ordinance to add licensing fees for Mobile Food Vendors (1927 : Ordinance to add licensing fees for Mobile Food Vendors)

8-210(b)	Sexually oriented business license fee	\$150.00
8-210(c)	Sexually oriented business employee application, investigation and license fee	\$50.00
8-284	Investigation fee per individual	\$20.00
8-286(g)(4)	Failure to report daily penalty (per day)	\$10.00
8-291	Annual license regulated per Wis. Stats. § 134.71(11)(a)	\$210.00
8-291(b)	Pawn tracking system	\$2.00
8-302(g)	<u>Mobile food vehicle or pushcart license fee</u>	<u>\$200.00</u>

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
 Adopted: _____
 Approved: _____
 Published: _____

Approved:

 William R. Bialecki,
 Mayor

Attest:

 William N. Heideman, City Clerk

Attachment: Ordinance to add licensing fees for Mobile Food Vendors (1927 : Ordinance to add licensing fees for Mobile Food Vendors)

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Park and Recreation
Commission
Re: Amending Chapter 28, Article I, Section 28-1(c)(25) Commercial Enterprise Approval

ORDINANCE NO. 2016-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 28, Article I, Section 28-1(c)(25) of the Code of Ordinances for the City of Merrill is amended as follows:

Commercial enterprise.

No person shall sell, or offer for sale, any article, thing, privilege or service in any park without prior written permission from the parks and recreation commission

Mobile food vehicle(s) or pushcart(s) shall not operate in any park, unless the appropriate licensing and/or agreements are in place.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

William R. Bialecki, Mayor

Adopted: _____

Attest:

Approved: _____

Published: _____

William N. Heideman, City Clerk

Attachment: Ordinance related to Mobile Food Vendors in Parks (1928 : Ordinance related to Mobile Food Vendors in Parks)



Fee: \$200.00
 Annual License Period _____
 License Expires: (Month day), 20__

MOBILE FOOD VENDOR PERMIT APPLICATION

Section 1: Business Information					
Business Name					
Business Address					
City		State		Zip	
Business Phone					
Business Type	(Check one)	Individual	Partnership	Corporation	
WI Seller's Permit No.					
<i>Please Note: A Wisconsin Seller's Permit Number is required to process application.</i>					
Section 2: Applicant Information					
Name	First	Middle Initial	Last		
Home Address					
City		State		Zip	
Phone					
Date of Birth					
Section 3: Insurance Information					
Liability Insurance Carrier					
Policy #	(Not Less Than \$1,000,000 In Coverage)				
<i>Please Note: The City of Merrill must be named as an Additional Insured & a copy of the Certificate of Liability Insurance must be submitted to the Clerk's Office with the Mobile Food Vendor Permit Application.</i>					
Section 4: Type of Mobile Vending Unit Information					
Item(s) to be sold					
Type of Direct Sales	(Check one)	Cart	Stand	Trailer	
Description of Cart, Stand, Trailer					
<i>Please Note: Attach a photo of Mobile Vending Unit</i>					
List License Plate No. & Registration Information of any vehicle to be used:					
Location(s) Where Selling	(Check All That Apply)	Sidewalk	Right-of-way	Private Property	
List Specified Location(s) Where Selling: Street Address, Days of Week at Location(s), Times For Each Location(s)					
1) _____					
2) _____					
3) _____					
4) _____					
5) _____					

Attachment: Mobile Food Vendor Permit Application (1929 : Mobile Food Vendor Permit Application Form)

READ CAREFULLY BEFORE SIGNING

I declare, under penalty of perjury, that the statements in this application, and all attachments to and documents submitted with this application, are true, correct and complete to the best of my knowledge. I understand and acknowledge that any information contained herein or submitted as a part of this application that is found to be false or misleading may result in this application being denied, or any license granted pursuant to this application, suspended or revoked, in addition to possible filing of applicable criminal charges. I also acknowledge that it is my responsibility to become familiar, and comply, with the provisions of Chapter 356: Food and Food Handling Establishments, Article II: Mobile Food Vendors of the City of Merrill.

Signature of Applicant:

Date:

Application Attachments:

- Site plan if location is on private property showing the location of all existing and proposed structures, access, equipment and parking.
- Authorization to Utilize Property.
- Photo of Mobile Vending Unit (Truck, Cart, Trailer, etc.)
- Certificate of Liability Insurance: City of Merrill named as additional insured and certificate holder and not less than \$1,000,000 in Coverage.
- Wisconsin Seller's Permit.

Applications should be submitted to:

City of Merrill
 City Clerk's Office
 1004 E. First Street
 Merrill, WI 54452
 Phone: 715-536-5595

Office Use Only

Date Received:		Control #:	
Receipt #			
Date Processed:		License #	
Date of City Council Action:		City Council Action:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied

CITY OF MERRILL

Memorandum

Date: _____
To: Chief of Police Attn: Records Division
From: City Clerk
Subject: **Mobile Food Vendor Permit Application**

The attached application was filed with this office within the preceding forty-eight hours. It is respectfully requested that your recommendation on the granting and issuance of a license be provided to this office.

CITY OF MERRILL

Memorandum

Date: _____ To: City Clerk
From: Chief of Police
Subject: **Mobile Food Vendor Permit Application**

I hereby recommend that the application be:

Granted a
license _____ Denied a license ____

Comments:

Attachment: Mobile Food Vendor Permit Application (1929 : Mobile Food Vendor Permit Application Form)

CITY OF MERRILL

Memorandum

Date: _____
To: Fire Chief
From: City Clerk
Subject: **Mobile Food Vendor Permit Application**

The attached application was filed with this office within the preceding forty-eight hours. It is respectfully requested that your recommendation on the granting and issuance of a license be provided to this office.

CITY OF MERRILL

Memorandum

Date: _____ To: City Clerk
From: Fire Chief
Subject: **Mobile Food Vendor Permit Application**

I hereby recommend that the application be:

Granted a
license _____ Denied a license ____

Comments:

Attachment: Mobile Food Vendor Permit Application (1929 : Mobile Food Vendor Permit Application Form)

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By Committee of the Whole
Re: Amending Chapter 2, Article VI, Section 2-
____(number to be determined by Municipal
Code) Merrill Festival Grounds Committee

ORDINANCE NO. 2016-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 2, Article VI, Section 2-____(number to be determined by
Municipal Code) of the Code of Ordinances for the City of Merrill is created as
follows:

Sec. 2-____(number to be determined by Municipal Code) – Merrill Festival Grounds
Committee.

1. **Purpose.** The Festival Grounds Committee (herein after known as The
Committee) is the Merrill governmental entity that manages the Merrill
Festival Grounds. The purpose of the Committee is to oversee the marketing,
development, and maintenance of the Festival Grounds, and to increase
Festival Grounds usage for the good of the community and surrounding area.
The Committee shall consist of City of Merrill officials, user group
representatives, and citizens of Lincoln County who will work with the City of
Merrill and the Common Council for this purpose.

2. **Committee Powers and Responsibilities.**

A. Responsibilities

- (1) The Committee is responsible for the day-to-day management and maintenance of the grounds and its facilities, and may hire a Facility Director for that purpose, providing funds are available, as well as assigning functions to City staff.
- (2) The Committee shall be authorized or empowered to authorize payment of reasonable compensation for services rendered and to

Attachment: Ordinance creating the Festival Grounds Committee (1930 : Ordinance creating the Festival Grounds Committee)

make payments and distributions which support the purposes set forth in Article I and Article II.

- (3) The Committee shall plan and implement Festival Grounds building projects. This includes the construction of new buildings and facilities, major landscaping projects, etc. The Committee will seek approval when required from the Merrill Common Council.

B. Membership

- (1) The Committee shall have no members other than those appointed by the Mayor and confirmed by the Common Council.
- (2) The Committee will consist of 12 voting members. City of Merrill representatives shall not be associated with the groups that have representation on the Board. Representatives that sit on the Board from each of the groups shall be elected or appointed by those groups. City of Merrill area representatives shall not be alderpersons. The breakdown of members shall be:
 - a. Merrill Common Council Member (2)
 - b. Merrill City Administrator (1)
 - c. City Engineer/Public Works Director (1)
 - d. Merrill Park & Recreation Department Director (1)
 - e. Enrichment Center Director (1)
 - f. Rodeo Association representative (1)
 - g. Fair Association representative (1)
 - h. Food Vendor group representative (1)
 - i. 4-H Leaders Association representative (1)
 - j. At Large City of Merrill area representative (2)
 - k. Mayor (ex-officio)

C. Terms

- (1) Members of the Committee, with the exception of the Common Council members, City Administrator, City Engineer, Park & Recreation Director, and Enrichment Center Director will serve in staggered three year terms so that one-third of these six (6) directors will be chosen each year. The Mayor shall appoint new members, with confirmation by the Common Council.
- (2) For the first Committee constituted, two (2) members will agree to serve a one year term, two (2) members will agree to serve a two year term, and the remaining two (2) members will agree to serve a three year term. No member, with the exception of the Common Council representatives, the City Administrator, and the Parks & Recreation Director, shall serve more than three consecutive full terms. The Merrill Mayor will appoint two (2) aldermen to serve on the Board of Directors. These members shall be voting members, will be appointed every two years to match the City Council election cycle, and may serve in officer positions if approved by a majority of a quorum present of The Committee.

D. Officers

A Committee Chair and Vice –Chair shall be elected by majority vote from the membership of the Committee.

E. Additions and Replacements

Additions or replacements to the Committee will be made by the Mayor, with confirmation by the Common Council.

F. Resignation

A Committee member may resign at any time by providing written notice to the Mayor. Resignations shall be effective upon the date specified within the written notice.

G. Per Diem and Travel

Members of The Committee shall be paid a per diem for their services rendered to the Organization per City policy. Reimbursement of expenses for travel by a Committee member while on Committee business shall be determined on a case-by-case basis by the entire Committee.

H. Minutes

Minutes of each meeting shall be recorded and distributed by the City Clerk.

3. Committee Meetings

A. Regular Meetings

The Committee shall meet monthly, and at the call of the Committee Chair, if deemed necessary. A Committee member with two unexcused absences over the course of a calendar year may be removed from the Committee by a majority vote of the members during a regular meeting with a quorum present. Meetings may be cancelled by the Committee Chair if no business is to come before the Committee.

B. Special Meetings

The Committee shall meet monthly, and at the call of the Committee Chair, if deemed necessary. A Committee member with two unexcused absences over the course of a calendar year may be removed from the Committee by a majority vote of the members during a regular meeting with a quorum present. Meetings may be cancelled by the Committee Chair if no business is to come before the Committee.

C. Quorum

A quorum for regular and special meetings consists of seven (7) voting Committee Members being present.

D. Meeting Notifications.

Committee meetings shall be posted and held in accordance with Wisconsin open meeting statutes.

4. Operating Budget

The Organization operating budget shall be completed annually and approved by the Committee by a majority vote of a quorum present no later than November 1 of the year prior to the budget year. Final budget approval shall be made by the Common Council.

5. Staff

Should resources become available, the Committee reserves the right to approve by a majority vote the process of hiring a facility director for the program and any other staff that is deemed necessary and can be funded, with Common Council approval.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Approved:

Adopted: _____

William R. Bialecki, Mayor

Approved: _____

Published: _____

Attest:

William N. Heideman, City Clerk

Attachment: Ordinance creating the Festival Grounds Committee (1930 : Ordinance creating the Festival Grounds Committee)