



**CITY OF MERRILL  
COMMITTEE OF THE WHOLE**

**MINUTES • TUESDAY SEPTEMBER 13, 2016**

**Regular Meeting**

**City Hall Council Chambers**

**5:30 PM**

**I. Call to Order**

Mayor Bialecki called the meeting to order at 5:30 P.M.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Paul Russell	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	
Mary Ball	Aldersperson - Sixth District	Present	
Rob Norton	Aldersperson - Seventh District	Present	
Tim Meehean	Aldersperson - Eighth District	Present	
Bill Bialecki	Mayor	Present	

Also in attendance: City Administrator Dave Johnson, Public Works Director/City Engineer Rod Akey, Street Superintendent Dustin Bonack, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unetl, Park and Recreation Director Dan Wendorf and City Clerk Bill Heideman.

**II. Public Comment Period**

Bill Dinges stated that he had several questions related to the mobile food vendor ordinances. He asked whether non-profit vendors and carnival stands would need to obtain a permit. He also asked if a mobile food vendor would need to get another permit if they relocate their stand. In his opinion, these and other questions related to the ordinances remain unanswered. Mr. Dinges recommended that the mobile food vendor ordinances be referred back to the Health and Safety Committee.

Scott Zastrow stated that, although there had been prior discussion to limit mobile food vendors from selling within 500 feet of an existing business, the ordinance still lists 100 feet. He also has some concerns related to mobile food vendor signage on sidewalks. Finally, he asked if mobile food vendors would be required to possess a Commercial Kitchen License. City Attorney Hayden informed him that requirement was not currently included in the ordinance.

**III. Agenda items for consideration:**

- 1. Ordinance amending Chapter 113, Article VI, Section 113-168, related to Off-Street Parking Restrictions in Residential Areas.**

Mayor Bialecki questioned whether the ordinance is enforceable. He added that, if the ordinance is not enforceable, it should not be adopted.

Building Inspector/Zoning Administrator Pagel reported that his department does not have the time to ensure 100% enforcement.

Alderman Meehean suggested that the possibility of an exception should be included in the ordinance.

Motion (Meehean/Norton) to approve.

<b>RESULT:</b>	<b>APPROVED &amp; SENT TO COUNCIL</b>	<b>Next: 9/13/2016 7:00 PM</b>
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2. Ordinance amending Chapter 8, Article XII, Section 8-330, to add Mobile Food Vendors.

Motion (Burgener/Schwartzman) to table all three ordinances related to mobile food vendors. Roll call vote resulted in a 4-4 tie. Mayor Bialecki broke the tie by voting Yes.

<b>RESULT:</b>	<b>TABLED [4 TO 4]</b>
<b>AYES:</b>	Schwartzman, Peterson, Burgener, Ball
<b>NAYS:</b>	Russell, Lokemoen, Norton, Meehean

3. Ordinance amending Chapter 16, Section 1, to add licensing fees for Mobile Food Vendors.

This ordinance was tabled by a previous motion.

4. Ordinance related to Mobile Food Vendors in Parks (commercial enterprise approval required).

This ordinance was tabled by a previous motion.

5. Mobile Food Vendor Permit Application form.

Because a previous motion tabled all three ordinances related to mobile food vendors, consideration of this item is not necessary.

6. Ordinance creating the Festival Grounds Committee.

Motion (Meehean/Norton) to approve.

Alderman Schwartzman stated that he was not comfortable with City employees on this committee. He was told that, when compared to other City committees, this committee is different.

Finance Director Unertl stated that the November 1<sup>st</sup> date in the ordinance is too late in the City budget process. She suggested an alternative date of October 15<sup>th</sup>.

Motion (Schwartzman/Burgener) to refer to the Personnel and Finance Committee.

<b>RESULT:</b>	<b>REFERRED TO P &amp; F</b>	<b>Next: 9/27/2016 5:15 PM</b>
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7. Schedule Committee of the Whole 2017 budget (all-day) meeting.

Options were Friday, October 21<sup>st</sup> and Friday, October 28<sup>th</sup>.

Motion (Burgener/Russell) to schedule the Committee of the Whole meeting to consider the 2017 Budget for Friday, October 21<sup>st</sup>.

<b>RESULT:</b>	<b>APPROVED</b>
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IV. Adjournment

Motion (Burgener/Schwartzman) to adjourn. Carried. Adjourned at 6:16 P.M.