



# CITY OF MERRILL

## COMMON COUNCIL

MINUTES • WEDNESDAY NOVEMBER 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
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	Excused	
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: Public Works Director/City Engineer Rod Akey, Street Superintendent Dustin Bonack, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Administrator Dave Johnson, Utility Superintendent Kim Kriewald, Enrichment Center Director Tammie Mrachek, Police Chief Ken Neff, Building Inspector/Zoning Administrator Darin Pagel, Fire Chief Dave Savone, Library Director Stacy Stevens, Finance Director Kathy Unertl, Park and Recreation Director Dan Wendorf and City Clerk Bill Heideman.

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

City Clerk Heideman thanked everyone who did work related to the November 8<sup>th</sup> election.

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

1. Minutes of October 11, 2016 meeting and October 26, 2016 meeting

Motion (Meehean/Norton) to approve.

**RESULT: APPROVED**

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for Period Ending October 31, 2016

Motion (Schwartzman/Russell) to approve.

**RESULT: APPROVED**

8. Communications and Petitions:

1. Claim filed by Riverside on the Green Apartments for damages to the entry door of Apartment #2 at 808 S. State Street due to forced entry by the Merrill Police Department, on October 7, 2016. The City's insurance carrier recommends that this claim be disallowed. This recommendation is based on the fact that an investigation by the insurance carrier revealed no negligence on behalf of the City. The Police Department has discretionary immunity from liability in this case as the officer performed the forced entry as part of his duty to ensure the welfare of the resident.

Motion (Meehean/Norton) to disallow.

**RESULT: DISALLOWED**

2. Claim filed by Michael & Austin Stevenson for damages to a vehicle allegedly caused by driving over an exposed manhole cover at the corner of Douglas Street and Sixth Street, on August 19, 2016. The City's insurance carrier recommends that this claim be disallowed. This recommendation is based on the fact that the City of Merrill has a contract with Ruotsala Construction LLC for the 2016 East Sixth Street Reconstruction Project. The contract requires Ruotsala Construction LLC to carry professional liability insurance for protection against claims arising out of the performance of its work.

Motion (Schwartzman/Peterson) to disallow.

**RESULT: DISALLOWED**

9. Public hearing(s):

1. Public hearing on proposed 2017 Budget

City Attorney Hayden read the public hearing notice.

Motion (Meehean/Ball) to open the public hearing. Carried.

Mark Stevenson expressed concerns with the status of the insurance claim he filed. That claim was disallowed earlier in the meeting. He was informed that the public hearing was restricted to matters pertaining to the 2017 City Budget. He was asked to discuss his concerns after the meeting, with City Attorney Hayden.

Motion (Meehean/Schwartzman) to close the public hearing. Carried.

10. Board of Public Works:

1. Discuss using Double Walled HDPE Pipe for Storm Sewer repair/construction. The Board of Public Works recommends approving the use of this type of pipe.

Motion (Schwartzman/Ball) to approve.

**RESULT: APPROVED**

11. City Plan Commission:

1. Site Plan for Northwoods Veteran's Support Center at the corner of East Sixth Street and Johnson Street. The City Plan Commission recommends approval, contingent upon the approval of the rezoning of this parcel.

Motion (Schwartzman/Norton) to approve.

**RESULT: APPROVED**

12. Health and Safety Committee:

1. Consider request from Collin's Bar and Grill, 2501 W. Main St., for an extension of premises to sell alcoholic beverages in a fenced-in area outside their establishment, from 11:00 A.M. on Saturday, November 12, 2016 to 2:00 A.M., on Sunday, November 13, 2016, as part of their one-year anniversary celebration. Alderman Russell is bringing this request directly to the Common Council.

Motion (Russell/Ball) to approve.

**RESULT: APPROVED**

2. Application from VFW Post 1638 for a temporary Class "B" (picnic) license to sell fermented malt beverages on land located on Johnson Street, as part of Veteran's Day and new location celebration on Friday, November 11, 2016. Alderman Russell is bringing this application directly to the Common Council.

Motion (Russell/Schwartzman) to approve.

**RESULT: APPROVED**

13. Personnel and Finance Committee:

1. Consider Police Department request to authorize sale of squad rifle components as part of an "upfit" program. The Personnel and Finance Committee recommends approval.

Motion (Meehean/Schwartzman) to approve.

**RESULT: APPROVED**

14. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Board of Public Works, Board of Review, City Plan Commission, Health & Safety Committee, Library Board, Merrill Enrichment Center Committee, Personnel & Finance Committee, Police & Fire Commission, Redevelopment Authority and Transit Commission.

Motion (Schwartzman/Ball) to place on file.

**RESULT: PLACED ON FILE**

15. Mayor's Appointments:

- 1. Kevin Cohrs, to the Housing Authority, term to expire November 10, 2021.

Motion (Norton/Russell) to approve.

**RESULT: APPROVED**

16. Ordinances:

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

City Attorney Hayden gave the ordinance a first reading.

Motion (Meehean/Schwartzman) 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 by title only.

**RESULT: REJECTED [3 TO 4]**  
**MOVER:** Ryan Schwartzman, Alderperson - Third District  
**SECONDER:** Kandy Peterson, Alderperson - Fourth District  
**AYES:** Schwartzman, Peterson, Ball  
**NAYS:** Russell, Lokemoen, Norton, Meehean  
**EXCUSED:** Burgener

- 2. An Ordinance amending the District Zoning Map of the City of Merrill, for Lot 1 of CSM No. 1755, requested by Church Mutual Insurance Company (Ordinance #2016-16).

City Attorney Hayden gave the ordinance a first reading.

Motion (Schwartzman/Russell) 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 by title only.

**RESULT: APPROVED [7 TO 0]**  
**MOVER:** Ryan Schwartzman, Alderperson - Third District  
**SECONDER:** Tim Meehean, Alderperson - Eighth District  
**AYES:** Russell, Lokemoen, Schwartzman, Peterson, Ball, Norton, Meehean  
**EXCUSED:** Burgener

- 3. An Ordinance amending the District Zoning Map of the City of Merrill, for Lots 1 and 3 of Certified Survey Map No. 426, requested by the City of Merrill (former Fox Point property) (Ordinance 2016-17).

City Attorney Hayden gave the ordinance a first reading.

Motion (Meehean/Norton) 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 by title only.

<b>RESULT:</b>	<b>APPROVED [4 TO 2]</b>
<b>MOVER:</b>	Rob Norton, Alderperson - Seventh District
<b>SECONDER:</b>	Tim Meehean, Alderperson - Eighth District
<b>AYES:</b>	Schwartzman, Peterson, Norton, Meehean
<b>NAYS:</b>	Lokemoen, Ball
<b>ABSTAIN:</b>	Russell
<b>EXCUSED:</b>	Burgener

4. An Ordinance adopting the 2017 City of Merrill budget and establishing the tax levy for year 2016 (Ordinance 2016-18).

City Attorney Hayden gave the ordinance a first reading.

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

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

<b>RESULT:</b>	<b>APPROVED [7 TO 0]</b>
<b>MOVER:</b>	Ryan Schwartzman, Alderperson - Third District
<b>SECONDER:</b>	Pete Lokemoen, Alderperson - Second District
<b>AYES:</b>	Russell, Lokemoen, Schwartzman, Peterson, Ball, Norton, Meehean
<b>EXCUSED:</b>	Burgener

17. Resolutions:

1. A Resolution ratifying the hiring of employee relatives (Resolution #2489).

WHEREAS, the City of Merrill has, from time to time, enacted and required certain procedures to fill vacancies and fill newly created positions in the City workforce; and,

WHEREAS, City Department Heads have been following Section 11-4 "Nepotism" in the Personnel Policies - Employee Handbook; and,

WHEREAS, Ordinance No. 2-191(b), "*Hiring Relatives*" requires approval by the Common Council of such hires; and,

WHEREAS, current employee relatives, as listed below, were hired and are acting in a City employee capacity:

Andrea Bennett, 07/28/2008 start date - Library

Kate Drewek, 09/26/2011 start date - Utility  
Todd Annis, 02/12/2012 start date - Parks & Recreation  
Geoffrey Hoock, 01/21/2013 start date - Street  
Jana Johnson, 01/18/2016 start date - Fire Administrative Assistant

WHEREAS, former employee relatives, as listed below, were hired and are acting in a City employee capacity:

Deborah Hartwig, 10/22/2002 start date - Police Crossing Guard  
Amy Severt, 05/13/2008 start date - City Hall Maintenance

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of November, 2016, that the hiring of those persons named above is hereby ratified and approved in all respects, as fully as if the hiring action had been presented to and approved by the Common Council.

Motion (Meehean/Schwartzman) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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2. A Resolution approving a Certified Survey Map on Heldt Street in the Town of Scott by Steve Schulz (Resolution #2490).

WHEREAS, Steve Schulz has applied for approval of a division of land by certified survey map pursuant to Code of Ordinances Sections 111-116 and 111-119 for land located in the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 31 North, Range 6 East, Town of Scott, Lincoln County, Wisconsin; and,

WHEREAS, the application was referred to the City Plan Commission which considered the proposed division at a meeting on November 1, 2016; and,

WHEREAS, the City Plan Commission has recommended approval of the land division by certified survey map;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9<sup>th</sup> day of November, 2016, that the proposed certified survey map presented by Steve Schulz and prepared by Charles Oleinik, Land Surveyor, involving the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 31 North, Range 6 East, Town of Scott, Lincoln County, Wisconsin is hereby approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to so certify the approval of this certified survey map and return the original to the applicant together with a certified copy of this resolution.

Motion (Schwartzman/Ball) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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**18. Mayor's Communications**

Mayor Bialecki thanked the Common Council, Finance Director Unertl and City staff for their efforts during the 2017 budget process.

Mayor Bialecki thanked City Clerk Heideman for his efforts related to the November 8<sup>th</sup> election.

Several area events will be held in conjunction with Veteran's Day on November 11<sup>th</sup>.

The Thanksgiving holiday and the Christmas parade are both upcoming.

Jay Stadium will be hosting a high school football playoff game (Amherst vs. Stanley-Boyd) on November 11<sup>th</sup>.

Jon Leiskau, a member of the Fire Department, has received a national award for his community service.

A Committee of the Whole meeting was scheduled for Monday, November 14<sup>th</sup> at 5:15 P.M.

**19. Adjournment**

Motion (Schwartzman/Ball) to adjourn. Carried. Adjourned at 7:38 P.M.