



# CITY OF MERRILL

## COMMON COUNCIL

MINUTES • TUESDAY FEBRUARY 14, 2017

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	7:12 PM
Tim Meehean	Aldersperson - Eighth District	Present	
Bill Bialecki	Mayor	Present	

Also in attendance: Public Works Director/City Engineer Rod Akey, Police Captain Corey Bennett, Street Superintendent Dustin Bonack, Fire Battalion Chief Mike Drury, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Administrator Dave Johnson, Enrichment Center Director Tammie Mrachek, Building Inspector/Zoning Administrator Darin Pagel, Utility Operations Manager Gabe Steinagel, 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

None.

6. Public Hearing(s):

1. Public Hearing on proposed City of Merrill Comprehensive Plan

City Attorney Hayden read the public hearing notice.

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

Derek Woellner stated that he generally favored the plan, but that he would also favor the inclusion of a car pooling/parking program in the transportation section of the plan.

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

City Attorney Hayden announced that the Comprehensive Plan would be considered by resolution at the March Common Council meeting.

## 7. Minutes of previous Common Council meeting(s):

## 1. Minutes of January 10, 2017 meeting

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

## 8. Revenue &amp; Expense Reports(s):

## 1. Revenue and Expense Reports for periods ending December 31, 2016 and January 31, 2017

Motion (Schwartzman/Ball) to approve.

**RESULT: APPROVED**

## 9. Communications and Petitions:

## 1. Claim filed by Kathryn Ellis for damages she allegedly sustained as a result of a fall on Prospect Street on November 8, 2016. The City's insurance carrier recommends that this claim be disallowed. This recommendation is based on the fact that an investigation revealed that the City of Merrill was not negligent or liable for this incident, as the City did not have prior notice of the condition which allegedly caused this incident. A municipality has no liability unless it knew, or should have known, of the existence of the condition and had a reasonable amount of time to repair the condition.

Motion (Schwartzman/Meehean) to disallow.

**RESULT: DISALLOWED**

## 10. General agenda items:

## 1. Employee Years of Service Recognition

Phillip H. Skoug, 15 years (Fire Department)

City Clerk Heideman read a certificate of recognition for Phillip Skoug.

Mark J. Heckendorf, 30 years (Police Department)

City Clerk Heideman read a certificate of recognition for Mark Heckendorf.

## 11. Board of Public Works:

## 1. Request for Code of Ordinances variance to not install curb and gutter when resurfacing Rio Grande Drive in 2017. The Board of Public Works recommends approval.

Motion (Meehean/Ball) to approve.

**RESULT: APPROVED**

## 2. Poplar Street (East Fifth Street to East Sixth Street) project. The Board of Public Works recommends approval.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

3. Chestnut Street (East Sixth Street to East Eighth Street) project. The Board of Public Works recommends approval.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

4. Highland Drive (entire length), Edgewater Drive (West Grand Avenue to Highland Drive) project. The Board of Public Works recommends approval.

Motion (Meehean/Schwartzman) to approve.

**RESULT: APPROVED**

5. Francis Drive (East Sixth Street to East Eighth Street) project. The Board of Public Works recommends approval.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

6. Hollywood Drive (East Eighth Street to East Tenth Street) project. The Board of Public Works recommends approval.

Motion (Schwartzman/Ball) to approve.

**RESULT: APPROVED**

7. Center Avenue (O'Day Street to County Highway G) project (Option #2). The Board of Public Works recommends approval.

Public Works Director/City Engineer Akey provided verbal details on the project.

Motion (Meehean/Ball) to approve.

**RESULT: APPROVED**

12. City Plan Commission:

1. Site Plan for a sign at Tall Pines Community Garden, on the corner of East Sixth Street and Memorial Drive. The City Plan Commission recommends approval.

Motion (Meehean/Lokemoen) to approve.

**RESULT: APPROVED**

13. Community Development Committee:

1. Consider \$17,500 Economic Development loan to Serce-2-Sisu Fitness and Movement, LLC, 325 E. Second Street, to purchase equipment. The loan would be for a term of seven years, with a 2% interest rate. The City would secure the loan with a second position on a vacant 25-acre land parcel. The Community Development Committee recommends approval.

Motion (Ball/Schwartzman) to approve.

**RESULT: APPROVED**

14. Health and 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 2017: March 3rd, March 10th, March 17th, March 24th, March 31st, April 7th and April 14th. Alderwoman Peterson is bringing these applications directly to the Common Council.

Motion (Peterson/Russell) to approve.

**RESULT: APPROVED**

15. Personnel and Finance Committee:

1. Request to write-off, using the Over-Collected Taxes account, the \$138.35 Personal Property tax bill (duplicate) for Murphy Insurance Group. The Personnel and Finance Committee recommends approval.

Motion (Schwartzman/Meehean) to approve.

**RESULT: APPROVED**

2. Request to write-off, using the Over-Collected Taxes account, the \$237.96 Personal Property tax bill (duplicate) for Julie Davis Chiropractor. The Personnel and Finance Committee recommends approval.

Motion (Schwartzman/Peterson) to approve.

**RESULT: APPROVED**

3. Consider hiring the wife of a current employee. Mayor Bialecki is bringing this directly to the Common Council.

Motion (Meehean/Schwartzman) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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16. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Board of Public Works, City Plan Commission, Community Development Committee, Festival Grounds Committee, Health & Safety Committee, Library Board, Parks & Recreation Commission, Personnel & Finance Committee, Redevelopment Authority and Water & Sewage Disposal Committee.

Motion (Schwartzman/Peterson) to place on file.

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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17. Mayor's Appointments:

1. Jill Laufenberg to the Housing Authority, term to expire November 10, 2022

Motion (Meehean/Ball) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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18. Ordinances:

1. An Ordinance deleting Code of Ordinances Chapter 2, Article VI, Section 2-139, in order to eliminate the Safety Committee (Ordinance #2017-01).

City Attorney Hayden gave the ordinance a first reading by title only.

Motion (Meehean/Peterson) 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 [7 TO 0]</b>
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<b>MOVER:</b>	Tim Meehean, Alderperson - Eighth District
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<b>SECONDER:</b>	Kandy Peterson, Alderperson - Fourth District
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<b>AYES:</b>	Russell, Lokemoen, Schwartzman, Peterson, Ball, Norton, Meehean
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<b>EXCUSED:</b>	Burgener
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19. Resolutions:

1. A Resolution authorizing an interim City General Fund Loan to Tax Increment District No. 11 (Resolution #2492).

WHEREAS, the Northcentral Technical College (NTC) has developed and is operating the Public Safety Center of Excellence situated north of Taylor Street in Merrill, and has committed to development of a new Commercial Driver License (CDL) Training Center in Merrill; and

WHEREAS, the Common Council of the City of Merrill on January 10, 2017 authorized acquisition of two vacant lots from Russ Davis Wholesale, Inc. for \$100,000 as the site for the new CDL Training Center; and

WHEREAS, Tax Increment District No. 11 was created in May 2016 and has generated no tax increment at this time; and

WHEREAS, the City's Community Development economic development fund, originally from a Federal Small Business Administration (SBA) grant to the City of Merrill, is receiving annual loan payments of about \$30,000 and could be an alternate future funding source for the CDL Training Center;.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of February, 2017, that the Common Council does hereby authorize an interim internal City General Fund loan to Tax Increment District No. 11 for a term of up to five years at no interest.

BE IT FURTHER RESOLVED, that the City Finance Director will review and provide a recommendation on final land acquisition funding by the February 2022 Personnel and Finance Committee meeting.

Alderman Lokemoen noted that, in deference to approximately 30 taxpayers who expressed to him their opposition to this funding, he would be voting "No" on the resolution.

Motion (Norton/Meehean) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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2. A Resolution authorizing a Development Agreement by and between the City and DJC, LLC (David J. Cooper Agency) (Resolution #2493).

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, the DJC, LLC is purchasing a vacant lot from the City of Merrill and constructing a new commercial building located at 900 East 1st 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 and existing jobs retained, and,

WHEREAS, the DJC, LLC has negotiated the development agreement to provide an incentive payment not to exceed \$40,000 to facilitate new building construction;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of February, 2017, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and DJC, LLC and to facilitate the implementation thereof.

Motion (Schwartzman/Meehean) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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**3. A Resolution authorizing a Development Agreement by and between the City and Northcentral Technical College (Resolution #2494).**

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 11 on May 10, 2016; and,

WHEREAS, the Common Council of the City of Merrill on January 10, 2017 authorized acquisition of two vacant lots fronting on Taylor Street from Russ Davis Wholesale for \$100,000; and

WHEREAS, the Northcentral Technical College (NTC) Board on January 10, 2017 authorized the acquisition of two lots fronting on Taylor Street from the City of Merrill and committed to future development of a new Commercial Driver License (CDL) Truck Driver Training Center within TID No. 11; 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, two new NTC jobs will be created; CDL truck driving training will be available locally as a workforce professional development program, and an estimated annual \$100,000 in direct and indirect economic impact to the Merrill area will be generated; and,

WHEREAS, Northcentral Technical College representatives have negotiated the development agreement for acquisition of two lots fronting on Taylor Street from the City of Merrill for \$1.00 as the site of the new CDL truck driving program facilities.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of February, 2017, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and the Northcentral Technical College, and to facilitate the implementation thereof.

Motion (Schwartzman/Norton) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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4. A Resolution authorizing a Development Agreement by and between the City and Horizon Development Group, Inc. (1905 East 14th Street) (Resolution #2495).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 10 on September 22, 2015; and,

WHEREAS, the Common Council of the City of Merrill adopted Resolution No. 2462 on June 14, 2016 which authorized City of Merrill purchase of 1905 East 14th Street property for future multi-family residential redevelopment; and

WHEREAS, the Redevelopment Authority (RDA) of the City of Merrill solicited requests for proposals for the redevelopment site, evaluated development proposal responses, and the Common Council of the City of Merrill concurred on October 11, 2016 with the RDA recommendation to select Horizon Development Group, Inc. as the Developer; 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, Horizon Development Group, Inc. representatives have negotiated the development agreement for acquisition of the development site from the City of Merrill for \$1.00 for multi-family housing;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of February, 2017, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and the Horizon Development Group, Inc., and to facilitate the implementation thereof.

Motion (Schwartzman/Peterson) to approve.

**RESULT:           APPROVED**

5. A Resolution approving a Certified Survey Map (extraterritorial) on Golf Drive in the Town of Scott by Natzke Lands, LLC (Resolution #2496).

WHEREAS, Natzke Lands, LLC 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 part of Government Lot 8 and described as the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  in Section 18, Township 31 North, Range 7 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 February 7, 2017; 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 14th day of February, 2017, that the proposed certified survey map presented by Natzke Lands, LLC and prepared by Joshua W. Prentice, Land Surveyor, involving part of Government Lot 8 and described as the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  in Section 18, Township 31 North, Range 7 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 (Meehean/Norton) to approve.

**RESULT:           APPROVED**

6. A Resolution approving an amendment to a Conditional Use Permit issued to Randy Wixson, RC-N-DI Investments (Resolution #2497).

WHEREAS, Randy Wixson, RC-N-DI Investments, has requested an amendment to the Conditional Use Permit granted in Resolution No. 2194, issued April, 2011, for the purpose of creating separate lots for their office building and self-storage units on the following described property:

Lot One (1) of Certified Survey Map #2500 a/k/a/ 1106 W. Main Street, Merrill, Lincoln County, Wisconsin,  
Tax Parcel No. 34.0005.000.262.01.01; and,

WHEREAS, the City Plan Commission held a public hearing on the application of February 7, 2017, at 6:00 p.m., due public notice having been given and opportunity given to those interested to speak on the application; and,

WHEREAS, the City Plan Commission has reviewed the Application and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of February, 2017, that the amendment to the conditional use permit issued to Randy Wixson, RC-N-DI Investments for the purpose of creating separate lots for their office building and self-storage units is hereby approved.

Motion (Meehean/Schwartzman) to approve.

**RESULT:           APPROVED**

7. A Resolution approving ordinance amendments which create revisions to the Lincoln County zoning ordinance related to private on-site waste treatment systems (Resolution #2498).

WHEREAS, § 59.69(5), Wisconsin Statutes describes a procedure for preparing revisions to an existing county zoning ordinance, involving approval by both the County Board of Supervisors and a majority of Town/City Boards affected by the amendments; and,

WHEREAS, Lincoln County has prepared revisions to the Lincoln County Zoning Ordinance related to private on-site waste treatment systems, the amendments affecting Chapter 22 of the Lincoln County Code of Ordinances and is effective in the City of Merrill; and,

WHEREAS, at a future time; the Lincoln County Land Services Committee will hold a public hearing to receive comments on the amendments from the Towns, Cities and the public following all procedures required under §59.69(5), Wisconsin Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of February, 2017, that the City of Merrill hereby approves the amendments as proposed in keeping with the procedures established, and with the effect described, under §59.69(5), Wisconsin Statutes

Motion (Schwartzman/Peterson) to approve.

**RESULT:           APPROVED**

8. A Resolution honoring Linda S. Schuster for her long-time service to the City of Merrill (Resolution #2499).

WHEREAS, Linda S. Schuster has served the City of Merrill T.B. Scott Library for 18 years; and,

WHEREAS, these years of service have been marked by dedication to the best interests of our community and citizens; and

WHEREAS, Linda S. Schuster has earned the admiration and respect of her fellow employees by the way in which she has carried out her duties; and

WHEREAS, Linda S. Schuster's skills and experience will be missed at the City of Merrill T.B. Scott Library;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14<sup>th</sup> day of February, 2017, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Linda S. Schuster has given the City of Merrill T.B. Scott Library and commends her for those 18 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Linda S. Schuster, congratulate her upon the occasion of her retirement from the City of Merrill T.B. Scott Library, and extend our warmest wishes for her enjoyment of continued prosperity in the years that lie ahead.

Motion (Common Council/Common Council) to approve.

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

Mayor Bialecki noted that several street projects slated for the summer of 2017 were approved earlier in the meeting.

The Spring Primary Election will be held on Tuesday, February 21<sup>st</sup>.

21. Adjournment

Motion (Ball/Schwartzman) to adjourn. Carried. Adjourned at 7:36 P.M.