



**CITY OF MERRILL**  
**COMMON COUNCIL**  
**MINUTES • TUESDAY JULY 11, 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	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: Public Works Director/City Engineer Rod Akey, Police Chief Corey Bennett, Street Superintendent Dustin Bonack, Transit Director Rich Grenfell, City Attorney Tom Hayden, City Administrator Dave Johnson, Building Inspector/Zoning Administrator Darin Pagel, Fire Chief Dave Savone, Utility Operations Manager Gabe Steinagel, Library Director Stacy Stevens, Finance Director Kathy Unertl and City Clerk Bill Heideman. Enrichment Center Director Tammie Mrachek and Parks and Recreation Director Dan Wendorf had excused absences.

Mayor Bialecki announced that this would be Rich Grenfell's last meeting as Transit Director, as he is retiring. The meeting attendees gave Mr. Grenfell a round of applause for his many years of faithful service.

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

Bea Lebal, 115 S. Prospect Street, read and then submitted a petition containing 51 signatures. The petition is related to two piles of alfalfa and a variety of refuse placed at the foot of South Prospect Street. The petitioners are concerned citizens who urge their civic leaders to act now to force the responsible parties of the Great Lakes Alfalfa Company to remove the tires, the plastic sheeting, the decaying piles of alfalfa and the demolition refuse from their neighborhood as soon as possible. Note: The petition will be referred to the Health and Safety Committee.

Derek Woellner, 1503 Jackson Street, expressed concerns on an ordinance to be discussed later in the meeting. The ordinance is related to the hiring of relatives.

Alderman Norton, 1207 Lark Street, spoke on the constitutional amendment ordinance that he, as an alderperson, is bringing directly to this meeting. He urged the Common Council to adopt the resolution.

Bill Heideman, 1006 East Seventh Street, stated that he was also speaking to the resolution being introduced by Alderman Norton. He remarked that he is not speaking for or against the resolution, but he noted that the resolution includes the phrase "We, the People" in multiple locations. He reminded the Common Council that, via referendum, the people of the City of Merrill have reinstated the position of elected Street Commissioner, and to date that referendum result has been ignored.

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

1. Minutes of June 13, 2017 meeting

Motion (Burgener/Norton) to approve.

<b>RESULT:</b>	<b>APPROVED</b>
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7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for Period Ending June 30, 2017

Motion (Burgener/Meehean) to place on file.

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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8. General agenda items:

1. Employee Years of Service Recognition:

Daniel J. Wendorf, 15 years (Parks & Recreation)

City Clerk Heideman read a certificate of recognition for Daniel Wendorf.

Matthew J. Drabek, 10 years (Police Department)

City Clerk Heideman read a certificate of recognition for Matthew Drabek.

2. 2016 Audit Presentation by Schenck SC representatives

Representing Schenck SC, Greg Pitel gave a presentation on the 2016 City Audit.

Motion (Meehean/Norton) to approve the 2016 City Audit, as presented.

<b>RESULT:</b>	<b>APPROVED</b>
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9. Board of Public Works:

1. Consider Street Use Permit from Humphrey's Pub to close Genesee Street (from Main Street to the alley) from 5:00 p.m. to midnight on Thursday, August 10, 2017, for Crazy Days. The Board of Public Works recommends approval.

Motion (Russell/Schwartzman) to approve.

**RESULT:           APPROVED**

10. Committee of the Whole/Redevelopment Authority:
1. Consider sale of Fox Point site (TID No. 10) to the Merrill Area Housing Authority (MAHA). The Committee of the Whole/Redevelopment Authority recommend approval.

Motion (Norton/Meehean) to approve. Motion carried with Alderwoman Ball voting No and Alderman Russell abstaining.

11. Health and Safety Committee:
1. Applications from Merrill Fastpitch for three temporary Class "B" (picnic) licenses to sell fermented malt beverages in the concession stands and the softball field stands at the Merrill Area Recreation Complex (MARC), 1100 MARC Drive, during the annual Merrill Fastpitch Tournament, July 21-23, 2017. The Health and Safety Committee recommends approval.

Motion (Peterson/Russell) to approve.

**RESULT:           APPROVED**

2. Request from Humphery's Pub, 500 West Main Street, for a premises extension to sell alcoholic beverages on Genesee Street, from Main Street to the southern edge of the alley, from 5 P.M. to midnight, on Crazy Daze, Thursday, August 10th, 2017. Outdoor music would also be allowed from 7:00 P.M. to 11:00 P.M. that night. The Health and Safety Committee recommends approval.

Motion (Peterson/Ball) to approve.

**RESULT:           APPROVED**

12. Personnel and Finance Committee:
1. Consider request to write-off Personal Property Tax Bill (total of \$235.20) for Heritage House, 1601 East Tenth Street. The Personnel and Finance Committee recommends approval.

Motion (Schwartzman/Meehean) to approve.

**RESULT:           APPROVED**

13. 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, Committee of the Whole/Redevelopment Authority, Health and Safety Committee, Housing Authority, Merrill Enrichment Center Committee, Personnel and Finance Committee, Water and Sewage Disposal Committee and Zoning Board of Appeals.

Motion (Meehean/Ball) to place on file.

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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14. Ordinances:

1. An Ordinance amending Code of Ordinances Chapter 2, Article VII, Section 2-191, related to hiring of relatives (Ordinance 2017-04).

City Attorney Hayden gave the ordinance a first reading.

Motion (Norton/Meehean) 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.

Motion (Schwartzman) to, without objection, suspend the rules and grant floor privileges for three minutes to Derek Woellner. Alderman Meehean objected to the motion. Motion failed due to lack of a second.

<b>RESULT:</b>	<b>APPROVED [7 TO 1]</b>
<b>MOVER:</b>	Tim Meehean, Alderperson - Eighth District
<b>SECONDER:</b>	Rob Norton, Alderperson - Seventh District
<b>AYES:</b>	Russell, Lokemoen, Schwartzman, Peterson, Ball, Norton, Meehean
<b>NAYS:</b>	Burgener

2. An Ordinance amending Code of Ordinances Chapter 38, Article 2, Division 3, Section 38-81, related to Cross Connection Control (Ordinance 2017-05).

City Attorney Hayden gave the ordinance a first reading.

Motion (Schwartzman/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 [UNANIMOUS]</b>
<b>MOVER:</b>	Ryan Schwartzman, Alderperson - Third District
<b>SECONDER:</b>	Kandy Peterson, Alderperson - Fourth District
<b>AYES:</b>	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

15. Resolutions:

1. A Resolution approving a Certified Survey Map on County Road G in the Town of Merrill by Mark Skic (Resolution #2511).

WHEREAS, Mark Skic 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 Lot Two of Certified Survey Map #1446, located in the Southwest ¼ of the Southeast ¼ of Section 6, township 31 North, Range 7 East, Town of Merrill, Lincoln County, Wisconsin; and,

WHEREAS, the application was referred to the City Plan Commission which considered the proposed division at a meeting on July 3, 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 11<sup>th</sup> day of July, 2017, that the proposed certified survey map presented by Mark Skic and prepared by Timothy G. Vreeland, Land Surveyor, of Vreeland Associates, Inc., involving Lot Two of Certified Survey Map #1446, located in the Southwest ¼ of the Southeast ¼ of Section 6, township 31 North, Range 7 East, Town of Merrill, 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/Russell) to approve.

**RESULT:            APPROVED**

**2. A Resolution approving a Certified Survey Map on South Alexander Street requested by Dennis and Karla Yorde (Resolution #2512).**

WHEREAS, Dennis and Karla Yorde have applied for approval of a division of land by certified survey map pursuant to Code of Ordinances Sections 111-116 for land located in part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin; and,

WHEREAS, the application was referred to the City Plan Commission which considered the proposed division at a meeting on July 3, 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 11<sup>th</sup> day of July, 2017, that the proposed certified survey map presented by Dennis and Karla Yorde and prepared by Jason J. Pflieger, of Northcentral Land Surveying, LLC, involving part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 31 North, Range 6 East, City of Merrill, 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/Burgener) to approve.

**RESULT: APPROVED**

3. A Resolution authorizing City purchase of two Badger Portfolio, LLC (Continental Properties) tax parcels (Resolution #2513).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 on September 13, 2005 and amended the District boundaries on July 11, 2006, September 24, 2013, September 22, 2015, and April 26, 2017; and,

WHEREAS, State Highway 64 (East Main Street) is the gateway into the community from US Highway 51, has existing public infrastructure, and the City of Merrill acquired two adjacent small parcels at 2604 and 2606 East Main Street in 2016; and,

WHEREAS, Badger Portfolio, LLC owns a 15.572 acre parcel fronting on Thielman Street, which is located within TID No. 3, and will continue to operate the Whispering Pines mobile home community; and,

WHEREAS, the City of Merrill finds that the proposed commercial redevelopment of an approximately six and a half acre former residential area along State Highway 64 (East Main Street) near Memorial Drive serves a public purpose in accordance with State law; and,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11<sup>th</sup> day of July, 2017 to authorize the purchase of two tax parcels at amount not to exceed \$575,000.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to complete and sign any offer documents, agreements, or related paperwork required to facilitate the acquisition thereof.

Motion (Meehean/Norton) to approve.

**RESULT: APPROVED**

4. A Resolution authorizing a Development Agreement by and between the City and TSI State Property, LLC (Nelson's Power House) (Resolution #2514).

WHEREAS, the Common Council of the City of Merrill authorized a development agreement through Resolution No. 2460 on May 10, 2016 for a proposed site within Tax Increment District No. 8 that has been determined to be fiscally undevelopable due to environmental contamination; and

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 on September 13, 2005 and amended the boundary and TIF Plan to include the new proposed development area; and,

WHEREAS, TSI State Property LLC proposes construction of two new commercial buildings in the 2600 block of East Main St., which is located within TID No. 3; and,

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

WHEREAS, the City and TSI State Property LLC have negotiated the development agreement to include a site approximately one and half acre in size that is being purchased by the City of Merrill, and an incentive payment not to exceed \$125,000 to facilitate the construction of these new commercial buildings;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11<sup>th</sup> day of July, 2017, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and TSI State LLC and to facilitate the implementation thereof.

Motion (Norton/Schwartzman) to approve.

**RESULT:                    APPROVED**

5. A Resolution supporting a constitutional amendment (Resolution #2515).

WHEREAS, government of, by and for the people has long been a cherished American value; and,

WHEREAS, free and fair elections are essential to democracy and effective self-governance; and,

WHEREAS, corporations are not and never have been human beings or persons, and therefore are rightfully subservient to human beings and governments as our legal creations; and rightly are provided ONLY privileges by the states; and,

WHEREAS, interpretation of the U.S. Constitution by appointed Supreme Court Justices to include corporations in the term “persons” has long denied We the People’s exercise of self-governance by endowing corporations with Constitutional protections intended by the Framers for ONLY We the People, and;

WHEREAS, in 1976 in the ruling on *Buckley v. Valeo*. The untenable decision of the Supreme Court changed the course of American elections and established the doctrine that spending money to influence elections is a form of speech; and,

WHEREAS, on January 10, 2010, in *Citizens United v. Federal Elections Commission*, the Supreme Court overturned a century of precedence by ruling that corporate spending on elections cannot be limited under the First Amendment,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11<sup>th</sup> day of July, 2017, that "We the People" of the City of Merrill, Lincoln County, Wisconsin, seek to reclaim democracy from the expansion of corporate personhood rights and the corrupting influence of unregulated political contributions and spending. We stand with communities across the country to support passage of an amendment to the United States Constitution stating:

1. Only human beings are endowed with constitutional rights - not corporations, unions, nonprofits or other artificial entities, and

2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

FURTHER RESOLVED that the City of Merrill, Lincoln County, Wisconsin Clerk is directed to forward a copy of this resolution to our state and federal representatives - instructing them to enact resolutions and legislation to advance this effort.

Motion (Norton/Meehean) to approve.

Motion (Schwartzman/Meehean) to amend by adding the words "Super PACs" where appropriate. Motion to amend carried.

Alderwoman Ball requested a roll call vote on the main motion.

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [7 TO 1]</b>
<b>AYES:</b>	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Norton, Meehean
<b>NAYS:</b>	Ball

## 16. Mayor's Communications

Mayor Bialecki reminded everyone that the Lincoln County Fair is July 26-30.

The annual Merrill Lobsterfest is July 22<sup>nd</sup>.

The ribbon cutting for the Enrichment Center will be July 12<sup>th</sup>.

Band concerts continue on Wednesday nights, as do Gazebo nights on Thursday evenings.

As part of the EAA activities in Oshkosh, an aerial race will be held in the Midwest. The "finish line" will be the Merrill Municipal Airport.

Mayor Bialecki again thanked retiring Transit Director Grenfell for his years of service to the Transit Department and the City of Merrill.

## 17. Adjournment

Motion (Burgener/Ball) to adjourn. Carried. Adjourned at 7:57 P.M.