



CITY OF MERRILL

COMMON COUNCIL

MINUTES • TUESDAY SEPTEMBER 12, 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 Brad Brummond, City Attorney Tom Hayden, City Administrator Dave Johnson, Enrichment Center Director Tammie Mrachek, Fire Chief Dave Savone, Utility Operations Manager Gabe Steinagel, Finance Director Kathy Unertl, Parks and Recreation Director Dan Wendorf and City Clerk Bill Heideman. Building Inspector/Zoning Administrator Darin Pagel and Library Director Stacy Stevens had excused absences.

2. Invocation by Pastor Andy Perry, Bible Presbyterian Church

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

None.

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

1. Minutes of August 8, 2017 meeting and August 23, 2017 meeting

Motion (Burgener/Ball) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for Period Ending August 31, 2017

Motion (Burgener/Meehean) to place on file.

RESULT: PLACED ON FILE

8. Communications and Petitions:

1. Claim filed by Rachel Stiver for vehicle damages she sustained as a result of driving into and/or over a pothole on State Street (near Tannery Road) on May 21, 2017. The City's insurance carrier is recommending that this claim be disallowed. This recommendation is based on the fact that an investigation proved that the City was not negligent or liable for this incident, as the City had no prior knowledge that the pothole in question existed. A municipality has no liability unless it knew, or should have known, of the existence of the condition and had a reasonable time to repair the condition.

Motion (Schwartzman/Meehean) to disallow.

RESULT: DISALLOWED

2. Petition for Direct Annexation from Max Peterson and Grant Peterson, for property they own in the Town of Merrill, lying contiguous to the City of Merrill. This petition should be referred to both the Board of Public Works and the City Plan Commission.

Motion (Schwartzman/Russell) to refer to both the Board of Public Works and the City Plan Commission. Carried.

9. General agenda items:

1. Employee Years of Service Recognition:

Thomas N. Hayden, 15 years (City Attorney)

City Clerk Heideman read a certificate of recognition for Thomas Hayden.

10. Board of Public Works:

1. Street Use Permit application from The Haunted Sawmill to close Hendricks Street (from 7th to 8th Street) from 5:00 p.m. to 1:00 a.m. on October 13th, 14th, 20th, 21st, 27th, 28th, and 31st, 2017, for a Haunted House Event The Board of Public Works recommends approval.

Motion (Norton/Ball) to approve.

RESULT: APPROVED

2. Consider bids submitted for the 2017 Paving Project II, M2017-15. Mayor Bialecki is bringing the bids directly to the Common Council. A bid summary will be provided at the meeting.

One bid was received.

Motion (Russell/Schwartzman) to approve the bid of \$85,734.40 from American Asphalt of Wisconsin.

RESULT: APPROVED

- 3. Consider bids submitted for the 2017 Asphaltic Paving, River Bend Trail, M2017-16. Mayor Bialecki is bringing the bids directly to the Common Council. A bid summary will be provided at the meeting.

One bid was received.

Motion (Meehean/Peterson) to approve the bid of \$70,432.50 from American Asphalt of Wisconsin.

RESULT: APPROVED

11. Health and Safety Committee:

- 1. Application from Merrill Hotel Group LLC, Brian Wogernese, Agent, for a Class "B" (Beer) & "Class B" (Liquor) license for the Badger Hotel, 3209 E. Main Street, Merrill, effective September 13th, 2017. The Health and Safety Committee recommends approval.

Motion (Peterson/Burgener) to approve.

RESULT: APPROVED

- 2. Request from Don Boquist for refund of 2017-2018 liquor license fee for the Badger Hotel located at 3209 E. Main Street. The Health and Safety Committee recommends approving a prorated refund (\$450), based on the number of months Mr. Boquist possessed the license. The Health and Safety Committee also recommends that the refund be contingent upon the approval of a license for the Merrill Hotel Group, at the same location.

Motion (Schwartzman/Norton) to approve.

RESULT: APPROVED

- 3. Consider application from St. Francis Xavier Catholic Church, 1708 East Tenth Street, for a temporary Class "B" license to sell fermented malt beverages and wine at 1708 East Tenth Street (inside and on grounds) on Sunday, October 8, 2017, as part of a fall festival. Alderman Russell is bringing this application directly to the Common Council.

Motion (Ball/Russell) to approve.

RESULT: APPROVED

12. Personnel and Finance Committee:

Mayor Bialecki requested that he be allowed to change the order of agenda items and consider the "Personnel and Finance Committee" items immediately after the "General Agenda" items. Without objection, it was so ordered.

1. 2018-2020 assessment maintenance contract with Bowmar Appraisal. The Personnel and Finance Committee recommends approval.

Motion (Meehean/Burgener) to approve.

RESULT:	APPROVED
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2. Consider Preliminary Borrowing Plan for Tax Increment Districts (TIDs) No. 3 and No 4. Mayor Bialecki is brining this plan directly to the Common Council.

Representing Ehlers, Brian Reilly provided information on the borrowing plan. He then provided information on the seven borrowing resolutions to be considered later in the meeting.

Motion (Meehean/Norton) to approve the borrowing plan.

RESULT:	APPROVED
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13. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Board of Public Works, City Plan Commission, Committee of the Whole/Redevelopment Authority/Community Development, Festival Grounds Committee, Health and Safety Committee, Joint Review Board, Library Board, Merrill Area Housing Authority, Merrill Enrichment Center Committee, Parks and Recreation Commission, Personnel and Finance Committee and Redevelopment Authority.

Motion (Schwartzman/Peterson) to place on file.

RESULT:	PLACED ON FILE
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14. Mayor's Appointments:

Sheila Polak to the Redevelopment Authority, term to expire September 1, 2022.

Joan Tabor, to the Parks and Recreation Commission, term to expire May 1, 2022.

Lyle Banser to the Airport Commission, term to expire October 1, 2023.

Nicole Johnson to the Police and Fire Commission, term to expire May 1, 2021.

Motion (Schwartzman/Burgener) to approve the appointments.

RESULT:	APPROVED
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15. Ordinances:

None.

16. Resolutions:

1. A Resolution approving Merrill Area Housing Authority request to continue and adjust Payment in Lieu of Taxes and support of renovation program (Resolution #2523).

WHEREAS, there exists a program entitled Section 42 Low Income Housing Tax Credits which is administered in the State of Wisconsin by the Wisconsin Housing and Economic Development Authority ("WHEDA") whose purpose is to provide development of rental units for low income households, and

WHEREAS, the Merrill Area Housing Authority is renovating and redeveloping 102 units of affordable housing currently known as Park Place Apartments and Westgate Apartments in connection with an allocation of Section 42 Low Income Housing Tax Credits it has received from WHEDA and has requested the City of Merrill to support the renovation and redevelopment of Park Place Apartments and Westgate Apartments, and

WHEREAS, City Council finds that the redevelopment of affordable rental housing within the City will be beneficial to the City of Merrill and its residents, and

WHEREAS, in connection with WHEDA's allocation of tax credits and the redevelopment, Merrill Area Housing Authority will transfer federal income tax ownership of Park Place Apartments and Westgate Apartments to the entity formed to receive the tax credits from WHEDA, Park Place & Westgate, LLC (the "LLC"), by leasing the land, buildings and other improvements constituting the apartment projects to the LLC pursuant to a capital lease, and

WHEREAS Merrill Area Housing Authority is the sole member of the managing member of the LLC and the property manager of the apartment projects, with the exception of compliance associated with the Section 42 Low Income Housing Tax Credits, and as such, notwithstanding the transfers of ownership of the improvements to the LLC as described above, continues to exercise exclusive control and authority over the operation of the apartment projects, and

WHEREAS upon completion of the redevelopment, the project will consist of 54 units of affordable housing known as Park Place Apartments, 38 units of affordable housing known as Stonebridge Apartments and 10 units of affordable housing known as Westgate Apartments, and

WHEREAS, the current payment in lieu of taxes for Park Place Apartments PILOT is now shelter rent less utilities x 10% will remain the same, and

WHEREAS, the payment in lieu of taxes for Westgate Apartments PILOT is now shelter rent less utilities x 10% and will remain the same, and

WHEREAS, the payment in lieu of taxes for Stonebridge Apartments PILOT is proposed to be shelter rent less utilities x 10%.

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL, OF THE CITY OF MERRILL this 12th day of September, 2017, that it supports the Merrill Area Housing Authority's allocation of tax credits and hereby authorizes the Mayor to execute all documents necessary to accomplish those purposes, including the PILOT Agreement in the form of Exhibit A attached hereto.

Motion (Schwartzman/Norton) to approve.

It was announced that Alderman Russell would be abstaining on this vote.

RESULT:	APPROVED
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2. A Resolution approving a Certified Survey Map on Highway County Road "G" and US Highway "51" in the Town of Merrill by G&M Peterson LLC and the City (Resolution #2524).

WHEREAS, G & M Peterson, LLC and the City of Merrill have 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 the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 September 5, 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 12th day of September, 2017, that the proposed certified survey map presented by G & M Peterson, LLC and the City of Merrill and prepared by Riverside Land Surveying, LLC , involving part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 (Meehean/Norton) to approve.

RESULT: APPROVED

3. A Resolution authorizing City purchase of vacant land fronting on Lincoln County Highway "G", from G&M Peterson, LLC, for future Industrial/Business Park (Resolution #2525).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 4 on September 11, 2007 and the TID project plan is being amended; and,

WHEREAS, there are only smaller potential industrial/business sites available within the City of Merrill which limits the community's future tax base and employment opportunities; and

WHEREAS, the vacant 66.71 acre property fronting on Lincoln County Highway G was identified as the preferred future east side industrial/business park site; and

WHEREAS, the property owner and the City of Merrill have negotiated purchase of the property and a Petition for Direct Annexation has been submitted by the property owner; and

WHEREAS, the City of Merrill finds that the proposed property purchase and future industrial/business park development 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 12th day of September, 2017 to authorize the purchase of property for an amount not to exceed \$571,653 and miscellaneous closing costs (about \$500,000) after the property has been annexed into the City of Merrill.

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 (Schwartzman/Norton) to approve.

RESULT: APPROVED

4. An Initial Resolution authorizing \$310,000 General Obligation Bonds for street improvement projects (Resolution #2526).

Motion (Schwartzman/Meehean) to suspend the rules and allow the reading of the next seven resolutions by title only. Carried.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$310,000 by issuing its general obligation bonds for the public purpose of financing street improvement projects.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Tim Meehean, Alderperson - Eighth District
SECONDER:	Kandy Peterson, Alderperson - Fourth District
AYES:	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

5. An Initial Resolution authorizing \$1,030,000 General Obligation Bonds for Fire Department equipment (Resolution #2527).

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$1,030,000 by issuing its general obligation bonds for the public purpose of financing the acquisition of equipment for fire protection.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Rob Norton, Alderperson - Seventh District
SECONDER:	Ryan Schwartzman, Alderperson - Third District
AYES:	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

6. An Initial Resolution authorizing \$1,275,000 General Obligation Bonds for Community Development projects in Tax Incremental District Nos. 7,8,9 and 11 (Resolution #2528).

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$1,275,000 by issuing its general obligation bonds for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wis. Stats., by paying project costs included in the project plans for the City's Tax Incremental District Nos. 7, 8, 9, and 11.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Ryan Schwartzman, Alderperson - Third District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

7. An Initial Resolution authorizing \$615,000 General Obligation Refunding Bonds (Resolution #2529).

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that the City of Merrill, Lincoln County, Wisconsin, borrow an amount not to exceed \$615,000 by issuing its general obligation refunding bonds for the public purpose of refunding obligations of the City, including interest on them.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Ryan Schwartzman, Alderperson - Third District
SECONDER:	Kandy Peterson, Alderperson - Fourth District
AYES:	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

8. A Resolution directing publication of notice to electors (Resolution #2530),

WHEREAS, initial resolutions authorizing general obligation bonds have been adopted by the Common Council of the City of Merrill, Wisconsin and it is now necessary that said initial resolutions be published to afford notice to the residents of the City of their adoption; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official newspaper of the City, the Merrill Courier, as a class 1 notice under Ch. 985, Wis. Stats.

Note: Exhibit A is available for inspection in the Clerk/Treasurer Office at City Hall.

Motion (Meehean/Norton) to approve.

RESULT:	APPROVED
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9. A Resolution providing for the sale of not to exceed \$3,230,000 General Obligation Corporate Purpose Bonds (Resolution #2531).

WHEREAS, the Common Council of the City of Merrill, Lincoln County, Wisconsin (the "City") has adopted initial resolutions authorizing the issuance of general obligation bonds for the following public purposes and in the following amounts:

\$310,000 to finance street improvement projects;

\$1,030,000 to finance acquisition of equipment for fire protection;

\$1,275,000 to finance community development projects in the City's Tax Incremental Districts; and

\$615,000 to refund obligations of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that:

Section 1. Combination of Issues. The issues referred to in the preamble hereof are hereby combined into one issue of bonds designated "General Obligation Corporate Purpose Bonds" (the "Bonds") and the City shall issue Bonds in an amount not to exceed \$3,230,000 for the purposes above specified.

Section 2. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning the Bonds to be prepared by Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Ryan Schwartzman, Alderperson - Third District
SECONDER:	Rob Norton, Alderperson - Seventh District
AYES:	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

10.A Resolution providing for the sale of \$860,000 General Obligation Promissory Notes (Resolution #2532).

WHEREAS, the City of Merrill, Lincoln County, Wisconsin (the "City") is presently in need of approximately \$860,000 for public purposes, including, among other capital projects, paying the costs of acquiring equipment, constructing improvements to the Enrichment Center, park improvements, library improvements, street improvements, IT projects and City Hall improvements; and

WHEREAS, it is desirable to borrow said funds through the issuance of general obligation promissory notes pursuant to Section 67.12(12), Wis. Stats.;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of September, 2017, that:

Section 1. Sale of Notes. The City shall issue its General Obligation Promissory Notes in an approximate amount of \$860,000 (the "Notes") for the purposes above specified.

Section 2. Sale of Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Note Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Notes to be disseminated at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Note Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning the Notes to be prepared by Ehlers & Associates, Inc. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Tim Meehean, Alderperson - Eighth District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Lokemoen, Schwartzman, Peterson, Burgener, Ball, Norton, Meehean

17. Mayor's Communications

The annual "Pork in the Park" will be held at the MARC on Saturday, September 16th.

The annual motorcycle "Fall Ride" is upcoming this weekend, as is a soccer tournament at the MARC.

Homecoming festivities are upcoming. The Homecoming game will be at 1:30 P.M. on Saturday, September 23rd.

The annual Lincoln Lager Barleyfest will be held at the Smith Center on Saturday, October 7th.

Mayor Bialecki thanked the Park City Gardens group for all their beautification efforts throughout the City.

18. Adjournment

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