



**CITY OF MERRILL**  
**CITY PLAN COMMISSION**  
**AGENDA • WEDNESDAY APRIL 3, 2019**

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**Regular Meeting**

**City Hall Council Chambers**

**5:45 PM**

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- I. Call to Order
- II. Minutes of previous meeting(s):
  1. Minutes of October 8, 2018 meeting
- III. Agenda items for consideration:
  1. Petition from Merrill Historical Society to vacate an alley between East Third Street and East Fourth Street. The Board of Public Works recommends approval.
  2. Ordinance amendment to allow Park and Rec to select their City Plan member. The Parks and Recreation Commission recommends approval.
- IV. Monthly Report(s):
  1. Oral report from Building Inspector/Zoning Administrator Pagel on Approvals/Disapprovals of Certified Survey Maps
- V. Public Hearing (will begin at 6:00 P.M.)
  1. Zoning amendment application from C & D Excavating to rezone, from R-2 to Industrial, a vacant parcel on Alexander Street, for a tree farm.
- VI. Public Comment Period
- VII. Establish date, time and location of next meeting
- VIII. Adjournment



CITY OF MERRILL  
CITY PLAN COMMISSION  
MINUTES • MONDAY OCTOBER 8, 2018

Regular Meeting City Hall Council Chambers 5:30 PM

I. Call to Order

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

Attendee Name	Title	Status	Arrived
Mike Willman	Chairman - Park & Rec	Present	
Ralph Sturm		Present	
Melissa Schroeder		Present	
Ken Maule		Absent	
Robert Reimann		Absent	
Derek Woellner	Mayor	Present	

Also in attendance: City Administrator Dave Johnson, City Attorney Tom Hayden, Public Works Director/City Engineer Rod Akey, Building Inspector/Zoning Administrator Darin Pagel, Alderman Dave Sukow, Alderman Rob Norton, Judy Sukow and City Clerk Bill Heideman. Matt Ritchie attended the public hearing portion of the meeting, as did a cameraperson from WSAW Channel 7. A student from Merrill Productions was in attendance to record the meeting.

II. Minutes of previous meeting(s):

1. Minutes of August 20, 2018 meeting

Motion (Schroeder/Willman) to approve.

**RESULT: APPROVED**

III. Agenda items for consideration:

1. Site Plan for sign at Bible Presbyterian Church, 1605 Highway G.

Information was in the meeting packet.

Building Inspector/Zoning Administrator Pagel reported that City Plan Commission review of the sign is necessary because the church property is zoned public. If the site plan is approved, he will ensure that the setback requirements are met. He has no concerns with the site plan as submitted.

**RESULT: APPROVED & SENT TO COUNCIL** Next: 10/9/2018 7:00 PM

2. Certified Survey Map for Highway G Industrial Park.

Information was in the meeting packet.

Public Works Director/City Engineer Akey indicated that one lot is being split into two lots and a dedicated road is being added as a result of the map. The City owns the property and has submitted the map.

Attachment: 2018-10-08 City Plan Commission Minutes (4068 : Minutes of October 8, 2018 meeting)

The Certified Survey Map will be considered by resolution at the October 9<sup>th</sup>, 2018 Common Council meeting.

Motion (Willman/Schroeder) to approve.

<b>RESULT:</b>	<b>APPROVED &amp; SENT TO COUNCIL</b>	<b>Next: 10/9/2018 7:00 PM</b>
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3. Ordinance amending Code of Ordinances Chapter 111, Article II, Section 111-116, related to procedures for approving a Certified Survey Map (CSM).

Information was in the meeting packet.

Building Inspector/Zoning Administrator Pagel explained that, because a full-time engineer is now on staff, he does not think it necessary that Certified Survey Maps be reviewed and approved by the City Plan Commission and then the Common Council. Instead, all maps would be reviewed by both the Public Works Director/City Engineer and the Building Inspector/Zoning Administrator. This would simplify and speed up the process of Certified Survey Map approval.

Motion (Schroeder/Willman) to approve.

<b>RESULT:</b>	<b>APPROVED &amp; SENT TO COUNCIL</b>	<b>Next: 10/9/2018 7:00 PM</b>
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4. Ordinance amending Code of Ordinances Chapter 113, Article II, Section 113-44 related to principal permitted uses and requirements for Public Use/Park and Recreation districts.

Information was in the meeting packet.

Building Inspector/Zoning Administrator Pagel reported that, when submitting permitted use applications, the applications do not realize that City Plan Commission and Common Council approval is necessary. This frequently slows down the process. The ordinance would abolish those approval requirements.

Motion (Schroeder/Willman) to approve.

<b>RESULT:</b>	<b>APPROVED &amp; SENT TO COUNCIL</b>	<b>Next: 10/9/2018 7:00 PM</b>
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#### IV. Recess

At 5:37 P.M., Mayor Woellner announced a recess until 6:00 P.M., the scheduled time for the public hearing.

At 6:00 P.M., Mayor Woellner called the meeting back to order.

## V. Public Hearing (6:00 P.M.):

1. Petition for direct annexation from Ritchie Oil for property located in the Town of Merrill.

City Attorney Hayden read the public hearing notice.

Motion (Willman/Schroeder) to open the public hearing. Carried.

No one spoke for or against the petition for annexation.

Motion (Sturm/Schroeder) to close the public hearing. Carried.

Motion (Schroeder/Sturm) to approve.

Public Works Director/City Engineer Akey reported that Ritchie Oil is seeking the annexation in order to install a 30,000 gallon oil tank on the property. Future improvements, such as an office, are also planned.

<b>RESULT:</b>	<b>APPROVED &amp; SENT TO COUNCIL</b>	<b>Next: 10/9/2018 7:00 PM</b>
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## VI. Public Comment Period

None.

## VII. Establish date, time and location of next meeting

Call of Chairperson.

## VIII. Adjournment

Motion (Willman/Schroeder) to adjourn. Carried. Adjourned at 6:04 P.M.

2/27/2019 3.1.a  
Pl 175<sup>00</sup>  
Rec # 0017482

**PETITION TO VACATE**

**\$175.00**

~~XXXXXX~~ (PORTION OF STREET) ~~XXXXXX~~ (PORTION OF ALLEY)

(Cross out inapplicable portion of title above)

(Note: See attached instructions for form and map)

TO: The Common Council  
City of Merrill, Wisconsin

1. We, the undersigned owners of lots and lands in the City of Merrill, Wisconsin, as hereafter set forth following our signatures and on the attached map, petition the Common Council of the city of Merrill, Wisconsin, to vacate and discontinue the following described Street(s) and/or alley(s) in said City, in accordance with Section 66.296, Wisconsin Statutes, to-wit:

See Exhibit "A"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(here fully describe as accurately as possible the street(s) and alley(s) you seek to vacate indicating exact beginning & ending points)

2. Our reasons for seeking vacation are as follows:

To facilitate construction of an addition to the Merrill Historical Society building, as well as additional landscaping, parking and related amenities and improvements.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attachment: Petition to Vacate - Merrill Historical Society (4067 : Alley vacation petition - Merrill Historical Society)

Signatures of all owners of all land abutting the street or alley to be vacated. (use additional paper if necessary)

NAME Merrill Historical Society ADDRESS 100 East Third Street  
Description Alley borders the back of the Society's property.  
Footage 227 Feet

NAME Michael Pappas ADDRESS 101 E. 4th Street  
Description Alley borders the back of this property.  
Footage 70 Feet

NAME Sara Thompson ADDRESS 109 E. 4th Street  
Description Alley portion that will not be vacated borders the back of this property.  
Footage 100 Feet

NAME Our Saviour's Lutheran Church ADDRESS 300 Logan Street  
Description Alley portion that will not be vacated borders the back of property and parking lot.  
Footage 200 Feet

NAME City of Merrill ADDRESS 1004 E 1st Street  
Description Alley borders on the back of this property  
Footage 61 Feet

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
Description \_\_\_\_\_  
Footage \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
Description \_\_\_\_\_

Attachment: Petition to Vacate - Merrill Historical Society (4067 : Alley vacation petition - Merrill Historical Society)

3. The following utilities are in or upon said (street) (alley):

There are utility lines running above the property.

(List all sanitary sewer and storm sewer mains and laterals, telephone, electric and gas lines. Describe Location. If none, so state.)

4. We (have) (have no) objections to the City reserving the right to maintain present and installing future utilities in the vacated portion.

The addition will be constructed on part of the vacated area, thus a "no utilities in alley" provision is preferred.

(If you have objections, list them and your reasons)

5. FOR ALLEY VACATION ONLY. The date of recording the plat if less than five (5) years ago is: More than 5 years ago.

6. FOR ALLEY VACATION ONLY: This alley (has been) (has not been) used as a public alley the last five (5) years.

This is a "dead end" alley and has not been used as a public alley for the last 5 years.

(If anyone uses the alley, state who and for what purpose)

7. FOR ALLEY VACATION ONLY: This alley (has been) (has not been) worked on by the City, such as repairs, maintenance, service and snowplowing within the last five (5) years.

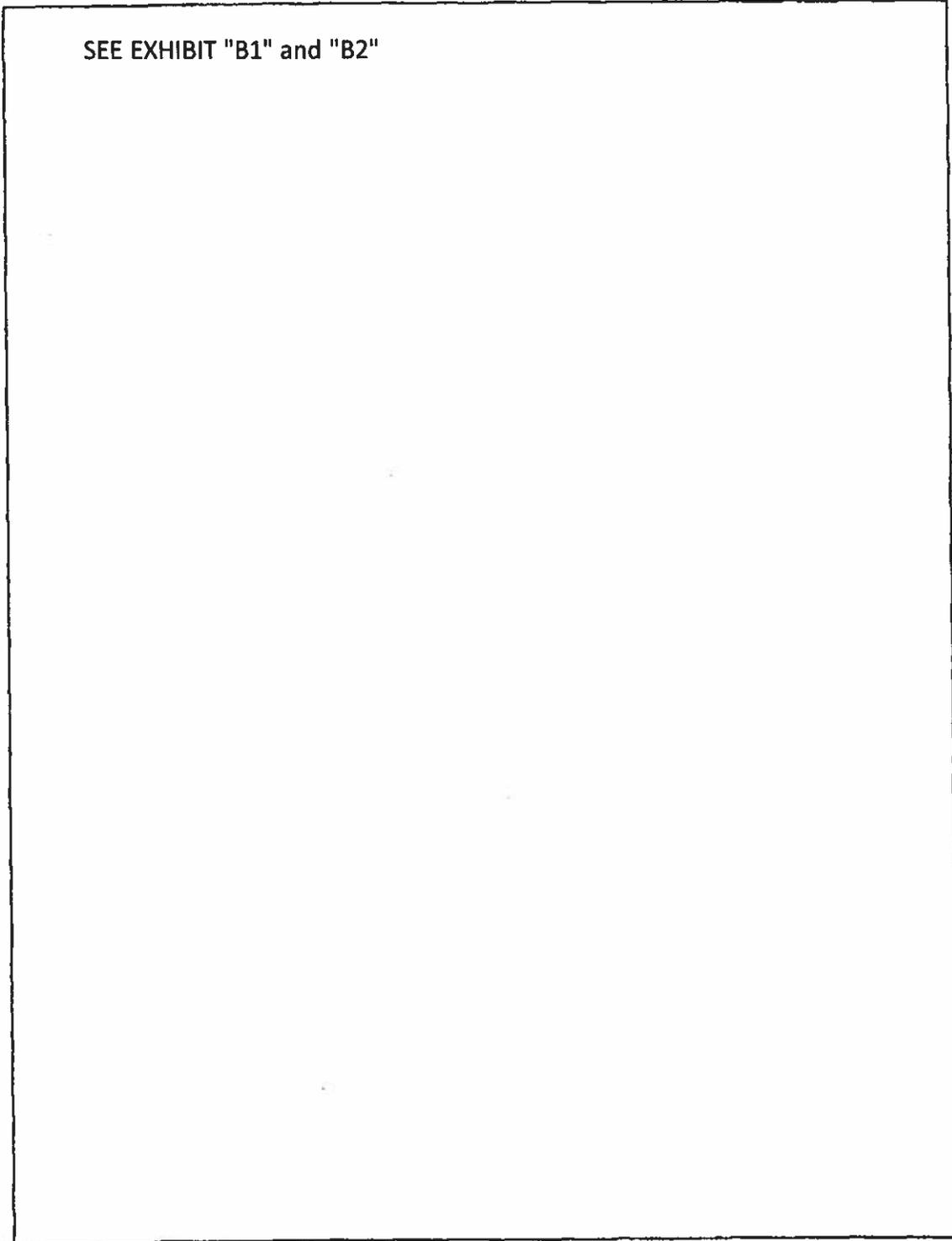
This alley has not been worked on by the city within the last 5 years.

(State those occurring in last five (5) years, if any)

Attachment: Petition to Vacate - Merrill Historical Society (4067 : Alley vacation petition - Merrill Historical Society)

8. A fee of \$175.00 to cover costs of publication of notice of hearing is enclosed.
9. **INSTRUCTION FOR MAP:**
  - a. Need not be to scale
  - b. Should cover area for which signatures are required. Use additional sheets if necessary
  - c. Name streets or alleys and width in feet
  - d. Shade portion to be vacated
  - e. List the addition, block and lot numbers
  - f. Insert names of all lot owners of each lot
  - g. Indicate abutting footage on street or alley to be vacated
  - h. Show direction of north

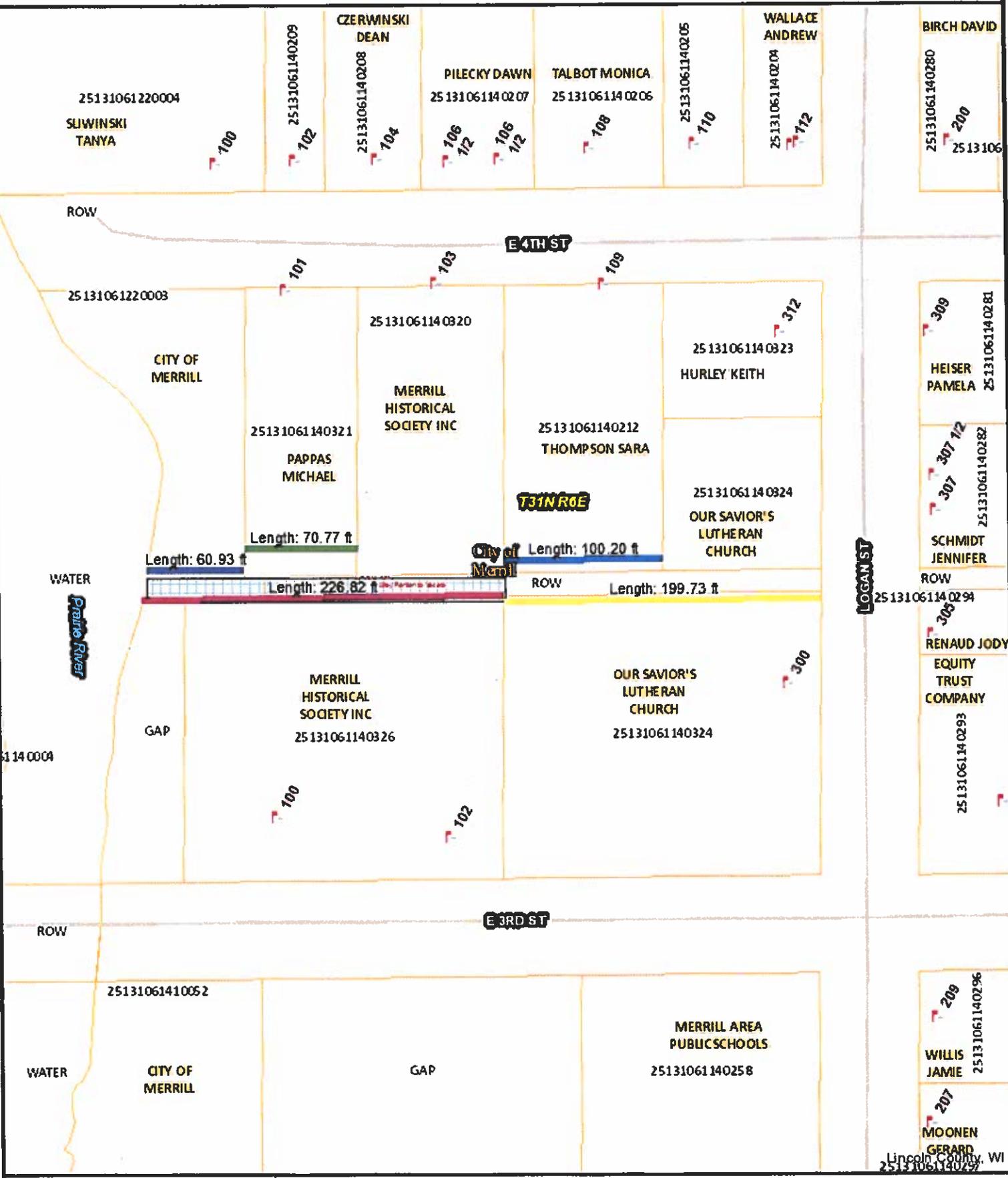
10. MAP OF AREA



**EXHIBIT "A"**

Alley to be vacated lying in the NW ¼ of the SE 1/4, Sec. 11, T31N R6E, City of Merrill, Lincoln County, Wisconsin. Beginning at the Northeast corner of Lot 12 of VR Willards Addition, thence North 16 feet to the North alley right-of-way line, thence west 223 feet to the Prairie River, thence south 16 feet to the South alley right-of-way line, thence East 223 feet to the point of beginning.

# Petition to Vacate EXHIBIT "B1"



Attachment: Petition to Vacate - Merrill Historical Society (4067) : Alley vacation petition - Merrill Historical Society)

Author: Merrill Historical Society  
Date Printed: 2/21/2019



The information depicted on this map is a compilation of public record information including aerial photography and other base maps. No warranty is made, express or implied, as to the accuracy of the information used. The data layers are a representation of current data to the best of our knowledge and may contain errors. It is not a legally recorded map and cannot be substituted for field-verified information. Map may be reproduced with permission of the Lincoln County Land Services Department. Map should be reported to Land Services Department, 801 North Sales St, Merrill, WI, 54452. Copyright © 2015 Phone (715) 835-3300

# HS EXHIBIT "B2"



Attachment: Petition to Vacate - Merrill Historical Society (4067) : Alley vacation petition - Merrill Historical Society)

Author: MPWD  
Date Printed: 3/8/2017



The information depicted on this map is a compilation of public record information including aerial photography and other base maps. No warranty is made, express or implied, as to the accuracy of the information used. The data layers are a representation of current data to the best of our knowledge and may contain errors. It is not a legally recorded map and cannot be reported to Land Services Department, 801 North Sales St, Merrill, WI, 54452. Copyright © 2015 Phone (715) 566-1063.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE VACATION OF AN ALLEY LOCATED IN LOT TWELVE OF VR WILLARDS ADDITION**

WHEREAS, the Merrill Historical Society requests the vacation of an alley, to facilitate construction of an addition to the Merrill Historical Society building, as well as additional landscaping, parking and related amenities and improvements; and,

WHEREAS, the alley to be vacated is described as: In the City of Merrill, Lincoln County, Wisconsin:

Alley to be vacated lying in the NW ¼ of the SE 1/4, Sec. 11, T31N R6E, City of Merrill, Lincoln County, Wisconsin: Beginning at the Northeast corner of Lot 12 of VR Willards Addition, thence North 16 feet to the North alley right-of-way line, thence west 223 feet to the Prairie River, thence south 16 feet to the South alley right-of-way line, thence East 223 feet to the point of beginning.

WHEREAS, the Board of Public Works on March 27, 2019 and the City Plan Commission on April 3, 2019 have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11<sup>th</sup> day of June, 2019, that the following described alley be vacated:

Alley to be vacated lying in the NW ¼ of the SE 1/4, Sec. 11, T31N R6E, City of Merrill, Lincoln County, Wisconsin: Beginning at the Northeast corner of Lot 12 of VR Willards Addition, thence North 16 feet to the North alley right-of-way line, thence west 223 feet to the Prairie River, thence south 16 feet to the South alley right-of-way line, thence East 223 feet to the point of beginning.

BE IT FURTHER RESOLVED, that the City hereby declares that the alley being vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

CITY OF MERRILL, WISCONSIN

Moved: \_\_\_\_\_

\_\_\_\_\_  
Derek Woellner  
Mayor

Passed: \_\_\_\_\_

\_\_\_\_\_  
William N. Heideman  
City Clerk

Attachment: Resolution to Vacate Alley for Merrill Historical Society (4067 : Alley vacation petition - Merrill Historical Society)

**Heideman, Bill**

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**From:** Woellner, Derek  
**Sent:** Wednesday, March 20, 2019 4:35 PM  
**To:** Heideman, Bill  
**Subject:** Fwd: Ord City Plan Membership  
**Attachments:** Ord City Plan Members 1.docx; ATT00001.htm

Hi Bill,

Can we get this on the next city plan commission agenda?

The change is that the chair of parks and rec used to automatically be on city plan, and now parks and rec wants to choose a member to serve rather than it just being the chair. This has already passed through parks and rec.

-Derek

Begin forwarded message:

**From:** "Wais, Diane" <[Diane.Wais@ci.merrill.wi.us](mailto:Diane.Wais@ci.merrill.wi.us)>  
**Date:** March 20, 2019 at 10:33:47 AM CDT  
**To:** "Woellner, Derek" <[Derek.Woellner@ci.merrill.wi.us](mailto:Derek.Woellner@ci.merrill.wi.us)>, "Wendorf, Dan" <[Dan.Wendorf@ci.merrill.wi.us](mailto:Dan.Wendorf@ci.merrill.wi.us)>  
**Cc:** "Hayden, Tom" <[Tom.Hayden@ci.merrill.wi.us](mailto:Tom.Hayden@ci.merrill.wi.us)>  
**Subject:** Ord City Plan Membership

Please review the attached Ordinance change for the makeup of the City Plan Commission. If this works for you, Derek, please send to Bill H. for the agenda for discussion purposes.

Thanks!!

Diane

Attachment: Agenda request for ordinance amendment on P & R member (4071 : Ordinance amendment to allow Park and Rec to select their

**CITY OF MERRILL**  
**1004 EAST FIRST STREET**  
**MERRILL, WI 54452-2586**

AN ORDINANCE: By City Plan and Parks and Recreation Commissions  
Re: Amending Chapter 2, Article VI, Section 2-142 – City Plan Commission

ORDINANCE NO. 2019-  
Introduced: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_  
Committee/Commission Action: \_\_\_\_\_

**AN ORDINANCE**

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

**Section 1.** Chapter 2, Article VI, Section 2-142 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 2-142. - City Plan Commission.

(a) *Composition.* The plan commission shall consist of the mayor who shall be the presiding officer, one alderperson and four citizens of the city, and **a member of the Parks and Recreation Commission, as selected by that Commission. If no Park and Recreation member is willing to serve, an additional citizen member shall be appointed by the Mayor. ~~the chairperson of the parks and recreation commission.~~** The city administrator, engineering department representative, city attorney and the community development representative shall attend all commission meetings as ex officio, nonvoting members unless excused by the presiding officer.

(b) *Aldersperson.* The alderperson of the plan commission shall be annually elected by a two-thirds vote of the common council at the council's organizational meeting.

(c) *Citizen members.* The four citizen members shall be appointed at the organizational meeting by the mayor, subject to council confirmation, to hold office for a period of three years.

(d) *Officers.* As soon as practical after May 1 of each year, the plan commission shall organize itself and elect a vice-chairperson, and other officers deemed necessary.

(e) *Record.* The plan commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all the members of the commission.

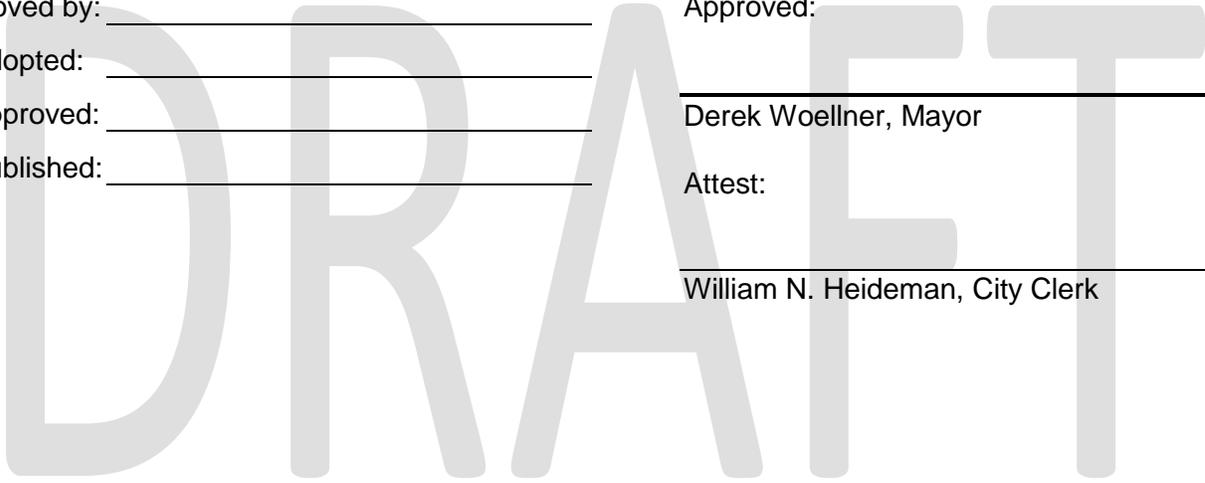
Attachment: Ordinance amendment on Park and Recreation member on City Plan (4071 : Ordinance amendment to allow Park and Rec to select

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Published: \_\_\_\_\_

Approved: \_\_\_\_\_  
Derek Woellner, Mayor  
Attest: \_\_\_\_\_  
William N. Heideman, City Clerk



**Heideman, Bill**

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**From:** Pagel, Darin  
**Sent:** Monday, March 25, 2019 8:47 AM  
**To:** Heideman, Bill  
**Subject:** City Plan

Bill, please add as a monthly item to City Plan agenda "Certified Survey Maps Approval/Disapproval"

Thanks, Darin

Attachment: Agenda request for new monthly report (4069 : Oral report from Building Inspector/Zoning Administrator Pagel on

**CITY OF MERRILL**  
 1004 EAST FIRST STREET  
 MERRILL, WI 54452

**NOTICE OF PUBLIC HEARING**

All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Wednesday, April 3, 2019**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

- 1.) C&D Excavating LLC, requesting the rezoning of vacant parcel on Alexander Street from R-2 to Industrial. Legally described as part of Assessor Plat 619 in GL 3 now known as Lot 3 of Certified Survey Map 2572 D0521636, City of Merrill, Lincoln County, Wisconsin. Parcel #251-3106-152-0264

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: March 6, 2019

CITY OF MERRILL, WISCONSIN

By: \_\_\_\_\_  
 William N. Heideman  
 City Clerk

# APPLICATION FOR ZONING AMENDMENT CITY OF MERRILL

NAME: C & D EXCAVATING STREET ADDRESS: W6976 SUNSET DRIVE <sup>MERRILL</sup>  
PROPERTY ADDRESS: SOUTH ALEXANDER TAX ROLL#: 25131061520264

LEGAL DESCRIPTION: \_\_\_\_\_

EXISTING USE: R2 PROPOSED USE: INDUSTRIAL

REASONS FOR REQUESTING A ZONE CHANGE: TREE FARM

### ADDITIONAL REQUIREMENTS

- 1.) Names and addresses of all abutting and opposite property owners within 300 feet of the property to be altered.
- 2.) Principal use of all properties within 300 feet of the property to be altered.
- 3.) A plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within 300 feet of the parcel.
- 4.) Any further information that may be pertinent in considering the application.
- 5.) FAILURE TO SUPPLY SUCH INFORMATION SHALL BE GROUNDS FOR DISMISSAL OF PETITION.
- 6.) A fee of \$175.00 shall be paid to the Clerk-Treasurer at time of application.

All information submitted is accurate to the best of my knowledge.

Darryl D. Johnson 1/25/19  
Signature of Applicant Date

Attachment: Zoning Amendment Application - C & D Excavating (4070 : Zoning amendment request from C & D Excavating)

