CITY OF MERRILL

COMMON COUNCIL

MINUTES • TUESDAY FEBRUARY 11, 2020

Regular Meeting | **City Hall Council Chambers** | **7:00 PM**

1. Call to Order

Mayor Woellner called the meeting to order at 7:00 P.M.

Attendee Name	Title	Status	Arrived
Paul Russell	Alderperson - First District	Present	
Steve Hass	Alderperson - Second District	Present	
Rick Blake	Alderperson - Third District	Excused	
Steve Osness	Alderperson - Fourth District	Present	
John M. Van Lieshout	Alderperson - Fifth District	Present	
Mike Rick	Alderperson - Sixth District	Excused	
Rob Norton	Alderperson - Seventh District	Present	
Steve Sabatke	Alderman - Eighth District	Present	
Derek Woellner	Mayor	Present	

2. Invocation by Pastor Paul Hohman, New Testament Church
3. Pledge of Allegiance
4. Roll Call
5. Public Comment Period

None.

6. Minutes of previous Common Council meeting(s):
   1. Minutes of January 14, 2020 meeting

Motion (Hass/Sabatke) to approve.

RESULT: **APPROVED**

7. Revenue & Expense Reports(s):
   1. Revenue & Expense Reports for periods ending December 31, 2019 and January 31, 2020.

Motion (Norton/Russell) to approve.

RESULT: **APPROVED**

8. General agenda items:
   1. Employee Years of Service Recognition:

Richard A. Sparks, 25 years (Fire Department)

City Clerk Heideman read a certificate of recognition for Richard Sparks.

Stacy D. Stevens, 20 years (Library)

City Clerk Heideman read a certificate of recognition for Stacy Stevens.

Christopher L. Graap, 20 years (Street Department)

City Clerk Heideman read a certificate of recognition for Christopher Graap.

9. Board of Public Works:

1. Consider proposal from Strand Associates for engineering work at Fire Station. Mayor Woellner is bringing this directly to the Common Council.

Motion (Norton/Van Lieshout) to approve the proposal. Motion carried 5-1 on roll call vote. Voting No - Alderman Sabatke.

2. Consider bids for purchase of pickup trucks (2) for Parks Department and Street Department. Mayor Woellner is bringing this directly to the Common Council.

Motion (Hass/Van Lieshout) to approve the bid of $62,487 from Brickner's Park City Inc. Motion carried 6-0 on roll call vote.

3. Consider proposals from Kimmons Roofing for City Hall and Librayr roof replacements. Mayor Woellner is bringing this directly to the Common Council.

Motion (Norton/Van Lieshout) to approve the proposal. Carried 6-0 on roll call vote.

10. 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 2020: February 21st, February 28th, March 6th, March 13th, March 20th, March 27th and April 3rd. The Health and Safety Committee recommends approval.

Motion (Van Lieshout/Hass) to approve.

RESULT: APPROVED

2. Consider application from Suttton's Wine Bar, LLC, Vanessa Lazarz, Agent, for a Class "B" (beer) and a "Class B" (liquor) license for Sutton's Wine Bar, 129 North Prospect Street, effective February 12th, 2020. The Health and Safety Committee recommends approval.

Motion (Norton/Sabatke) to approve.

RESULT: APPROVED

3. Consider application from Caylor's Trophy Bar, LLC, Michael J. Caylor, Agent, for a Class "B" (beer) and a "Class B" (liquor) license for The Trophy Bar, 808 East Main Street, effective February 12th, 2020. The Health and Safety Committee recommends approval.

Motion (Van Lieshout/Hass) to approve.

RESULT:	**APPROVED**

11. Placing Committee Reports on File:

    1. Consider placing the following committee reports on file: Airport Commission, City Plan Commission, Health & Safety Committee, Library Board, Parks & Recreation Commission and Personnel & Finance Committee.

    Motion (Norton/Osness) to place on file.

RESULT:	**PLACED ON FILE**

12. Mayor's Appointments:

    1. Katie Swope to the Transit Commission, term to expire May 1st, 2021. (Replacing Tony Kusserow, who has resigned).

    Motion (Hass/Russell) to approve the appointment.

RESULT:	**APPROVED**

13. Ordinances:

    1. An Ordinance Amending Code of Ordinances Chapter 113, Article V, Section 113-138, 139, 140, related to existing nonconforming uses (Ordinance #2020-01).

    Mayor Woellner requested that, in lieu of reading the ordinances in their entirety, Building Inspector/Zoning Administrator Pagel be directed to provide a verbal synopsis of all seven ordinances. Without objection, it was so ordered.

    Building Inspector/Zoning Administrator Pagel gave a verbal synopsis of each ordinance.

    City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Rob Norton, Alderperson - Seventh District
SECONDER:	John M. Van Lieshout, Alderperson - Fifth District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

    2. An Ordinance Amending Code of Ordinances Chapter 113, Article II, Section 113-38(h), (j), (k), related to residential district regulations (Ordinance 2020-02).

    City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

3. An Ordinance Amending Code of Ordinances Chapter 113, Article II, Section 113-40, related to thoroughfare commercial districts (Ordinance #2020-03).

City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Steve Sabatke, Alderman - Eighth District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

4. An Ordinance Amending Code of Ordinances Chapter 113, Article II, Section 113-41, related to business districts (Ordinance #2020-04).

City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

5. An Ordinance Amending Code of Ordinances Chapter 113, Article VI, Section 113-166, related to parking requirements (Ordinance #2020-05).

City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

6. An Ordinance Amending Code of Ordinances Chapter 113, Article VI, Section 168, related to off-street parking in residential areas (Ordinance #2020-06).

City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

7. An Ordinance Amending Code of Ordinances Chapter 113, Article XI, Section 113-317, related to accessory uses or structures (Ordinance #2020-07).

City Attorney Hayden read the ordinance by title only.

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

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

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Paul Russell, Alderperson - First District
AYES:	Russell, Hass, Osness, Van Lieshout, Norton, Sabatke
EXCUSED:	Blake, Rick

14. Resolutions:

1. A Resolution petitioning the Secretary of Transportation for Airport Improvement Aid (Resolution #2628).

WHEREAS, the City of Merrill, Lincoln County, Wisconsin hereinafter referred to as the sponsor, being a municipal body corporate of the State of Wisconsin, is authorized by Wis. Stat. §114.11, to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the sponsor desires to develop or improve the Merrill Municipal Airport, Lincoln County, Wisconsin,

"PETITION FOR AIRPORT PROJECT"

WHEREAS, the foregoing proposal for airport improvements has been referred to the city plan commission for its consideration and report prior to council action as required by Wis. Stat. §62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Wis. Stat. §114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and that the airport, which it is desired to develop, should generally conform to the requirements for a Local General Aviation type airport as defined by the Federal Aviation Administration.

NOW THEREFORE, BE IT RESOLVED, by the sponsor that a petition for federal and (or) state aid in the following form is hereby approved:

1. Replace dated nonfunctioning components of the Merrill Municipal Airport Automated Weather Observation System (AWOS) as needed. Erect FAA required associated monument calibrated to true north and verify/certify that the system is calibrated correctly.

2. Pavement repair, including crack filling with appropriate materials including mastic, and spraying of a FAA approved pavement preservation system. This work will be performed on all airport owned pavement surfaces.

3. Install three sets of aircraft tie downs at the new Terminal site, each set containing three separate tie downs. Aircraft tie downs will be constructed of poured concrete with central steel loops for tie downs points.

4. Repair existing T Hangar set to eliminate internal flooding of water, and ice by repair to the internal drains and to install an external trench drain system to carry water to the north to prevent pooling and flooding of the interior of the hangars under the doors.

5. Construct eight-unit T-Hangar to be built on the existing and designated/mapped site. Each unit will be separated within the building and will include an aviation style door access for aircraft. Construction will include blacktop pavements to allow access to and from existing taxi ways, and may also include installation of utilities such as gas, electric, water and sewer, and internet.

6. Extend current aircraft ramp at Champagne Street new Terminal area from the existing ramp to the west to allow for aircraft parking, which does not exist at this time.

7. Runway approach surveying to determine potential areas in need of clearing to protect the approaches to runways 7, 16, 25, and 34. Also to include the actual clearing of trees under the avigation rights held by the airport.

8. Purchase of a rotary broom attachment for our bi-directional tractor to be used in clearing snow form airport paved surfaces

The petitioner, desiring to sponsor an airport development project with Federal and State aid or State aid only, in accordance with the applicable State and Federal laws, respectfully represents and states:

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the sponsor by the Secretary; the sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the sponsor does not provide the same; in the event the sponsor unilaterally terminates the project, all reasonable Federal and State expenditures related to the project shall be paid by the sponsor; and

WHEREAS, the sponsor is required by Wis. Stat. §114.32(5) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

"DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR'S AGENT"

NOW THEREFORE, BE IT RESOLVED, by the sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such, in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse Federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Wis. Stat. §32.02; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all Federal and State laws, rules, and regulations relating to airport development projects.

FURTHER, the sponsor requests that the Secretary provide, per Wis. Stat. §114.33(8)(a), that the sponsor may acquire certain parts of the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

"AIRPORT OWNER ASSURANCES"

BE IT FURTHER RESOLVED that the sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Wis. Admin. Code Trans §55, or in accordance with sponsor assurances enumerated in a Federal grant agreement.

BE IT FURTHER RESOLVED THAT THE Airport Commission Chairman be authorized to sign and execute the agency agreement and federal block grant owner assurances authorized by this resolution.

Motion (Norton/Osness) to approve.

RESULT:	**APPROVED**

2. A Resolution authorizing an $80,000 loan from the State of Wisconsin Trust Fund (Resolution #2629).

WHEREAS, by the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed; and

WHEREAS, by the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statues means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of February, 2020, that the City of Merrill, in the County of Lincoln, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Eighty Thousand and 00/100 Dollars ($80,000.00) for the purpose of financing city hall roof repairs and for no other purpose.

The loan is to be payable within 10 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 3.25 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by the law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the city of Merrill, in the County of Lincoln, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of Merrill by such loan from the State be applied or paid out for any purpose except financing city hall roof repairs without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the Mayor and Clerk of the City of Merrill, in the County of Lincoln, Wisconsin, are authorized and empowered, in the name of the City to execute and deliver to the commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the City pursuant to this resolution. The Mayor and Clerk of the City will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the Clerk of this City forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Motion (Norton/Russell) to approve. Carried 6-0 on roll call vote.

3. A Resolution authorizing a $101,253.74 loan from the State of Wisconsin Trust Fund (Resolution #2630).

WHEREAS, by the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed; and

WHEREAS, by the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statues means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of February, 2020, that the City of Merrill, in the County of Lincoln, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of One Hundred One Thousand Two Hundred Fifty Three and 74/100 Dollars ($101,253.74) for the purpose of refinancing BCPL Loan #2005180 and for no other purpose.

The loan is to be payable within 5 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 3.25 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by the law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the city of Merrill, in the County of Lincoln, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of Merrill by such loan from the State be applied or paid out for any purpose except refinancing BCPL Loan #2005180 without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the Mayor and Clerk of the City of Merrill, in the County of Lincoln, Wisconsin, are authorized and empowered, in the name of the City to execute and deliver to the commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the City pursuant to this resolution. The Mayor and Clerk of the City will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the Clerk of this City forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Motion (Hass/Russell) to approve. Carried 6-0 on roll call vote.

15. Mayor's Communications

Mayor Woellner reported that two people have expressed interest in serving on a new housing committee currently being formed. He also noted that work is underway to implement an online method for people to volunteer to serve on various City committees/boards.

The Spring Primary Election will be held on Tuesday, February 18th. Mayor Woellner urged everyone to vote.

16. Adjournment

Motion (Norton/Van Lieshout) to adjourn. Carried. Adjourned at 7:58 P.M.