

CITY OF MERRILL COMMON COUNCIL

Wednesday, August 10, 2022 MINUTES

Regular Meeting City Hall Council Chambers 7:00 p.m.

- I. **Call to Order:** Mayor Hass called the meeting to order at 7:00 p.m. The following elected officials, department heads and residents were in attendance:

Elected Officials and Department Heads present: City Attorney – Tom Hayden, City Administrator – Dave Johnson, City Clerk – Lori Anderson-Malm, Facilities Maintenance Manager – Nick Wszalek, Finance Director – Kathy Unertl, Fire Chief – Josh Klug, Police Chief – Corey Bennett, Public Works Director/ City Engineer – Rod Akey, Building Inspector/Zoning Administrator – Darin Pagel, Park & Recreation Director – Dan Wendorf, Utility Operations Manager – Gabe Steinagel, Street Superintendent – Dustin Bonack, Merrill Enrichment Director – Tammie Mrachek and Merrill Productions.

Department Heads excused: Transit Administrator – Brad Brummond.

Residents in attendance: Al Wix, Pastor Mike Zahn, Diane Zahn, Kyle Gulke, Derek Woellner and Eric Pfantz

- II. **Invocation** by Pastor Mike Zahn – Christ United Methodist Church
- III. **Pledge of Allegiance** was recited.
- IV. **Roll Call** was taken and the following alderperson's were in attendance:

Paul Russell – First District	Present
Michael "Gus" Caylor – Second District	Present
Rick Blake – Third District	Excused
LaDonna Fermanich – Fourth District	Present
Dick Lupton – Fifth District	Present
Mike Rick – Sixth District	Present
Mark Weix – Seventh District	Present
Steve Sabatke – Eighth District	Present

- V. **Public Comment** – There was no public comment.
- VI. **Minutes of previous Common Council meeting** – July 12 and August 3, 2022

Alderson Russell made a motion to approve the minutes from the July 12 and August 3, 2022 Common Council meetings. Alderson Lupton seconded and the motion passed.

VII. Revenue & Expense Reports:

Alderson Caylor made a motion to approve the revenue and expense reports ending July 31, 2022. Alderson Weix seconded and the motion passed.

VIII. General Agenda Items:

1. Employee Years of Service Recognition:

Mayor Hass thanked all the employees for their service.

2. Consider agent change for Krist Oil Company to Kevin Erickson.

Alderson Rick made a motion to change the agent for Krist Oil Company to Kevin Erickson. Alderson Weix seconded and the motion carried.

3. Consider a Temporary Class “B” picnic license to sell fermented malt beverages for Merrill Rangers for August 12, 13, 14, 2022 in conjunction with the WBA Semi Finals.

Alderson Caylor made a motion to approve the temporary class “B” picnic license for the Merrill Rangers for August 12, 13, 14 2022. Alderson Lupton seconded and the motion carried.

IX. Health & Safety Committee:

1. Consider a Temporary Class “B” picnic license for Trinity Lutheran Church for August 28 at Trinity Lutheran Church in conjunction with the Merrill Block Party.

Alderson Sabatke made a motion to approve the temporary class “B” picnic license for Trinity Lutheran Church for August 28. Alderson Rick seconded and the motion carried.

X. Personnel & Finance Committee:

1. Consider the 2023-2024 contract with Bowmar Appraisal, Inc. for Maintenance & Market Revaluation.

Alderson Caylor made a motion to refer this back to the Personnel & Finance Committee for further consideration. Alderson Rick seconded the motion for discussion.

Aldersperson Caylor stated he would like to see this go out for bids. Finance Director Unertl stated the database is proprietary and appraiser Koski should be advised. It was suggested appraiser Koski be invited to the next Personnel & Finance meeting to discuss.

There was a motion and a second to send this back to the Personnel & Finance committee for further consideration. The motion passed on a voice vote.

XI. Place Committee Reports on File:

- 1. Consider placing the following committee reports on file: Merrill Housing Authority, Personnel & Finance Committee, Parks & Recreation Commission, Airport Commission, Committee of the Whole, Library Board, Marketing & Communications Committee, Board of Public Works and Committee of the Whole (various meetings from 2021).**

Aldersperson Russell made a motion to place the committee reports on file.

Aldersperson Lupton seconded and the motion carried.

XII. Ordinances:

- 1. An Ordinance amending Chapter 2, Article II, Section 2-59, Polling Places.**

City Attorney Hayden read the change in the ordinance. Aldersperson Caylor made a motion to suspend the rules and have the second and third readings by title only.

Aldersperson Russell seconded and the motion carried.

City Attorney Hayden read the second and third readings of the ordinance by title only.

Aldersperson Fermanich made a motion to approve the change in the ordinance.

Aldersperson Caylor seconded. A roll call vote was taken. Aldersperson's Russell, Caylor, Fermanich, Lupton, Weix and Sabatke voted yes. Aldersperson Rick voted no. The motion passed on a 6-1 roll call vote.

XIII. Resolutions:

- 1. A Resolution supporting state legislative actions to reject the certified results of the 2020 Presidential elections. This was brought to the Common Council by Aldersperson Fermanich.**

WHEREAS the Wisconsin Supreme Court ruled on July 8, 2020 in Tieggen V. Wisconsin Election Commission (WEC) (No. 2022AP91) that only through legislative laws, could absentee voting via ballot drop boxes be legally permitted;

AND WHEREAS the WEC Memos issued regarding the use of voter drop boxes in the 2020 Presidential Election in the state of Wisconsin were not reflective of legislative laws, actions, or rulings;

AND WHEREAS, it has been confirmed that voter drop boxes were illegally authorized to be used and located throughout the state of Wisconsin and adjacent to the Flag Pole at Merrill City Hall, 1004 East First Street, Merrill, WI for the 2020 Presidential Election;

AND WHEREAS the Wisconsin Supreme Court has declared that all votes cast in these drop boxes are illegal and invalid having resulted in the certification of an illegal election;

AND WHEREAS it has also been documented through investigations by the Racine County Sheriff's Department and former Wisconsin Supreme Court Justice Michael Gableman that Special Voting Deputies were not properly used in nursing home facilities based on instruction from WEC Memos rather than legislative laws during the 2020 Presidential Elections;

AND WHEREAS [MyVote.wi.gov](https://myvote.wi.gov) has recently issued requested absentee ballots of Wisconsin Legislative Speaker of the House Robin Vos and Racine Mayor Cory Mason to an individual and address other than that of Vos and Mason;

AND WHEREAS we, as elected members of the City of Merrill City Council swore an oath to protect the Constitution of the United States of America, and the State of Wisconsin;

NOW, THEREFORE BE IT RESOLVED that we expect our elected state representatives, Calvin T. Callahan Assembly District 35, and Mary Felzkowski Senate District 12 to do the same by working with Rep. Brandtjen (R-Menominee Falls), Rep. Ramthun's (R-Campbellsport), and other state representatives to ensure election integrity and correct all fraud and weaknesses identified in the 2020 Election by any legal method available to the legislative body including reclaiming of the 10 Electoral College votes cast for Mr. Joseph R. Biden.

AND BIT IT FURTHER RESOLVED, we ask and encourage the Wisconsin State Legislature to do everything in their power to dissolve and defund the WEC and put the responsibility of election integrity into the hands of the elected position of Secretary of

State, and the Wisconsin Legislature in order to ensure that the Constitutional right to vote in elections be conducted according to law.

Aldersperson Rick made a motion to table the resolution. Aldersperson Weix seconded. A roll call was taken and carried on a 5-2 vote. Aldersperson's Russell, Caylor, Lupton, Rick and Weix voted yes. Aldersperson's Fermanich and Sabatke voted no.

XIV. Mayor's Communications:

Mayor Hass made the following announcements:

August 13 – Food for Kids at the VFW Post

August 17-21 is the Lincoln County Fair

The Labor Day Parade and Car Show at the Festival Grounds will be Monday, September 5th

The Clerk/Treasurer's office will be closed the week of August 22nd for carpet replacement.

August 19th the Aquatic Center will close for the summer.

The quilt show that was held at the Expo Center was a success.

Pork in the Park has been cancelled.

The next regular scheduled meeting will be Tuesday, September, 13 at 7:00 PM

XV. Adjournment:

Mayor Hass asked for a motion to adjourn. Aldersperson Rick made a motion to adjourn. Aldersperson Lupton seconded and the motion passed.

The meeting was adjourned at 7:17 PM.

Minutes respectfully submitted by Lori L Anderson-Malm – City Clerk.