



CITY OF MERRILL
COMMON COUNCIL
MINUTES • TUESDAY JUNE 11, 2019

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	Aldersperson - First District	Present	
Steve Hass	Aldersperson - Second District	Present	
Rick Blake	Aldersperson - Third District	Present	
Steve Osness	Aldersperson - Fourth District	Present	
John M. Van Lieshout	Aldersperson - Fifth District	Excused	
Dave Sukow	Aldersperson - Sixth District	Present	
Rob Norton	Aldersperson - Seventh District	Present	
Tim Meehean	Aldersperson - Eighth District	Present	
Derek Woellner	Mayor	Present	

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

LaDonna Fermanich (on behalf of Mark Bares), Alderman Meehean and Eric Dayton made comments related to the most recent tax bills and the upcoming recall elections.

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

1. Minutes of May 14, 2019 and June 4, 2019 Common Council meetings

Motion (Osness/Hass) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for Period Ending May 31, 2019

Motion (Norton/Russell) to approve.

RESULT: APPROVED

8. Election Items:

1. Consider relocating polling place for Aldermanic District 6, from the T.B. Scott Library to City Hall, for the election(s) on July 16th, 2019 and August 13th, 2019 (if necessary). T.B. Scott Library will be unavailable to use as a polling place due to ongoing repairs.

Motion (Norton/Meehean) to relocate the polling place for Aldermanic District 6, from the T.B. Scott Library to City Hall, for the election(s) on July 16th, 2019 and August 13th, 2019 (if necessary).

RESULT: APPROVED

2. Discuss polling places as related to Merrill-Go-Round bus routes. Agenda item requested by Alderman Blake.

The Merrill-Go-Round does not include the Merrill Area Recreational Complex as part of its normal service area, although it does go there for special events and groups. The fact that it is not in the normal service area could potentially prevent voters in Aldermanic Districts four and five from using the Merrill-Go-Round for transportation in order to vote on election days.

After discussion, it was agreed that this issue would be placed on the next Transit Commission meeting agenda. No action was taken at this time.

3. Consider vote tabulation options (optical scan vs. hand count) for recall primaries/recall elections. This item was referred from the June 4th, 2019 Common Council meeting.

Motion (Osness/Hass) to petition the Wisconsin Elections Commission to permit the use of paper ballots, which would be hand-counted, for the five City of Merrill aldermanic recall primaries/recall elections scheduled for July 16th, 2019 and (if necessary) August 13th, 2019.

RESULT: APPROVED

9. Board of Public Works:

1. Consider lease between City of Merrill and Merrill Area Public Schools for rental space in the lower level of City Hall commonly known as the old Senior Center/Merrill Area Enrichment Center. The Board of Public Works recommends approving a three-year lease agreement, with a \$400 monthly rental rate.

Motion (Norton/Hass) to approve the Board of Public Works recommendation. Alderman Osness announced that he would be abstaining.

RESULT: APPROVED

2. Street Use Permit application from Ballyhoo's to close Prospect Street (from Grand Avenue to West Main Street) from 11:00 A.M. to 11:00 P.M. on Saturday, July 27th, 2019, for Lobsterfest event. The Board of Public Works recommends approval.

Motion (Hass/Russell) to approve.

RESULT: APPROVED

3. Street User Permit application from Ott's Garage Youth Center to close a portion of the street in the vicinity of Ott's Garage, 805 East Main Street, from 3:00 P.M. to 9:00 P.M. on Friday, June 21st, 2019, in conjunction with an extreme sports/music youth event. Alderman Sukow is bringing this application directly to the Common Council.

Motion (Sukow/Hass) to approve.

RESULT: APPROVED

4. Consider bids on M2019-3 Street Utility Project. Mayor Woellner is bringing the bids directly to the Common Council.

Information on the bids was in the meeting packet. Three bids were received.

Public Works Director/City Engineer Akey provided verbal information on the bidders and bids. A representative from the low bidder, Jake's Excavating & Landscaping, also answered questions.

Motion (Meehean/Hass) to approve the bid of \$965,219.55 from Jake's Excavating & Landscaping, Ironwood, MI.

RESULT: APPROVED

10. Community Development Committee:

1. Consider \$20,000 Economic Development loan to Ana Blair's Boutique, LLC, for business expansion. The loan would be for a 7-year term with a 2% annual interest rate. The loan would be secured with a Uniform Commercial Code (UCC) on the equipment and inventory, and also with personal guarantees. The Community Development Committee recommends approval.

Motion (Norton/Osness) to approve.

RESULT: APPROVED

11. Festival Grounds Committee:

1. Consider authorizing funding for emergency repairs to Festival Grounds Cattle Barn. Mayor Woellner is bringing this item directly to the Common Council.

Motion (Meehean/Osness) to approve the emergency repairs.

RESULT: APPROVED

12. Health and Safety Committee:

1. Request from Ballyhoo's for an extension of premises to sell alcoholic beverages from Ballyhoo's (124 N. Prospect Street) to a fenced in area east of their front door into Cenotaph Park next to Park Place on July 27, 2019, in conjunction with Merrill Lobsterfest. The Health and Safety Committee recommends approval.

Motion (Sukow/Russell) to approve.

RESULT: APPROVED

2. 2019-2020 Liquor License Renewal Applications. On May 20th, 2019, the Health and Safety Committee referred all the license applications to the Common Council.

City Clerk Heideman reported that Lee's Piggy Wiggly has verbally requested that their license application be withdrawn and that they be issued a refund of their license payment. The refund request has been granted, and City Clerk Heideman requested that the request to withdraw their application be approved. Without objection, it was so ordered.

Motion (Meehean/Osness) to approve all the licenses on this list, with the exception of Lee's Piggly Wiggly.

RESULT: APPROVED

3. Application from VFW Post 1638 for a temporary Class "B" (picnic) license to sell fermented malt beverages in the VFW fair stand and in an area under the grandstand at the Merrill Festival Grounds during the Merrill Tractor Pull, June 29, 2019. Alderman Sukow is bringing this application directly to the Common Council.

Motion (Sukow/Blake) to approve.

RESULT: APPROVED

4. Application from the Merrill Historical Society for a temporary Class "B" (picnic) license to see fermented malt beverages in the Expo Center (Merrill Festival Grounds) on June 15th, 2019, in conjunction with a "Summer Slamboree" wrestling event. Alderman Sukow is bringing this application directly to the Common Council.

Motion (Sukow/Norton) to approve.

RESULT:	APPROVED
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13. Personnel and Finance Committee:

1. Discuss 2020 budget target/goals. The Personnel and Finance Committee proposes a “best case scenario” of a 0% change in the City budget for next year, and that the “worst case scenario” would be a budget change equal to the change in the Consumer Price Index.

This item was for discussion purposes only, and no action was necessary, requested or taken.

14. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Board of Public Works, City Plan Commission, Community Development Committee, Health & Safety Committee, Library Board, Merrill Enrichment Center Committee, Parks & Recreation Commission, Personnel & Finance Committee, Redevelopment Authority, Water & Sewage Committee and Zoning Board of Appeals.

Motion (Sukow/Norton) to place on file.

RESULT:	PLACED ON FILE
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15. Mayor's Appointments

Mike Geisler to the Library Board, term to expire June 30, 2022

Ken Maule to the Redevelopment Authority, term to expire September, 2021

Elizabeth McCrank to the Historic Preservation Committee, term to expire May 1, 2022

Pastor Lucas Williams to the Merrill Enrichment Center Committee, term to expire May 1, 2020

Motion (Meehean/Norton) to consider and act on each of the proposed appointments individually. Motion failed.

Motion (Russell/Osness) to approve all appointments as submitted.

RESULT:	APPROVED
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16. Ordinances:

None.

17. Resolutions:

1. A Resolution for a Conditional Use Permit for storage buildings on Highland Drive, for Lokemoen Development Company.

WHEREAS, Lokemoen Development Company has requested a Conditional Use permit pursuant to the Merrill Zoning Code Chapter 113-97 for the purpose of the development of storage buildings on the following described property:

Lots 1 and 2 of Certified Survey Map 2647, within the City of Merrill, Lincoln County, Wisconsin; and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on June 4, 2019 due public notice having been given and opportunity given to those interested to speak on the application; and,

WHEREAS, the City Plan Commission has reviewed the Application and has recommended disapproval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of June, 2019, that a Conditional Use permit shall (shall not) be issued to Lokemoen Development Company for the purpose of developing storage buildings on the aforesaid described property.

Motion (Hass/Blake) to disapprove.

RESULT:	DISAPPROVED
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2. A Resolution approving a Conditional Use Permit for storage buildings to be located on South Center Avenue (Hwy K), for Bryan Hoffman (Resolution #2595).

WHEREAS, Bryan Hoffman has requested a Conditional Use permit pursuant to the Merrill Zoning Code Chapter 113-97 for the purpose of the development of storage buildings on the following described property:

(See Attached Legal Description); and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on June 4, 2019, due public notice having been given, and opportunity given to those interested to speak on the application; and,

WHEREAS, the City Plan Commission has reviewed the Application, found that it does meet the requirements of Merrill Zoning Code Chapter 113-97 and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of June, 2019, that a Conditional Use permit shall be issued to Bryan Hoffman for the purpose of developing storage buildings on the aforesaid described property.

Motion (Hass/Norton) to approve.

RESULT: APPROVED

3. A Resolution authorizing a Development Agreement by and between the City, Timothy & Nikki Conjurske, and Golden Harvest Foods, LLC (Resolution #2596).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 on September 13, 2005 and the redevelopment site is within TID No. 3; and,

WHEREAS, Timothy & Nikki Conjurske and Golden Harvest Foods LLC has proposed construction of a new natural and organic food store with a from-scratch deli; and,

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

WHEREAS, additional property tax will be generated and new jobs created from this redevelopment project; and,

WHEREAS, Timothy & Nikki Conjurske and Golden Harvest Foods LLC has negotiated the development agreement to provide for transfer of Lot 3 property ownership and an incentive payment not to exceed \$200,000 to facilitate the commercial development project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of June, 2019, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Timothy & Nikki Conjurske and Golden Harvest Foods LLC and to facilitate the implementation thereof.

Motion (Meehean/Russell) to approve.

RESULT: APPROVED

4. A Resolution authorizing an amended Development Agreement by and between the City and DJC LLC (Resolution #2597).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 6 on May 12, 2009 and the redevelopment site is within TID No. 6; and,

WHEREAS, Resolution Number 2493 adopted on February 14, 2017 authorized a development agreement between the City of Merrill and DJC LLC for new commercial building construction at 900 East 1st Street; and

WHEREAS, DJC LLC has proposed construction of an expanded new commercial building at 900-902 East 1st Street; and,

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

WHEREAS, additional property tax will be generated and new jobs created from this redevelopment project; and,

WHEREAS, DJC LLC has negotiated the development agreement to provide for an incentive payment not to exceed \$60,000 to facilitate the commercial development project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of June, 2019, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and DJC LLC and to facilitate the implementation thereof.

Motion (Meehean/Norton) to approve.

RESULT:	APPROVED
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5. A Resolution authorizing the vacation of an alley located in Lot Twelve of the VR Willards Addition, to facilitate construction of an addition to the Merrill Historical Society building (Resolution #2598).

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 11th 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.

Motion (Hass/Norton) to approve.

RESULT:	APPROVED
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6. A Resolution approving the 2018 Compliance Maintenance Annual Report for the City of Merrill Wastewater Treatment Plant (Resolution #2599).

WHEREAS, the City of Merrill is required by the Wisconsin Department of Natural Resources (WDNR) to complete a Compliance Maintenance Annual Report on its Wastewater Treatment Plant; and

WHEREAS, the Water and Sewage Committee, of the City of Merrill, has reviewed the Compliance Maintenance Report for the year 2018, and has determined that it reflects the performance of the Wastewater Treatment Plant during 2018; and

WHEREAS, the report indicates a need for continued improvements at the Wastewater Treatment Plant and its operations to meet the requirements set forth by the WDNR;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN, this 11th day of June, 2019, that:

1. The Compliance Maintenance Annual Report for 2018 is hereby approved and authorized to be filed with the WDNR.
2. That the Compliance Maintenance Annual Report for 2018 is an accurate indication of the performance of the City of Merrill Wastewater Treatment Plant for the year 2018.

Motion (Norton/Osness) to approve.

RESULT:	APPROVED
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18. Mayor's Communications

Mayor Woellner urged everyone to get outside and enjoy the pleasant weather.

19. Adjournment

Motion (Norton/Russell) to adjourn. Carried. Adjourned at 8:25 P.M.