



CITY OF MERRILL
COMMON COUNCIL
MINUTES • TUESDAY JUNE 8, 2021

Regular Meeting

City Hall Council Chambers

6:00 PM

1. Call to Order

Mayor Woellner called the meeting to order at 6:03 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	Present	
Mike Rick	Aldersperson - Sixth District	Present	
Mark Weix	Aldersperson - Seventh District	Present	
Steve Sabatke	Aldersperson - Eighth District	Present	
Derek Woellner	Mayor	Present	

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

Greg Hartwig explained why he is not in favor of any type of COVID-19 vaccine incentive. He added that he feels that the funds that would be used for incentive(s) could be better used for other projects.

Lori Anderson-Malm stated that she is against government involvement in COVID-19 vaccines and incentives. In her opinion, this should be a personal choice.

LaDonna Fermanich stated that, in her opinion, COVID-19 vaccines are not governmental issues. She added that, while she admires Mayor Woellner's passion about COVID-19 vaccine incentive possibilities, she wished he would have had equal passion for other issues. She urged the Common Council to reject any and all COVID-19 vaccine incentive plans.

Kenneth Zastrow remarked that he agreed with everything LaDonna Fermanich said earlier.

Christine Vorpapel stated that, in her opinion, the City needs to develop and implement a marketing plan.

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

1. Minutes of May 11, 2021 meeting

Motion (Osness/Rick) to approve.

RESULT:	APPROVED
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7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for Period Ending May 31, 2021

Motion (Hass/Russell) to approve.

RESULT:	APPROVED
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8. General Agenda Items:

1. Consider potential COVID-19 vaccination lottery incentive. Mayor Woellner is bringing this agenda item directly to the Common Council.

Motion (Rick/Van Lieshout) to table. Motion to table carried 6-2 on roll call vote. Voting No - Alderman Blake and Alderman Weix.

RESULT:	TABLED
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9. Committee of the Whole:

1. The Committee of the Whole recommends designating \$70,000 of the American Rescue Plan (ARP) Federal Grant Program funds to fund the American Rescue Plan Act Funding grant program for organizations holding local events/programs.

Motion (Van Lieshout/Sabatke) to approve.

RESULT:	APPROVED
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2. The Committee of the Whole recommends approving the request (\$15,000) from the Merrill Youth Softball Association for American Rescue Plan Act Funding grant funds.

Motion (Osness/Blake) to approve

RESULT:	APPROVED
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10. Health and Safety Committee:

1. The Health and Safety Committee recommends approving the applications from the Lincoln County Fair Association for five temporary Class "B" (picnic) licenses to sell fermented malt beverages at the Alumni Tent, the VFW stand and the Eagle's stand (all at the Merrill Festival Grounds) during the Lincoln County Free Fair, August 11-August 15, 2021.

Motion (Russell/Rick) to approve.

RESULT:	APPROVED
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2. The Health and Safety Committee recommends approving the 2021-2022 Liquor License Applications (per list).

Motion (Blake/Hass) to approve,

RESULT:	APPROVED
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3. Consider applications from the Merrill Fastpitch and Merrill Youth Softball Association for three temporary Class "B" (picnic) licenses to sell fermented malt beverages at the softball fields at the Merrill Area Recreation Complex (MARC), 1100 MARC Drive, on July 23-25, 2021, in conjunction with the Merrill Fastpitch Tournament. Alderman Osness is bringing these applications directly to the Common Council.

Motion (Osness/Van Lieshout) to approve.

RESULT:	APPROVED
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11. Personnel and Finance Committee:

1. The Personnel and Finance Committee recommends implementing a utility employee "in-house" program for cross connection inspections. At a meeting on April 28th, 2021, the Water and Sewage Disposal Committee recommended implementing an in-house cross connection inspection program, and referred this recommendation to the Personnel and Finance Committee.

Motion (Hass/Blake) to approve.

RESULT:	APPROVED
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12. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Committee of the Whole, Festival Grounds Committee. Library Board, Merrill Enrichment Center Committee, Redevelopment Authority, Transit Commission, Water & Sewage Disposal Committee and Zoning Board of Appeals.

Motion (Rick/Weix) to place on file.

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

Josh Jaeger, Enrichment Center Committee, term to expire May 1, 2022

Motion (Hass/Osness) to approve.

RESULT:	APPROVED
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14. Ordinances:

1. An Ordinance Amending Code of Ordinances Chapter 2, Article IV, Section 2-81, to create Marketing and Communications Committee (Ordinance #2021-09).

City Attorney Hayden gave the ordinance a third reading by synopsis.

Motion (Hass/Blake) to amend by changing the composition of the committee to specify that only the three alderpersons would be voting members. All other committee members would be non-voting. Motion to amend carried.

RESULT:	APPROVED, AS AMENDED [6 TO 2]
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Rick Blake, Alderperson - Third District
AYES:	Russell, Hass, Blake, Van Lieshout, Weix, Sabatke
NAYS:	Osness, Rick

2. An Ordinance amending Code of Ordinances Chapter 2, Article III, Section 2-81, to merge the Water and Sewage Disposal Committee into the Board of Public Works (Ordinance #2021-10).

City Attorney Hayden gave the ordinance a first reading by synopsis.

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

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	John M. Van Lieshout, Alderperson - Fifth District
AYES:	Russell, Hass, Blake, Osness, Van Lieshout, Rick, Weix, Sabatke

15. Resolutions:

Note: Mayor Woellner requested that the order of agenda items be changed to consider the Resolution creating Tax Incremental District No. 14 before the Resolution related to a Development Agreement with Rain Auto Wash LLC. Without objection, it was so ordered.

1. A Resolution creating Tax Incremental District No. 14, approving its project plan and establishing its boundaries (Resolution #2685).

WHEREAS, the City of Merrill (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 14 (the "District") is proposed to be created by the City as a blighted area district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;

- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to owners of all property in the proposed district, to the chief executive officers of Lincoln County, the Merrill Area School District, and the Northcentral Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Redevelopment Authority, on May 25, 2021 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Redevelopment Authority designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Merrill that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 14, City of Merrill", are hereby established as specified in Exhibit A of this Resolution.
2. The District is created effective as of January 1, 2021.
3. The Common Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is a blighted area within the meaning of Wisconsin Statutes Section 66.1105(2)(ae)1.
 - (b) Based upon the finding stated in 3.a. above, the District is declared to be a blighted area district based on the identification and classification of the property included within the District.
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.

- (e) That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.
 - (f) The City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
 - (g) The project costs relate directly to promoting the elimination of blight of the area consistent with the purpose for which the District is created.
4. The Project Plan for "Tax Incremental District No. 14, City of Merrill" (see Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2021, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Motion (Weix/Russell) to approve.

RESULT:	APPROVED
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2. A Resolution authorizing a Development Agreement by and between the City and Rain Auto Wash LLC (Resolution #2686).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No.14 on June 8, 2021 and the redevelopment site is within TID No. 14; and,

WHEREAS, Rain Auto Wash LLC has proposed acquisition of the former real estate office site at 2806 - 2808 East Main Street; demolition of existing building; and construction of new car wash and showroom; 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 from this redevelopment project; and,

WHEREAS, Rain Auto Wash LLC has negotiated the development agreement to provide an incentive payment not to exceed \$130,000 to facilitate the commercial redevelopment project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of June, 2021, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Rain Auto Wash LLC and to facilitate the implementation thereof.

Motion (Van Lieshout/Blake) to approve.

RESULT:	APPROVED
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3. A Resolution approving the 2020 Compliance Maintenance Annual Report for the City of Merrill Wastewater Treatment Plant (Resolution #2687).

Note: City Attorney Hayden noted that the Water and Sewage Committee has not reviewed the report, but that the City staff and the Common Council have reviewed it. He requested that, if the resolution is adopted, the language be changed to reflect those facts. Without objection, it was so ordered.

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 2020, and has determined that it reflects the performance of the Wastewater Treatment Plant during 2020; 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 8th day of June, 2021, that:

1. The Compliance Maintenance Annual Report for 2020 is hereby approved and authorized to be filed with the WDNR.
2. That the Compliance Maintenance Annual Report for 2020 is an accurate indication of the performance of the City of Merrill Wastewater Treatment Plant for the year 2020.

Motion (Weix/Blake) to approve.

RESULT:	APPROVED
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16. Mayor's Communications

Mayor Woellner reported that 2021 Gazebo Nights are scheduled and will be starting on Thursdays soon. The first show of the season will be July 8th. Gazebo Nights are held at Normal Park.

City Administrator Johnson provided information on the City 2021 Fourth of July fireworks show. This event will be held at the Merrill Area Recreation Complex (MARC) on Sunday, July 4th. The show begins at dusk.

17. Adjournment

Motion (Russell/Hass) to adjourn. Carried. Adjourned at 6:52 P.M.