



CITY OF MERRILL

COMMON COUNCIL

MINUTES • TUESDAY DECEMBER 10, 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	Present	
Mike Rick	Aldersperson - Sixth District	Present	
Rob Norton	Aldersperson - Seventh District	Present	
Steve Sabatke	Alderman - Eighth District	Present	
Derek Woellner	Mayor	Present	

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

Based on the assumption that public comment would be allowed during consideration of the Merrill Ice Drags ordinance, Mayor Woellner requested that, at this time, public comment be limited to issues not on this meeting agenda.

There was no public comment.

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

1. Minutes of November 12, 2019 meeting and November 19, 2019 meeting
Motion (Norton/Osness) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for Period Ending November 30, 2019
Motion (Norton/Russell) to approve.

RESULT: APPROVED

8. General agenda items:

1. Employee Years of Service Recognition:

William F. Hauswirth, 20 years (Parks & Recreation)

City Clerk Heideman read a certificate of recognition for William Hauswirth.

9. Health and Safety Committee:

1. Application from River Country Cooperative, Becky Guite, Agent, for a Class "A" (beer) and a "Class A" (liquor) license for Merrill Cenex, 1300 N. Center Ave., effective December 11, 2019. Alderman Hass is bringing this application directly to the Common Council.

Motion (Hass/Osness) to approve.

RESULT:	APPROVED
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2. Application from VFW Post 1638 Auxiliary for a temporary Class "B" (picnic) license to sell fermented malt beverages at the Agra Pavilion, 404 S. Park St., on Saturday, January 18th, 2020, in conjunction with the Auxiliary Chili Cookoff event. The Health and Safety Committee recommends approval.

Motion (Van Lieshout/Russell) to approve.

RESULT:	APPROVED
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3. Application from the Merrill Historical Society, 100 East Third Street, for a temporary Class "B" (picnic) license to sell fermented malt beverages in the Expo Center (303 N. Sales St.) on Saturday, December 14th, 2019, in conjunction with a "Season's Beatings" wrestling event. The Health and Safety Committee recommends approval.

Motion (Norton/Rick) to approve.

RESULT:	APPROVED
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10. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Board of Public Works, Committee of the Whole, Health & Safety Committee, Library Board, Parks & Recreation Commission, Personnel & Finance Committee, Redevelopment Authority, Transit Commission and Zoning Board of Appeals.

Motion (Norton/Rick) to place on file.

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

1. Jeremy Thompson to the Zoning Board of Appeals, replacing Eric Ott, who has resigned, term to expire 5/1/2022
2. Clyde Nelson to the Redevelopment Authority, term to expire 9/2024
3. Lori Anderson-Malm to the Redevelopment Authority, replacing Dan Koblit, who has resigned, term to expire 9/2023
4. Election Officials for 2020-2021

Motion (Norton/Blake) to approve all the Mayor's appointments as presented.

RESULT:	APPROVED
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12. Ordinances:

1. An Ordinance amending Code of Ordinances Chapter 32, Article III, Section 36-60, 61 & 62, related to City sidewalk repair/maintenance policies. (Ordinance #2019-08).

City Attorney Hayden gave the ordinance a first reading by title only, and then provided a brief synopsis of the ordinance. .

Motion (Norton/Blake) 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:	Rob Norton, Alderperson - Seventh District
SECONDER:	Steve Osness, Alderperson - Fourth District
AYES:	Russell, Hass, Blake, Osness, Van Lieshout, Rick, Norton, Sabatke

2. An Ordinance adding to Code of Ordinances Chapter 26, related to the Merrill Ice Drags (Ordinance #2019-09).

City Attorney Hayden gave the ordinance a first reading.

Alderman Norton suggested that at this time the rules be suspended and the public be allowed to provide input on the ordinance. Without objection, it was so ordered.

Several people spoke in favor of the ordinance. Mayor Woellner also shared comments that he had heard related to the ordinance and the Merrill Ice Drags.

Motion (Norton) to deny the ordinance. Motion failed due to lack of a second.

Motion (Sabatke/Van Lieshout) to table the ordinance at this time, review it and make potential amendments and then have the Common Council reconsider the ordinance as soon as possible. After discussion, Alderman Sabatke requested that his motion be withdrawn. Without objection, it was so ordered.

Motion (Sabatke/Russell) to amend the ordinance in three places, as follows:

1. The last sentence of Section 4, Paragraph B, would be deleted: That sentence reads as follows: "Pursuant to § 30.81(4), Wis. Stat., the authorized law enforcement party is the City of Merrill Police Department".

2. In Section 4, Paragraph C, the proof of liability insurance amount would be changed from \$1,000,000 to \$5,000,000.
3. A section containing a “sunset” clause would be added to the ordinance, as follows: “This ordinance shall be effect through December 31, 2020”.

Alderman Russell requested that his second be withdrawn. Without objection, it was so ordered. Mayor Woellner asked if there was another second to the motion. Hearing none, he declared that there was no motion on the table at this time.

Motion (Russell) to authorize an independent law firm to review the ordinance and offer an opinion on it within a 72-hour period. After discussion, Alderman Russell withdraw his motion, which had no second.

Motion (Sabatke) to amend the ordinance in three places, as listed above. Mayor Woellner stepped down as chair and turned the meeting over to Council President Norton. Mayor Woellner seconded the motion. Motion to amend carried 5-3 on roll call vote. Voting No - Alderman Hass, Alderman Osness and Alderman Rick.

Council President Norton stepped down as chair and turned the meeting back over to Mayor Woellner.

Motion (Blake/Sabatke) to consider the ordinance as amended. Motion carried 7-1 on roll call vote. Voting No - Alderman Norton.

City Attorney Hayden gave the amended ordinance a first reading by title only and cited the three amendments.

Motion (Blake/Sabatke) to suspend the rules and give the amended ordinance a second reading and a third reading by title only. Motion carried 5-3 on roll call vote. Voting No - Alderman Hass, Alderman Osness and Alderman Norton.

Motion (Blake/Sabatke) to approve the amended ordinance. Motion carried 6-2 on roll call vote. Voting No - Alderman Rick and Alderman Norton.

13. Resolutions:

1. A Resolution ratifying the January 1, 2020 to December 31, 2021 contract between the City of Merrill and the Merrill Professional Police Association (Resolution #2624).

WHEREAS, negotiations between the City of Merrill and the Merrill Professional Police Association have culminated a tentative contract agreement;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of December, 2019, that the City of Merrill accept the terms and conditions for the January 1, 2020 to December 31, 2021 employment years according to the terms of the contract between the City of Merrill and the Merrill Professional Police Association on file in the City Clerk's office. Said changes and amendments in the terms and conditions to the January 1, 2020 to December 31, 2021 contract shall be effective January 1, 2020. The existing agreement shall be modified accordingly.

Motion (Hass/Van Lieshout) to approve.

RESULT:	APPROVED
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14. Mayor's Communications

Mayor Woellner thanked all who attended the meeting.

A wrestling event will be held in the Bierman Building on Saturday, December 14th.

Merrill Woellner extended "Merry Christmas" and "Happy Holidays" greetings to all.

The annual Tour of Lights will be Wednesday, December 11th.

15. Adjournment

Motion (Russell/Norton) to adjourn. Carried. Adjourned at 8:58 P.M.