



CITY OF MERRILL

COMMON COUNCIL

MINUTES • TUESDAY DECEMBER 8, 2020

Virtual Meeting

Virtual Meeting

6:00 PM

1. Call to Order

Mayor Woellner called this virtual meeting to order at 6:01 P.M.

Attendee Name	Title	Status	Arrived
Paul Russell	Aldersperson - First District	Remote	
Steve Hass	Aldersperson - Second District	Remote	
Rick Blake	Aldersperson - Third District	Remote	
Steve Osness	Aldersperson - Fourth District	Remote	
John M. Van Lieshout	Aldersperson - Fifth District	Remote	
Mike Rick	Aldersperson - Sixth District	Remote	
Mark Weix	Aldersperson - Seventh District	Remote	
Steve Sabatke	Aldersperson - Eighth District	Remote	
Derek Woellner	Mayor	Remote	

The following also attended the meeting virtually: Public Works Director/City Engineer Rod Akey, Police Chief Corey Bennett, Street Superintendent Dustin Bonack, Transit Director Brad Brummond, City Attorney Tom Hayden, City Administrator Dave Johnson, Fire Chief Josh Klug, Enrichment Center Director Tammie Mrachek, Building Inspector/Zoning Administrator Darin Pagel, Utility Operations Manager Gabe Steinagel, Library Director Stacy Stevens, Finance Director Kathy Unertl, Park & Recreation Director Dan Wendorf, Facilities Maintenance Manager Nick Wszalek, April Pankow (S.C. Swiderski, LLC), Jacqui Miller (S.C. Swiderski, LLC) and City Clerk Bill Heideman.

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

None.

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

1. Minutes of November 10, 2020 meeting

Motion (Russell/Osness) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for the Period Ending November 30, 2020

Motion (Hass/Van Lieshout) to approve.

RESULT: APPROVED

8. General agenda items:

1. Employee Years of Service Recognition:

Tim S. Koenig, 20 years (Transit Department)

City Clerk Heideman read a certificate of recognition for Tim Koenig.

9. Board of Public Works:

1. Consider five-year contract with Eagle Waste for recycling tipping fees. The Board of Public Works recommends approval.

Motion (Hass/Blake) to approve.

RESULT: APPROVED

10. Health and Safety Committee:

1. Change of Agent application for Krist Oil Company, naming Michelle M. Spatz the Agent for Krist Food Mart #88, 105 South Center Avenue. The Health and Safety Committee recommends approval.

Motion (Russell/Weix) to approve.

RESULT: APPROVED

11. Personnel and Finance Committee:

1. CARES Act as it relates to Fire and Police personnel The Personnel and Finance Committee recommends including the Police Department and the Fire Department in the benefits associated with the CARES Act, back to the beginning date of the CARES Act.

Motion (Osness/Hass) to approve.

RESULT: APPROVED

2. Extension of the Families First Coronavirus Response Act. The Personnel and Finance Committee recommends extending the provisions of the Families First Coronavirus Response Act, using an "open-ended" expiration date.

Motion (Hass/Rick) to approve.

RESULT: APPROVED

3. Consider lifting hiring freeze to fill one existing and one pending Street Department vacancy. Alderman Hass is bringing this agenda item directly to the Common Council.

Motion (Hass/Blake) to approve.

RESULT: APPROVED

12. Placing Committee Reports on File:

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

Alderman Weix cited the October 28th, 2020 Board of Public Works meeting minutes, specifically the "Discuss the need for sidewalk on Riverside Avenue" item. After discussion, the Common Council agreed to delete one sentence and insert one sentence. The following was deleted: "It appears that the best option would be install sidewalk on the south side only". The following was inserted "Sidewalk will be installed as dictated by the terrain". City Clerk Heideman was directed to make those changes.

Motion (Hass/Russell) to place on file, including the amendment to the Board of Public Works minutes.

RESULT: PLACED ON FILE

13. Mayor's Appointments:

1. Jeremy Cordova to the Housing Authority, term to expire November 10, 2024, replacing Linda Murray (resigned).

Mayor Woellner reported that Jeremy Cordova is not a City resident, and that there is already one non-resident on the Housing Authority. Approving a second non-resident is contrary to the existing ordinance regarding residency. Therefore, this appointment will not be considered at this time.

14. Ordinances:

None.

15. Resolutions:

1. A Resolution deferring repayment of General Fund Advance to the Landfill Fund from 2021 to 2027. The Personnel and Finance Committee recommends disapproval.

WHEREAS, Merrill Common Council Resolution No. 1855, adopted on January 13th, 2004, authorized a \$325,000.00 advance from the Landfill Remediation Fund for prepayment of the City's Unfunded Pension Liability to the State of Wisconsin; and

WHEREAS, Resolution No. 2385 adopted on September 9, 2014 deferred repayment to 2021; and

WHEREAS, the City of Merrill paid off the \$142,316.48 balance of State Trust Fund (STF) 2004 unfunded pension loan on January 4, 2019; and

WHEREAS, the Common Council's objective is to minimize property tax increases and this advance is an internal City accounting mechanism;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of December, 2020, that the Common Council does hereby authorize extending the deferral of the \$269,449.65 remaining advance balance without interest from 2021 until 2027 when the City's debt service payment decreases.

Motion (Hass/Osness) to approve the recommendation to disapprove the resolution.

Motion (Weix/Blake) to table.

RESULT:	TABLED
----------------	---------------

2. A Preliminary Resolution of Intent to exercise Special Assessment Powers by Police Power under Section 66.0703 of the Wisconsin Statutes (Resolution #2662).

RESOLVED, by the Common Council of the City of Merrill, Wisconsin:

A. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, to levy special assessments under the police power upon all properties abutting the following improvements in the City of Merrill, Wisconsin:

1. Sidewalk inspection pursuant to sidewalk inspection program. Sidewalk maintenance area is city wide as deemed most needed:
 - a) Isolated sidewalk repairs requested or needed.
 - b) Driveway approaches requested or needed.
 - c) Curb and gutter requested or needed.
 - d) New sidewalk extensions as requested and/or approved by Board of Public Works.
2. Reconstruction of North Poplar Street from East 2nd Street north to East 4th Street involving:
 - a) Replacement and upgrade of existing storm sewer
 - b) Curb and gutter and pavement replacement
 - c) Limited sidewalk replacement associated with curb and gutter replacements.
3. Reconstruction of North Court Street from East 2nd Street north to East 5th Street involving:
 - a) Replacement of water main and laterals.
 - b) Replacement of sewer main and laterals.
 - c) Replacement and upgrade of existing storm sewer
 - d) Curb and gutter and pavement replacement
 - e) Limited sidewalk replacement associated with curb and gutter replacements.

B. Said public improvements shall include, where appropriate:

1. The grading of said street.
 2. The surfacing of said street with asphalt.
 3. The installation of curb and gutter on said street.
 4. The installation, removal or replacement of sidewalk, driveway and curb and gutter on said street.
 5. The installation of water main and water laterals on said street.
 6. The installation of sanitary sewer and sewer laterals on said street.
 7. The installation of storm sewer on said street.
 8. The necessary landscaping on said street.
 9. All improvements shall be completed to plans and specifications prepared or approved by the Public Works Director and recorded in the office of the Public Works Director/City Engineer.
- C. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the street shall be on a reasonable basis as approved by the Common Council and which rates are in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Chapter 18, Article III, Division 3 of the Code of Ordinances, City of Merrill, Wisconsin.
- D. The assessments against any parcels of land may be paid in cash not later than November 1 of the year such improvements are made, or in installments as provided by Chapter 18, Article III, Division 3 of the Code of Ordinances, City of Merrill, Wisconsin. Rate of interest on installment payments shall be as set by Common Council action.
- E. The City Engineering/Zoning Department shall, with respect to the items mentioned at paragraph A above, prepare a report consisting of:
1. Preliminary or final plans and specifications with maps of the improvements.
 2. An estimate of the entire cost of the proposed work or improvements.
 3. A schedule of the proposed assessments as to each parcel of property affected.
 4. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.
- F. The City Engineering/Zoning Department shall complete and file such reports in the City Clerk's office for public inspection no later than December 21st, 2020.

The Board of Public Works of the City of Merrill shall hold a public hearing on Wednesday, January 27th, 2021 at 6:00 p.m. The hearing shall be held in the Council Chambers in the City Hall, Merrill, Wisconsin, on the improvements mentioned in paragraph A above. The City Clerk shall cause a notice of said hearing to be published once as a Class I notice no later than December 21st, 2020. The City Clerk shall mail a copy of the notice to all interested persons at least ten (10) days before the date of the hearing.

Alderman Hayden noted that there were two "date typos" in the resolution as presented. Without objection, those two dates will be corrected.

Motion (Hass/Blake) to approve, including the correction of the two date typos.

RESULT: APPROVED

3. A Resolution approving a Planned Unit Development and construction of a multi-family residential development at 1905 East 14th Street (Resolution #2663).

WHEREAS, S.C. Swiderski, LLC have requested a Planned Unit Development pursuant to the Merrill Zoning Code Chapter 113, Article III, Section 113 for the purpose constructing a multi-family residential development on the following described property: Lot One (1) and Two (2) of Certified Survey Map Number 426, recorded March 21, 1985, in Volume 2 of Certified Surveys, page 210, as Document No. 281397, in the Office of the Register of Deeds, Lincoln County, Wisconsin, being a part of A.P. 193, located in the NE ¼ of the NE ¼, Section 12, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin,

Commonly known as 1905 E 14th Street herein referred to as the "Premises"; and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on December 1, 2020, 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, Article III, Section 113 and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of December, 2020, that a Planned Unit Development consisting of a multi-family residential development on the above described premises is approved.

Motion (Hass/Blake) to approve.

RESULT: APPROVED

4. A Resolution authorizing a Development Agreement by and between the City and Weinbrenner Shoe Co. Inc. (Resolution #2664).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 8 on September 27, 2011 and the development site is within TID No. 8; and,

WHEREAS, Weinbrenner Shoe Company, Inc., has proposed rehabilitation of an existing vacant manufacturing building and expansion of boot manufacturing operations; 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 development project; and,

WHEREAS, Weinbrenner Shoe Company, Inc. has negotiated the development agreement to provide for an incentive payment not to exceed \$300,000 for the manufacturing redevelopment project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of December, 2020, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Weinbrenner Shoe Company, Inc. and to facilitate the implementation thereof.

Motion (Hass/Sabatke) to approve.

RESULT:	APPROVED
----------------	-----------------

16. Mayor's Communications

Mayor Woellner requested thoughts and prayers for the 35 Lincoln County residents lost to date as a result of COVID-19, as well as for their families.

Alderman Russell stated that a Committee of the Whole meeting should be held sometime before the next Common Council meeting. He mentioned three potential agenda items and speculated that the meeting could take ½ day. Mayor Woellner replied that, if the agenda is too full or the meeting runs too long, additional meetings could be scheduled. Aldermen and Department Heads should contact Alderman Russell with potential meeting dates and/or conflicts. City Clerk Heideman suggested that the meeting be held during the day on Friday, January 8th, 2021.

17. Adjournment

Motion (Rick/Van Lieshout) to adjourn. Carried. Adjourned at 7:00 P.M.