

CITY OF MERRILL

COMMON COUNCIL

TUESDAY, FEBRUARY 8, 2022 MINUTES

Regular Meeting

City Hall Council Chambers

6:00 p.m.

1. Mayor Woellner called the meeting to order at 6:00 p.m. with following members:

Paul Russell – First District	Present
Steve Hass – Second District	Present
Rick Blake – Third District	Present - Remote
Steve Osness – Fourth District	Present
John M. VanLieshout – Fifth District	Present
Mike Rick - Sixth District	Present
Mark Weix – Seventh District	Present
Steve Sabatke – Eight District	Present
Derek Woellner – Mayor	Present

2. Invocation was provided by Reverend Paul Hohman, New Testament Church
3. Pledge of Allegiance
4. Public Comment Period:

Christine Vorpapel expressed appreciation for City of Merrill continuing remote access to public meetings. However, she questioned the disappearance of “Live Meeting” link on City website when meeting ended. Mayor Woellner reported that the video link moves to the Past Meetings section of the Public Meeting Portal.

LaDonna Fermanich commented on concerns for 1) Affirmative Action Plan as to leaving policy oversight with the City Administrator, as well as need for additional checks and balances related to no retaliation; and 2) election integrity for upcoming City of Merrill elections.

5. Minutes of previous Common Council meeting – January 11, 2022 - Motion (Hass/VanLieshout) to approve. Carried.
6. Revenue & Expense Reports for period ending December 31, 2021 and January 31, 2022 - Motion (Hass/VanLieshout) to approve. Carried.
7. Communications and Petitions
 1. Insurance claim from Susan Woller for sustaining bodily injury as a result of trip and fall located on curb/apron area of driveway located at 1705 E. 10th St. on October 16, 2021. The insurance company asserts that the City has no liability in this instance and recommends that this claim be denied.

Motion (VanLieshout/Rick) to deny the claim. Carried.

8. Health & Safety Committee

1. Consider request from Walgreen's #10574 for Change of Agent - Motion (Hass/Weix) to approve the Change of Agent. Carried.
2. Consider application from 1-900, Jesse Quade, Agent, for a Class "B" (beer) and a Class "B" (liquor) license for 1-900 (2501 W. Main St.) - Motion (Hass/Weix) to approve the liquor licenses for 1-900. Carried.
3. Consider Temporary Class "B" Licenses for St. Francis Xavier (1708 E. 10th St.) for February, March, and April, 2022 for St. Francis Fish Fries - Motion (Hass/Weix) to approve the Temporary Licenses for St. Francis Xavier Fish Fries for seven dates. Carried.

9. Personnel & Finance Committee

1. Consider adoption of Pool Operator Certification Pay - Motion (Hass/Sabatke) to approve Pool Operator Certification Pay. Carried.
2. Consider Affirmative Action Plan (Being brought direct by Alderperson Hass since required for Wisconsin ARPA Tourism Grant for land purchase adjacent to City Forest

Motion (Hass/Russell) to refer the Affirmative Action Plan to next Personnel & Finance Committee meeting for further review. Carried.

10. Placing Committee Reports on File:

Consider placing the following committee reports on file: Transit Commission, T.B. Scott Free Library Board, Enrichment Center Committee, Marketing & Communications Committee, Health & Safety Committee, Personnel & Finance Committee, Board of Public Works, City Plan Commission, Redevelopment Authority, Parks & Recreation Commission, and Merrill Area Housing Authority Board

Motion (Russell/VanLieshout) to place committee reports on file. Carried.

11. Mayor's Appointments

Mayor Woellner clarified that the Jeff Schneider term to the Merrill Area Housing Authority ends on 11/10/2024 (i.e. filling remainder of Kent Johnson's term) and that Nicole Johnson's term ends on 11/10/2026.

Motion (Russell/VanLieshout) to confirm Mayor's Appointments of Chad Krueger to the Parks & Recreation Commission with term ending on 5/1/2022 and Jeff Schneider to the Merrill Area Housing Authority with term ending on 11/10/2024. Carried.

Ordinances:

1. An Ordinance amending Chapter 16, Section 16-1, 38-40 through 38-152, Utilities (Ordinance #2022-02)

City Attorney Hayden gave the ordinance a first reading by title only, followed by a synopsis. Finance Director Unertl reported that these are the water rates ordered by the Public Service Commission of Wisconsin and would be effective March 1, 2022.

Motion (Hass/Sabatke) 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 third reading by title only.

Motion (Sabatke/VanLieshout) to adopt the ordinance. Carried on 8-0 roll call vote.

12. Resolutions:

1. A Preliminary Resolution of intent to exercise Special Assessment Powers by Police Power under Section 66.0703 of the Wisconsin Statutes (Resolution #2716)

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 generally city wide as 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 Michler Crest involving:
 - a) Replacement and upgrade of existing sanitary sewer and water main.
 - b) Curb and gutter and pavement replacement
3. Reconstruction of a portion of Smith Street involving:
 - a) Curb and gutter and pavement placement
4. Paving of Alley, the 200 block of N Center Ave, between N. Center Ave. and N. Park Street involving:
 - a) Grading existing alley
 - b) Asphalt paving

- 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 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 necessary landscaping on said street.
 8. 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 February 8th, 2022.

The Board of Public Works of the City of Merrill shall hold a public hearing on Wednesday, February 23rd, 2022 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 published a notice of said hearing once as a Class I notice on January 20th, 2022. 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.

Motion (VanLieshout/Hass) to approve. Carried.

2. A Resolution approving a Conditional Use Permit to remodel existing building and construct two new storage unit buildings at 705 S. Center Ave. (Resolution #2717)

WHEREAS, Albert Reinke, d/b/a AFR Holdings has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV, Section 113 for the purpose of remodeling existing building and constructing two new storage unit buildings on the following described property:

N 250' Of AP 220, and Prt of AP 220 – CM at NE CR SE $\frac{1}{4}$ NW $\frac{1}{4}$ - S 487' POB – W to Hwy 51 – SWLY ALG SD Hwy 50' – SELY to E LN SD $\frac{1}{4}$ $\frac{1}{4}$ to PT 100' S of POB –N to POB, City of Merrill, Lincoln County, Wisconsin,

Commonly known as 705 S Center Avenue herein referred to as the “Premises”; and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on February 1, 2022, 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 IV, Section 113 and has recommended approval of said application, subject to the following conditions:

- Exterior building colors to be earth tones, and aesthetically pleasing and consistent with neighboring property building colors;

- Final building plans for colors and landscaping to be brought back for Plan Commission review;

- A chain link fence no higher than 8 feet shall be constructed along the entire property;

- Landscaping acceptable to the Zoning Inspector shall be planted along the Center Avenue boundary;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of February, 2022, that a conditional use permit shall be issued to Albert Reinke, d/b/a AFR Holdings for the purpose of remodeling existing building and constructing two new storage unit buildings on the aforesaid described premises. This Conditional Use Permit shall allow the new and existing buildings to be accessed from the existing Right of Way.

Motion (Hass/Russell) to approve. Carried.

3. A Resolution authorizing a Development Agreement by and between the City of Merrill, Wisconsin and Tranquil Times Wellness, LLC (Resolution #2718)

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, Tranquil Times Wellness, LLC has proposed purchase and improvements to the vacant commercial building at 807 E. 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, new jobs will be result from this redevelopment project; and,

WHEREAS, Tranquil Times Wellness, LLC has negotiated the development agreement to provide for an incentive payment not to exceed \$15,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 8th day of February, 2022, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Tranquil Times Wellness, LLC and to facilitate the implementation thereof.

Motion (Hass/VanLieshout) to approve. Carried.

13. Mayor's Communications - Mayor Woellner advised that he will be talking to City Administration and Police Chief regarding "no knock warrants".

Motion (Rick/VanLieshout) to adjourn at 6:32 p.m. Carried.