



CITY OF MERRILL
COMMON COUNCIL
MINUTES • TUESDAY JANUARY 12, 2021

Regular Meeting

Bierman Building

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	

Also in attendance: Public Works Director/City Engineer Rod Akey, Police Chief Corey Bennett, Street Superintendent Dustin Bonack, Information Technology Manager Dustin Brown, 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 and Recreation Director Dan Wendorf, Facilities Maintenance Manager Nick Wszalek and City Clerk Bill Heideman.

2. Silent Prayer

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

Brenda from Green Bay spoke on the agenda item related to a potential referendum on fluoride removal.

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

1. Minutes of December 8, 2020 meeting

Motion (Russell/Hass) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. December report will be considered at February Common Council meeting.

8. Vouchers referred to Common Council:

1. Health and Safety Committee vouchers. On December 28th, 2020, the Health and Safety Committee referred these vouchers to either the next Health and Safety Committee meeting or the next Common Council meeting.

Motion (Russell/Blake) to approve.

RESULT:	APPROVED
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2. Personnel and Finance Committee vouchers for November, 2020. On December 29th, 2020, the Personnel and Finance Committee referred these vouchers to the Common Council.

Motion (Blake/Hass) to approve.

RESULT:	APPROVED
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9. Committee of the Whole:

1. Consider timetables for reopening City Hall and other City facilities. The Committee of the Whole recommends reopening all City facilities on Wednesday, January 13th. This recommendation is part of an amended agenda.

Motion (Rick/Osness) to approve the reopening, with the exception of the T.B. Scott Free Library.

The motion was discussed.

Motion (Rick/Osness) to call the question. On roll call vote, motion to call the question was tied 4-4. Voting Yes - Alderman Russell, Alderman Osness, Alderman Rick and Alderman Sabatke. Mayor Woellner broke the tie by voting No. Therefore, the motion to call the question failed.

There was further discussion on the motion.

Motion (Hass/Blake) to refer to the Health and Safety Committee. Motion carried 5-3 on roll call vote. Voting No - Alderman Osness, Alderman Rick and Alderman Sabatke.

10. Health and Safety Committee:

1. Consider application from Kim M. Klug for a Class "B" (beer) and a "Class B" liquor license for West Side Bar, 2501 West Main Street, effective January 13, 2021. The Health and Safety Committee recommends approval.

Motion (Russell/Rick) to approve.

RESULT: APPROVED

11. Personnel and Finance Committee:

1. Consider writing off 2020 over-collected real estate tax bill (\$3,167.93) for Merrill Area Housing Authority (MAHA). The Personnel and Finance Committee recommends approving the write-off.

Motion (Blake/Hass) to approve.

RESULT: APPROVED

2. Review of and potential recommendation(s) on hiring freeze implemented by the Common Council on May 13, 2020. The Personnel and Finance Committee recommends extending the hiring freeze, and reviewing it at the July, 2021 Personnel and Finance Committee meeting. The Police Department, Fire Department and the T.B. Scott Free Library would continue to be exempt from the hiring freeze.

Motion (Hass/Rick) to approve.

RESULT: APPROVED

12. Water and Sewage Disposal Committee:

1. Consider contracting with Trilogy, LLC for water utility rate assistance. The Water and Sewage Disposal Committee recommends approval.

Via phone, a representative from Trilogy provided information and answered questions.

Motion (Osness/Weix) to approve.

RESULT: APPROVED

2. Consideration of 2021 Water & Sewage service charges. The Water and Sewage Disposal Committee recommends approval.

Motion (Hass/Rick) to approve.

RESULT: APPROVED

3. Discussion on adding fluoride to referendum for April elections or next earliest election. The Water and Sewage Disposal Committee recommends preparing a referendum question on the potential removal of fluoride from City water, and including the question as part of the next election possible, in accordance with deadlines specified in Wisconsin State Statutes. A public hearing on this issue would also be scheduled as part of the process.

Motion (Osness/Van Lieshout) to approve. Roll call vote resulted in a 4-4 tie. Voting Yes - Alderman Osness, Alderman Van Lieshout, Alderman Rick and Alderman Sabatke. Mayor Woellner broke the tie by voting No. Therefore, the motion to approve failed.

Motion (Van Lieshout/Weix) to prepare and include a referendum question on this as part of the Spring Election to be held in April of 2022. Mayor Woellner ruled that this motion was inappropriate at this time and would not be considered.

Motion (Van Lieshout) to refer to the Water and Sewage Disposal Committee.

RESULT: FAILED - LACK OF SECOND

13. 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, Personnel & Finance Committee, Police & Fire Commission, Redevelopment Authority, Transit Commission and Water & Sewage Disposal Committee.

Motion (Hass/Russell) to place on file.

RESULT: PLACED ON FILE

14. Ordinances:

1. An Ordinance amending Code of Ordinances Chapter 2, Article IV, Section 2-81, to prohibit Department Heads from submitting legislation, policies or related matters to multiple committees at the same time (Ordinance 2021-01).

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

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

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

Motion (Osness/Rick) to approve the ordinance. A roll call vote resulted in a 4-4 tie. Voting Yes - Alderman Russell, Alderman Osness, Alderman Rick and Alderman Sabatke. Mayor Woellner broke the tie by voting No. Therefore, the motion to approve the ordinance failed.

2. An Ordinance amending Code of Ordinances Chapter 2, Article VI, Section 2-155, to allow two non-residents to be appointed to and serve on the Merrill Area Housing Authority (Ordinance #2021-02).

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

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

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

Motion (Hass/Blake) to approve the ordinance.

Motion (Hass/Weix to refer to the next Common Council meeting. On roll call vote, motion to refer carried 7-1. Voting No - Alderman Blake.

15. Resolutions:

1. A Resolution approving the elimination of the Public Fire Protection municipal charge and recovering all Public Fire Protection costs through direct customer charges (Resolution #2665).

WHEREAS, the City of Merrill, Lincoln County, Wisconsin (City) owns and operates the Merrill Water Utility (Utility) as a public utility; and

WHEREAS, the City provides public fire protection for the benefit of the public health, safety, and well-being of its residents; and

WHEREAS, the Utility is authorized by the Public Service Commission of Wisconsin (PSCW) to recover the cost of providing and maintaining the water system for public fire protection; and

WHEREAS, the City has determined that it is in the public interest to change the method of recovery of public fire protection costs from a combination of a municipal charge (tax-roll) basis and a direct charge basis (equivalent meters) to a 100 percent direct charge basis, charged based on equivalent meters; and

WHEREAS, the current annual municipal charge of \$125,160 shall be eliminated and the direct charges shall be adjusted to recover an additional \$125,160, or a figure as close to it as possible, based on the current number and size of customer meters. 2019 public fire protection revenues of \$377,917 - \$125,160 from the municipal charge and \$252,757 from the direct charges - indicate an estimated increase of approximately 49.5 percent to the direct fire protection charges based on equivalent meters; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of January, 2021, that the municipal charge for public fire protection be eliminated and the direct charges for public fire protection be adjusted to recover an approximately equivalent amount of revenues for public fire protection by the Utility; and

BE IT ALSO RESOLVED, that this change shall become effective the latter of April 1, 2021 or upon review and approval of the PSCW.

Motion (Hass/Van Lieshout) to approve.

RESULT:	APPROVED
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2. A Resolution approving a Final Plat of Champagne Park subdivision addition in the City of Merrill by the City of Merrill (Resolution #2666).

WHEREAS, the City of Merrill ("The Applicant") has applied for final approval of a subdivision plat pursuant to Code of Ordinances Sec.111-114 for land located in Lot 4 of certified survey map number 2763, recorded in Volume 16, on page 144, as document number 541501, filed in Lincoln County Register of Deeds Office, being part of the Northwest ¼ of the Northwest ¼, Section 11, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, The City Plan Commission considered the application at a meeting on October 7, 2020; and

WHEREAS, The City Plan Commission found that the Final Plat submitted by the Applicant complied with the preliminary plat approval in Resolution No. 2655;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of January 2021, that:

The Common Council Adopts the City Plan Commissions findings and incorporates them into this resolution.

The final plat of Champagne Park Subdivision presented by City of Merrill and prepared by Joshua Prentice for REI and involving a subdivision plat pursuant to Code of Ordinances Sec.111-114 for land located in Lot 4 of certified survey map number 2763, recorded in Volume 16, on page 144, as document number 541501, filed in Lincoln County Register of Deeds Office, being part of the Northwest ¼ of the Northwest ¼, Section 11, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin is hereby approved.

BE IT FURTHER RESOLVED That the applicant, City of Merrill City Clerk is directed to record the final plat with the Lincoln County Register of Deeds in accordance with the requirement of Chapter 111, Article II, Section 111-115 of the Code of Ordinances of the City of Merrill.
Motion (Hass/Weix) to approve.

RESULT: APPROVED

3. A Resolution authorizing participation in the WIWARN Mutual Aid and Assistance Program (Resolution #2667).

WHEREAS, Wis. Stats. §66.0301, authorizes a municipality to enter into an agreement with other municipalities for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law; and

WHEREAS, pursuant to Wis. Stats. §66.0301, Wisconsin municipalities together seek to create and participate in an intrastate program for mutual aid and assistance for water and wastewater systems called WIWARN; and

WHEREAS, the purpose of WIWARN is to provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response, and recovery for municipal water and wastewater systems; and

WHEREAS, WIWARN is established by municipalities adopting the WIWARN Mutual Aid and Assistance Agreement pursuant to Wis. Stats. §66.0301 and becoming a member of WIWARN; and

WHEREAS, the governing body of the City of Merrill considers it to be in the best interests of this government unit to be a party to the WIWARN Mutual Aid and Assistance Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN, this 12th day of January, 2021, that it:

1. Authorizes Gabe Steinagel to sign the WIWARN Mutual Aid and Assistance Agreement, and deliver it to the Chair of the WIWARN Steering Committee, and,
2. Agrees the City of Merrill will comply with all terms of the Agreement.

Motion (Van Lieshout/Russell) to approve.

RESULT:	APPROVED
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4. A Resolution honoring Patrick R. Wunsch for his extended service and great contribution to the City of Merrill (Resolution #2668).

WHEREAS, Patrick R. Wunsch has served the City of Merrill as a Police Officer, and Investigator from July, 1998 to December, 2020; and,

WHEREAS, Patrick R. Wunsch's cheerful manner, dedication to Police service and to the City of Merrill and his hard work in virtually every area in which he was involved will be greatly missed by the Police Department and Merrill's citizens; and,

WHEREAS, Patrick R. Wunsch has earned the admiration and respect of his fellow employees by the way in which he has carried out his duties; and,

WHEREAS, Patrick R. Wunsch's skills and experience, will be missed at the City of Merrill Police Department;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 12th day of January, 2021, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the faithful service Patrick R. Wunsch has given the City of Merrill Police Department and commends him for those 22 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Patrick R. Wunsch, congratulate him upon the occasion of his retirement from the City of Merrill Police Department, and extend our warmest wishes for his enjoyment of continued prosperity in the years that lie ahead.

Motion (Common Council/Common Council) to approve.

RESULT: APPROVED

16. Mayor's Appointments:

1. Jeremy Cordova to the Housing Authority, term to expire November 10, 2024, replacing Linda Murray (resigned). This appointment is part of an amended agenda.

Mayor Woellner announced that, because the ordinance related to the composition of the Housing Authority was not adopted earlier, the appointment would not be considered at this meeting.

17. Mayor's Communications

None.

18. Adjournment

Motion (Osness/Van Lieshout) to adjourn. Carried. Adjourned at 7:55 P.M.