

**CITY OF MERRILL
COMMON COUNCIL**

AGENDA – TUESDAY, JANUARY 11, 2022

Regular Meeting City Hall Council Chambers 6:00 P.M.

To attend remotely, call Phone: 530-481-5213 and PIN: 240 182 767 #

1. Call to Order
2. Innovation by Pastor William Hohman, New Testament Church
3. Pledge of Allegiance
4. Roll Call
5. Public Comment Period
6. Minutes of previous Common Council meeting – December 14, 2021
7. Revenue & Expense Reports for period ending December 31, 2021 will be provided with the February Council agenda packet
8. Employee Years of Service Recognition – Sarah Maerz (T.B. Scott Free Library) – 10 Years
9. Placing Committee Reports on File:
 Consider placing the following committee reports on file: Airport Commission, Board of Public Works, City Plan Commission, Marketing & Communications Committee, Redevelopment Authority, Transit Commission, and Zoning Board of Appeals.
10. Ordinances:
 1. An Ordinance amending the District Zoning Map of the City of Merrill, Wisconsin for property located at 105 N. Ohio Street
11. Resolutions:
 1. A Resolution approving a Conditional Use Permit for temporary housing at 1303 W. Main St. (former Fire Station)
12. Mayor's Communications
13. Adjournment

Kathy Unertl, Finance Director/Deputy City Clerk

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**CITY OF MERRILL
COMMON COUNCIL**

MINUTES • TUESDAY DECEMBER 14, 2021

Regular Meeting

City Hall Council Chambers

6:00 PM

1. Call to Order

Mayor Woellner called the meeting to order at 6:01 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

None.

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

1. Minutes of November 9, 2021 meeting

Motion (Osness/Hass) to approve.

Alderman Sabatke noted that the minutes indicated that he was in attendance "Remote" at the meeting. He was actually at the meeting in-person. City Clerk Heideman acknowledged that Alderman Sabatke was there in-person, and requested that he be allowed to amend the minutes accordingly. Without objection it was so ordered.

RESULT: APPROVED AS AMENDED

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for period ending November 30, 2021

Motion (Hass/Van Lieshout) to approve.

RESULT: APPROVED

8. General agenda items:

1. Employee Years of Service Recognition

Phillip H. Skoug (Fire Department), 20 years

City Clerk Heideman read a certificate of recognition for Phillip Skoug.

9. Board of Public Works:

1. Consider 3.0% adjustment to Water & Sewer Service Fees for 2022. The Board of Public Works recommends approval.

Motion (Van Lieshout/Rick) to approve.

RESULT: APPROVED

10. Health and Safety Committee:

1. Consider application from B's Nest, LLC, Duane Yorde, Agent, for a Class "B" (beer) and a "Class B" (liquor) license for B's Nest, 1404 W. Main Street, effective December 17, 2021. The Health and Safety Committee recommends approval.

Motion (Russell/Rick) to approve.

RESULT: APPROVED

11. Personnel and Finance Committee:

1. Consider request from Merrill Professional Police Association to make change(s) in the 2022-2023 union contract, related to residency. The Personnel and Finance Committee recommends amending the first sentence in Article 3 of the contract, by changing the date from 1/1/2016 to 1/31/2016.

Motion (Osness/Blake) to approve.

RESULT: APPROVED

2. Consider adjustments to hourly Certification Pay for Utility Employees. The Personnel and Finance Committee recommends approving the new certification pay schedule, as presented.

Motion (Osness/Hass) to approve.

RESULT: APPROVED

3. Consider reclassification of Wastewater Treatment Plant Lead Operator position. The Personnel and Finance Committee recommends approving the reclassification of the Wastewater Treatment Plant Lead Operator from Grade 11 to Grade 12.

Motion (Rick/Osness) 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, Board of Public Works, City Plan Commission, Health & Safety Committee, Historic Preservation Committee, Library Board, Marketing & Communications Committee, Merrill Enrichment Center Committee, Parks & Recreation Commission, Personnel & Finance Committee, Police & Fire Commission, Redevelopment Authority, Tourism Commission and Transit Commission.

Motion (Van Lieshout/Rick) to place on file.

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

1. Nicole Johnson to the Merrill Area Housing Authority, term to expire November 10, 2025.

Motion (Russell/Blake) to approve.

RESULT:	APPROVED
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2. Election Officials for 2022-2023

Motion (Hass/Rick) to approve.

RESULT:	APPROVED
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14. Ordinances:

1. An Ordinance amending Code of Ordinances Chapter 14, Article V, Section 14-123 through 14-158, related to trees and shrubs (Ordinance #2021-19).

City Attorney Hayden gave the ordinance a first reading by title only, followed by a synopsis.

Motion (Hass/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:	John M. Van Lieshout, Alderperson - Fifth District
SECONDER:	Steve Osness, Alderperson - Fourth District
AYES:	Russell, Hass, Blake, Osness, Van Lieshout, Rick, Weix, Sabatke

15. Resolutions:

1. A Resolution approving a Conditional Use Permit for placement of one doublewide housing unit in Whispering Pines, 2801 Thielman Street (Resolution #2714).

WHEREAS, Whispering Pines MHC WI, LLC has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV, Section 113-100 for the purpose of the placement of a doublewide housing unit on the following described property:

Lt 1 CSM 731 V3 P315 D0331602, City of Merrill, Lincoln County, Wisconsin,

Commonly known as 2801 Thielman St. herein referred to as the "Premises"; and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on December 7, 2021, 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, Section 113-100 and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of December, 2021, that a conditional use permit shall be issued to Whispering Pines MHC WI, LLC for the purpose of the placement of one doublewide housing unit.

Motion (Hass/Sabatke) to approve.

RESULT:	APPROVED
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2. A Resolution declaring the City of Merrill to be a Constitutional Republic City. Alderman Osness is bringing this resolution directly to the Common Council.

WHEREAS, the Constitution of the United States protects our rights, endowed by our creator, as well as guarantees liberties to American citizens, including the establishment of justice, the promotion of the general welfare and securing the blessings of liberty; and,

WHEREAS, the Constitution espouses many principles upon which the United States is founded, namely the separation of powers, individual rights, and the rule of law; and,

WHEREAS, the Constitution of the State of Wisconsin provides that all people are by nature free and independent and have inalienable rights, including enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy; and,

WHEREAS, John Adams, the second president of the United States, wrote, "the very definition of a Republic is 'an Empire of Laws, and not of men.' That, as a Republic is the best of governments, so that particular arrangement of the powers of society, or in other words that form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics;" and,

WHEREAS, we the Common Council of the City of Merrill believe in the separation of powers, individual rights, and the rule of law as outlined in the United States Constitution, including the freedom for local government to have local control over issues related to the citizens who reside within the City's jurisdictional boundaries;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of December, 2021, that the City of Merrill is declared to be a Constitutional Republic City;

BE IT FURTHER RESOLVED, by the Common Council of the City of Merrill that any executive orders issued by the State of Wisconsin or by the United States federal government that are overreaching or clearly violate our constitutionally protected rights will not be enforced by the City of Merrill against its citizens.

Motion (Osness/Rick) to approve.

Mayor Woellner distributed an amended resolution. The amended resolution was as follows:

**A RESOLUTION OF THE MERRILL COMMON COUNCIL DECLARING THE
OBVIOUS**

WHEREAS, we are a city inside a country with a constitutional republic form of government; and,

WHEREAS, every member of the Merrill Common Council has sworn an oath to uphold the constitution; and,

WHEREAS, our government has well-proven systems of correcting oversteps of authority, specifically an entire branch of government known as the judicial system, designed to keep the executive and legislative branches in check;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of December, 2021, that the members of the council will uphold their sworn oath;

BE IT FURTHER RESOLVED, by the Common Council of the City of Merrill that any executive orders or laws at the state or federal level that are overreaching or clearly violate constitutionally protected rights will be reviewed by the City Attorney, who will provide a recommendation to the Council. Recommendations may include joining other governments to provide resources and assistance in a lawsuit, suing alone, or closely observing relevant ongoing cases. As required by the rule of law, any questionable executive order or statute will be enforced until the time that the court has ordered a stay or overruled it.

AND FINALLY, BE IT RESOLVED by the Common Council of the City of Merrill that with exhausted annoyance, let us no longer introduce frivolous resolutions like this one, which just state the obvious. Whether it be for grandstanding, or a personal ego boost, resolutions that serve nobody are not just neutral or inert, they are indeed damaging, tarnishing what should be a serious process addressing serious issues.

Motion (Russell/Blake) to approve the amended resolution. On roll call vote, motion failed 0-8.

Motion (Hass/Weix) to table. On roll call vote, motion failed 3-5. Voting Yes - Alderman Hass, Alderman Blake and Alderman Weix.

Motion (Hass/Weix) to postpone indefinitely. On roll call vote, motion failed 2-6. Voting Yes - Alderman Hass and Alderman Weix.

A vote was then held on the motion to approve the original resolution. This 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 the original resolution failed.

16. Mayor's Communications

- Mayor Woellner made several comments related to the resolution considered in the previous agenda item.

17. Adjournment

Motion (Rick/Osness) to adjourn. Carried. Adjourned at 6:48 P.M.

1004 East First Street
Merrill, Wisconsin 54452
Phone (715) 538-5594
Fax (715) 539-2668
E-Mail kathyu@ci.merrill.wi.us

The City of Merrill

To: Alderpersons

Kathy Unertl, Finance Director

Mayor Derek Woellner



Date: December 28th, 2021

Re: Revenue & Expense Report –

December 2021

with February 2022 Council agenda packet

For Information

The December 2021 Revenue & Expense Reports will be provided with the February 2022 Common Council agenda packet. There are numerous 2021 year-end fiscal transactions still pending that will be posted back to December 31st, 2021.

City of Merrill
Airport Commission Meeting Minutes
Wednesday, December 15, 2021
Merrill Airport Terminal

Members Present: Gary Schwartz (Chairman), Gary Schulz, Joe Malsack, Lyle Banser, Mark Weix (Alderman), Rich McCullough

Public Present: Doug Drost, Craig Hanig

1. Call to Order – Meeting called to order at 18:00 hours by Chairman Schwartz.
2. Approval of Meeting Minutes from November 17, 2021 – Motion by Malsack; second by Weix. All ayes. Motion carried.
3. Approval of Vouchers – Vouchers presented, received and initialed. Motion to pay vouchers by Banser; second by Malsack. All ayes. Motion carried.
4. Runway 16/34 Project Status – Schwartz reported on a meeting between himself and Mark Nielson (Ron Johnson's Office), John Lanctin (Tom Tiffany's Office), Kyle Lewis and Andy Williams (AOPA) and Brian Grefe (WAMA). They discussed an airport in Michigan which is having the same scenario in which FAA is not supporting their crosswind runway, saying they have 97% coverage. Running the Beecher-Hoppe Program, which is based on the FAA guidelines, the Michigan airport's coverage at 93%, which makes them eligible for a crosswind runway. This problem is expanding, as there are seven airports in Tom Tiffany's district that will have their crosswind runways questioned (not supported).
5. Update Entitlement Projects 2021 – Discussed entitlement projects. T-Hangar drainage problems were discussed and it was decided to investigate other T-hangar drainage solutions. Bidding for projects are targeted for March of 2022 for construction start in May or June.
6. Discussion F-84 Display and Mounting – Agra has not gotten back with estimate on plane mount. Hopefully, after Christmas.
7. Discussion/Decision T-Hangar and Future Projects – Discussed the Airport's economic impact on the City of Merrill and if we should have a more recent estimate done. The last study was in 2008. Checking on cost to have a study done.
8. Airport Maintenance Staff Pay Scale – Weix discussed/explained wage adjustments for Craig Hanig, Hugh Hanig and others. Weix made a motion to raise pay for Craig Hanig to \$23.00 an hour and Hugh Hanig to \$15.00 per hour. Second by Schulz. All ayes. Motion carried.
9. Manager's Report – McCullough reported snow removal going well.

10. Airport General Maintenance – Working on problem with plow. DNR will only deal with bears when they are out of hibernation. McCullough asked to review the reimbursement for snow removal employee.

Airport Lighting Outside – Lights have been delivered. Installation has to be arranged.

Airport Signage – Nothing new.

11. Chairman's Report – Questioned insurance for business running at the Airport Flight Training, etc. T Hangar 4 rental is discussed. Due for vote at next meeting.

12. Aviation Happenings – Schulz discussed possible problems with 5G interfering with radar because frequencies are too close and problems can happen.

13. Public Comment – Drost, who built a new hangar adjacent to the new FBO, reported his hangar was appraised at approximately \$137,000.00 and his tax bill is approximately \$4,300.00, which is very high for basically a pole building. Conversation followed on how to seek a reasonable tax

Commission members and Drost will investigate comparable property.

14. Agenda Items for Next Meeting –

Airport T-hangar rules.

Discuss insurance for FBOs (corporations/businesses) operating out of Merrill Airport.

Review the reimbursement policy for snow and mowing.

15. Adjournment – Motion by Malsack to adjourn; second by Weix. All ayes. Motion carried.

Minutes prepared by Lyle Banser



CITY OF MERRILL
BOARD OF PUBLIC WORKS
MINUTES • WEDNESDAY JULY 28, 2021

Regular Meeting

City Hall Council Chambers

5:15 PM

1. Call to Order

In the absence of Mayor Woeller, Alderman Van Lieshout called the meeting to order at 5:16 P.M.

Attendee Name	Title	Status	Arrived
John M. Van Lieshout	Aldersperson - Fifth District	Present	
Derek Woellner	Mayor	Excused	
Steve Sabatke	Aldersperson - Eighth District	Present	
Mike Rick	Aldersperson - Sixth District	Present	

Others in attendance (either in-person or remotely) included: City Administrator Dave Johnson, Finance Director Kathy Unertl, Public Works Director/City Engineer Rod Akey, Street Superintendent Dustin Bonack, Building Inspector/Zoning Administrator Darin Pagel, Utility Operations Manager Gabe Steinagel, City Attorney Tom Hayden, I/T Manager Dustin Brown, Alderman Rick Blake, Alderman Mark Weix, Alderman Steve Hass, Jon Malm, Pat Burg, Bea Lebal, Harry Wallace, Mike Ravn, Gordon Smukowski and City Clerk Bill Heideman. Merrill Productions was present to videotape the meeting.

2. Water & Sewer Agenda Items:

1. Water & Sewer Vouchers

The Water and Sewer vouchers were in the meeting packet.

Alderman Sabatke asked questions related to the vouchers.

Motion (Rick/Sabatke) to approve.

RESULT: APPROVED

2. Discussion on 303 Cottage Street

Gordon Smukowski distributed information and shared verbal information related to continuing problems with the sewer lateral at 303 Cottage Street. He asked what is planned to prevent future problems.

Utility Operations Manager Steinagel admitted that there have been problems in that sewer main over the last twenty years. A plumber did a "bad job", and roots have historically grown from the main into the lateral.

It was noted that the current policy is that the property owner is responsible for the sewer lateral and the City is responsible for the sewer main. Utility Operations Manager Steinagel asked Mr. Smukowski to call the City immediately if he detects any problems.

No formal action was taken.

3. Discussion on Water Tower Repair/Funding.

Utility Operations Manager Steinagel reported that there is leak in the Taylor Street Water Tower. Two quotes to conduct repairs have been received. One quote is for approximately \$111,000 and the other is for approximately \$180,000.

Motion (Sabatke/Rick) to approve the low quote of \$111,280 from KLM Engineering Inc. to replace two pipes on the Taylor Street Water Tower, using American Rescue Plan funding.

RESULT: APPROVED & SENT TO COUNCIL

Next: 8/10/2021 6:00 PM

4. Discussion on Sewer Lining

Utility Operations Manager Steinagel reported that there are two areas where there are holes in the sewer lining. One area is near the Sixth Ward Lift Station and the other is on West Main Street. One quote to perform the necessary repairs (approximately \$38,000) has been received.

It was reported that this is a maintenance issue, so no Board of Public Works action is necessary. City staff is authorized to facilitate the necessary repairs.

5. Discussion on 2021 Sanitary Sewer Survey Report

A copy of the report was in the meeting packet.

Utility Operations Manager Steinagel reported that there were no major deficiencies and progress is being made in many areas.

No action on the report was necessary, requested or taken.

6. Operations Report

The report was in the meeting packet.

Utility Operations Manager Steinagel reviewed the report.

3. BPW Agenda Items:

1. Board of Public Works Vouchers

The Board of Public Works vouchers were in the meeting packet.

Motion (Sabatke/Rick) to approve.

RESULT: APPROVED

2. Appeal of lawn mowing charges at 101 N. Polk Street

Information was in the meeting packet.

A gentleman speaking on behalf of the property owner presented his case. Street Superintendent Bonack then gave his response.

Motion (Van Lieshout/Rick) to reduce the June and July lawn mowing fees for 101 N. Polk Street by 50%.

RESULT: APPROVED

3. Appeal of lawn mowing charges at 308 Cooper Street

Information was in the meeting packet.

A lady representing the resident presented her case.

Motion (Sabatke/Rick) to reduce the June and July lawn mowing fees for 308 Cooper Street by 50%,

RESULT: APPROVED

4. Consider potential action(s) related to the former American Legion Building (now known as the Livingston Center), including the request from the Merrill Historical Society to release the reversionary clause in exchange for \$10,000.

Information was in the meeting packet.

City Administrator Johnson referred to a memo from City Attorney Hayden. The memo notes that, in 1991, the City rescinded a reversionary clause related to the property.

Motion (Rick/Sabatke) to refer to the City's legal counsel.

RESULT: CARRIED

5. Discuss W. Riverside Ave. alley to possibly vacate (301 - 311 W. Riverside Ave.)

Public Works Director/City Engineer Akey reported that historically, in similar cases, the property owner would request a vacation, and then the City would take the steps necessary to transfer the property to the adjoining property owner.

Public Works Director/City Engineer Akey was authorized to proceed with this. The subject will be discussed further at a future meeting. No formal action was taken at this time.

6. Discuss W. Riverside Ave. street light options (Tannery Drive to State St.)

Public Works Director/City Engineer Akey stated that he would like to contact the property owners in the area to get their opinion on street lighting. He was authorized to do so.

No action was taken at this time.

7. Consider Fiber Phase 3 Bids.

The deadline for submission of bids was July 27th.

City Administrator Johnson reported that the low bid (\$159,277.35) was from Underground Systems. He added that City staff recommends approving that bid.

Motion (Rick/Sabatke) to approve the bid of \$159,277.35 from Underground Systems.

RESULT: APPROVED & SENT TO COUNCIL

Next: 8/10/2021 6:00 PM

4. Monthly Reports:

1. Building Inspector/Zoning Administrator Pagel

The report was in the meeting packet.

2. Public Works Director/City Engineer Akey

The report was in the meeting packet.

Public Works Director/City Engineer Akey provided verbal updates on current projects.

3. Street Superintendent Bonack

The report was in the meeting packet.

Street Superintendent Bonack provided additional verbal details to the report.

4. Street & Weed Commissioner Liberty

The report was in the meeting packet.

5. Consider placing monthly reports on file

Motion (Rick/Sabatke) to place on file.

RESULT: PLACED ON FILE

5. Establish date, time and location of next regular meeting

Wednesday, September 1st, 2021 at 5:15 P.M. on the City Hall Common Council Chambers.

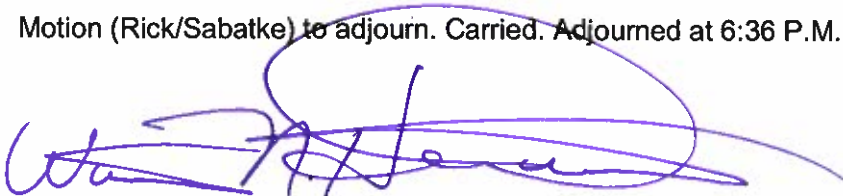
6. Public Comment Period

Mike Ravn stated the Merrill Historical Society is hoping to save the Livingston Center. He suggested that a viable option is to sell the building to Jon Malm. Since 1999, the Merrill Historical Society has investing approximately \$57,000 in the building. Mr. Ravn indicated that the Merrill Historical Society is interested in getting all or some of that money back, and suggested that the City should give money to the Merrill Historical Society in the event the building is sold by the City.

Jon Malm shared details on his plans for the former American Legion Building, if he purchases it.

7. Adjournment

Motion (Rick/Sabatke) to adjourn. Carried. Adjourned at 6:36 P.M.





CITY OF MERRILL BOARD OF PUBLIC WORKS

MINUTES • WEDNESDAY SEPTEMBER 1, 2021

Regular Meeting

City Hall Council Chambers

5:15 PM

1. Call to Order

Mayor Woellner called the meeting to order at 5:15 P.M.

Attendee Name	Title	Status	Arrived
John M. Van Lieshout	Aldersperson - Fifth District	Present	
Derek Woellner	Mayor	Present	
Steve Sabatke	Aldersperson - Eighth District	Present	
Mike Rick	Aldersperson - Sixth District	Present	

Others present (either in-person or remotely) included: City Administrator Dave Johnson, Public Works Director/City Engineer Rod Akey, Street Superintendent Dustin Bonack, Building Inspector/Zoning Administrator Darin Pagel, Utility Operations Manager Gabe Steinagel, City Attorney Tom Hayden, Alderman Steve Hass, Alderman Rick Blake, Bea Lebal, Jon Malm, Pat Burg and City Clerk Bill Heideman. Merrill Productions was present to videotape the meeting.

2. Water & Sewer Agenda Items:

1. Water & Sewer Vouchers

The vouchers were in the meeting packet.

Motion (Rick/Van Lieshout) to approve.

RESULT: APPROVED

2. 2022 Capital Requests

Information on the four 2022 capital requests was in the meeting packet

Utility Operations Manager Steinagel reported on the requests, as follows:

1. One ton truck (\$50,000)
2. Secondary Clarifier Rehab (\$60,000)
3. Well 4 Rehab (\$57,000)
4. Landfill Blower (\$9,000)

Motion (Van Lieshout/Sabatke) to refer to the 2022 budget process.

RESULT: REFER TO BUDGET PROCESS

3. Operations Report

Utility Operations Manager Steinagel reviewed the report.

3. BPW Agenda Items:

1. Board of Public Works Vouchers

The vouchers were in the meeting packet.

Street Superintendent Bonack answered a question on a voucher.

Motion (Sabatke/Van Lieshout) to approve.

RESULT:	APPROVED
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2. Continue discussion and take potential action(s) related to the former American Legion Building (now known as the Livingston Center).

Mayor Woellner reported that, after the further review, the legal opinion of the City's outside legal counsel has not changed. The opinion of the outside legal counsel is that the City owns the property.

Mayor Woellner recommends writing a formal letter to the Merrill Historical Society asking them to vacate the property if they are no longer using it. Once the property is vacated, Mayor Woellner would propose that the property be sold via bids, with the profits from the sale used to establish a grant program for non-profit organizations.

Motion (Sabatke/Van Lieshout) to recommend that the City relinquish all claim to the property in the event the Merrill Historical Society sells the property to a non-profit organization. Motion failed.

Motion (Woellner/Van Lieshout) to recommend that the City relinquish all claims to ownership of the Livingston Building (former American Legion Building) in exchange for the City receiving a \$10,000 payment from the Merrill Historical Society at the time the building is sold by the Merrill Historical Society.

RESULT:	APPROVED & SENT TO COUNCIL	Next: 9/14/2021 6:00 PM
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3. Street Use Permit application from The Haunted Sawmill to close the street in the area in front of the Haunted Sawmill (Hendricks Street from East Seventh Street to East Eighth Street) from 5:00 P.M. to 1 A.M. on the following dates in 2021: October 8, October 9, October 15, October 16, October 22, October 23, October 29, October 30 and October 31, in conjunction with a haunted house event.

A copy of the application was in the meeting packet.

Motion (Van Lieshout/Rick) to approve.

RESULT:	APPROVED & SENT TO COUNCIL	Next: 9/14/2021 6:00 PM
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4. Petition for paving on Summit Avenue, Bramble Way and Wildwood Lane. City Engineer/Public Works Director Akey recommends that the petition be referred to the 2022 budget process for consideration.

A copy of the petition was in the meeting packet.

Motion (Rick/Van Lieshout) to refer to the 2022 budget process.

RESULT: REFER TO BUDGET PROCESS**5. 2022 Capital Request for Front End Loader**

Street Superintendent Bonack reported on the request (\$135,000).

Alderman Rick suggested that the option of leasing should be explored.

Motion (Van Lieshout/Sabatke) to refer to the 2022 budget process.

RESULT: REFER TO BUDGET PROCESS**6. Bids for Webster Street extension.**

There was a request to alter the order of agenda items in order to consider this item immediately after the agenda item related to the front end loader. Without objection, it was so ordered.

Public Works Director/City Engineer Akey distributed the bid results. Three bids were received.

Public Works Director/City Engineer Akey recommends that the Tenth Street project be delayed until 2022 and to proceed with the Webster Street extension project.

Motion (Rick/Sabatke) to refer the bids to the Common Council, with no recommendation.

RESULT: REFERRED TO COUNCIL**Next: 9/14/2021 6:00 PM****7. Review drainage issues on Ninth Street (Mill Street to Poplar Street) and on Third Street (Grand Avenue to Logan Street). City Engineer/Public Works Director Akey recommends that this be referred to the 2022 budget process for consideration.**

Public Works Director/City Engineer Akey reported that flooding in the area is a concern. There are also other issues on Mill Street going north. Addressing those issues is the rationale for including Mill Street as one of the proposed 2022 projects.

8. Discuss potential projects for 2022.

A preliminary list of potential 2022 projects was distributed.

Public Works Director/City Engineer Akey reviewed the list.

The Water and Sewer portions of projects can be funded via American Rescue Plan funds.

Motion (Van Lieshout/Sabatke) to refer the list to the 2022 budget process. Motion carried.

Locations for R/V parking were discussed. This item was not on the agenda or the proposed project list. No action was taken.

4. Monthly Reports:

1. Building Inspector/Zoning Administrator Pagel

The report was in the meeting packet.

Working on issues related to garbage and painting.

2. Public Works Director/City Engineer Akey

The report was in the meeting packet.

Public Works Director/City Engineer Akey reported on the status of current projects.

3. Street Superintendent Bonack

The report was in the meeting packet.

The Street Department has been dealing with an unusual number of "washouts" this year.

Street Superintendent Bonack provided a verbal update on current Street Department projects.

4. Street & Weed Commissioner Liberty

The report was in the meeting packet.

5. Consider placing monthly reports on file

Motion (Van Lieshout/Rick) to place on file.

RESULT: PLACED ON FILE

5. Establish date, time and location of next regular meeting

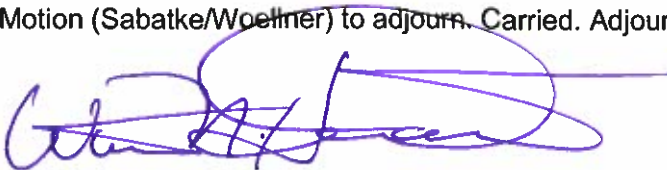
Wednesday, September 29th, 2021 at 5:15 P.M. in the City Hall Common Council Chambers.

6. Public Comment Period

None.

7. Adjournment

Motion (Sabatke/Woellner) to adjourn. Carried. Adjourned at 6:34 P.M.



CITY PLAN COMMISSION MINUTES 1-4-2022

Mayor Woellner called the meeting to order at 5:45pm.

All in attendance except Robert Reimann. He was excused.

Motion Hass/Schroeder to approve minutes of December 7, 2021, meeting, carried.

The committee took a brief recess until 6pm, at which time Attorney Hayden read the Notice of Public Hearing. The first public hearing involved a conditional use permit application from Agra Industries.

Motion Hass/Sturm to open meeting to the public at 6pm.

Patrick Hinner and Ben Bostrom appeared for Agra Industries and explained the request. Motion Hass/Schroeder to close public hearing, motion carried.

Motion Hass/Schroeder to approve the conditional use request from Agra Industries, motion carried unanimously.

Next item of business was a rezoning request from Mark Raymer regarding the parking lot at 105 N Ohio St. He was requesting a zoning change of residential to commercial to make a larger parking lot for the grocery store. Building Inspector/Zoning Administrator Pagel explained to Mr. Raymer that he has to have hard parking lot surface, internal drainage, and screening from the neighboring properties. Mr. Raymer understood and agreed.

Motion Hass/Schroeder to open public hearing. Mark Raymer explained his request for the zoning change.

Motion to close the meeting Hass/Sturm carried. Motion Schroeder/Sturm to approve zoning change, passed.

No public comment.

Next meeting at call of chair. Hass/Schroeder to adjourn at 6:14pm.



CITY OF MERRILL
MARKETING & COMMUNICATIONS
MINUTES • THURSDAY DECEMBER 16, 2021

Regular Meeting

City Hall Council Chambers

5:15 PM

I. Call to Order

Attendee Name	Title	Status	Arrived
Rick Blake	Chair	Present	
John M. Van Lieshout	Aldersperson - Fifth District	Excused	
Mark Weix	Aldersperson - Seventh District	Present	

Others attending (either remotely or in-person) included: Library Director Jessica Zellers, City Administrator Dave Johnson, City Attorney Tom Hayden, Gene Bebel, Mike Ravn, John Greenwood, Scott Steele, Clyde Nelson (arr. 5:18) and City Clerk Bill Heideman. Merrill Productions was present to videotape the meeting.

II. Minutes of Previous Meetings:

1. Minutes of November 18, 2021 meeting

Motion (Weix/Blake) to approve.

RESULT: APPROVED

III. Agenda Items:

1. Discuss talking points for public information

Information was in the meeting packet.

Scott Steele led discussion on four talking points. The four talking points are:

1. We're investing in building a positive future for Merrill.
2. We're focusing a branding and marketing effort on attracting and retaining talent.
3. We believe the Merrill community is truly unique and special.
4. This is a community effort - everyone's voice and participation are welcome and important.

These talking points were recently presented as part of a radio interview. That interview seemed to generate positive feedback from the community.

2. Consider hiring/contracting procedure for Communications Specialist

City Administrator Johnson distributed information comparing a "Communications Specialist" position and a "Marketing Specialist" position.

It was noted that the Communications Specialist will be an outside and contracted position. The person in that position will not be a City employee.

Recruiting for this position will begin at the local level. If a suitable local candidate does not emerge, the search will be expanded.

Gene Bebel stated that he was not in favor of a "virtual" option for this position.

Because the City will be paying for this position, Scott Steele wants to make sure that he follows all the correct procedures throughout the recruiting and hiring process. He will meet with City Administrator Johnson to discuss the details.

IV. Public Comment Period

None.

V. Establish date, time & location of next meeting

Thursday, January 20th, 2022 at 5:15 P.M. in the City Hall Common Council Chambers.

VI. Adjournment

Motion (Weix/Blake) to adjourn. Carried. Adjourned at 6:07 P.M.

City of Merrill
Meeting of Redevelopment Authority (RDA)

Wednesday, January 5th, 2022 at 8:00 a.m.
City Hall Common Council Chambers

RDA Present: Clyde Nelson, Sheila Polak, Steve Sabatke, Tony Kusserow, and Val Mindak

Absent: Derek Woellner and Lori Anderson-Malm

Others: Alderpersons Rick Blake and Mark Weix, Finance Director Kathy Unertl, City Administrator Dave Johnson, City Attorney Tom Hayden Public Works Director/City Engineer Rod Akey, IT Manager Dustin Brown, Bill Bialecki from Lincoln County Economic Development Corp. (LCEDC), and Merrill Productions video operator

Call to Order: Nelson called the meeting to order at 8:00 a.m.

Consider approval of RDA meeting minutes from November 3rd, 2021:

Motion (Sabatke/Polak) to approve the meeting minutes from November 3rd. Carried.

Public Comment: None.

Update on Tax Increment generated for 2022:

Unertl highlighted the over \$1.7 million in tax increment being generated for 2022 Tax Increment District (TID) projects and development incentives. Tax increment is being generated for all but TID No. 9 (Wisconsin River frontage and S. Center Ave.) and TID No. 10 (FoxPoint).

The priority the past six years has been facilitating growth in TIDs outside of TID No. 3 (East Side) before the 2026/2027 closure of TID No. 3. Unertl emphasized that the fiscal goal of being able to backfill tax increment will be successfully met due to the TID growth and upcoming 1/1/2022 valuation for FoxPoint development in TID No. 10

Update on 2021 Developments:

Building Permits for 2021 totaled about \$12.5 million. Comparison information from 2017 through 2021 was provided. New commercial developments, as well as completed improvements from 2020 construction starts were listed. The building permit for FoxPoint (TID No. 10) S.C. Swiderski, LLC apartments was for almost \$6.7 million.

There were 14 single-family home building permits issued in 2021, as well as 9 permits in 2020 (i.e. total of 23). This represents over 52% of new single-family homes built in City of Merrill since 2008. There will be 56 new units in the four FoxPoint apartment buildings.

Review and discuss the City Strategic Plan, 2020 - 2024:

RDA Commissioners discussed the City's Strategic Plan. The need for all types of housing was emphasized, especially related to affordable housing and role/mission of Merrill Area Housing Authority (MAHA). Mindak and Nelson reported that strong new home mortgage financing would be continuing.

Sabatke suggested that there could be developer interest in rehabilitation of houses instead of demolishing. Johnson reported that health and safety conditions require razing after review and orders from the City Building Inspector Darin Pagel. Unertl noted that the delay in delinquent tax foreclosures by Lincoln County hampers savaging these types of homes. Bialecki advised that Wisconsin Statutes for the delinquent tax foreclosure process are from 1910.

Mindak questioned whether the Common Council wanted more information than the 2021 Development and housing summary information.

Potential 2022 – 2023 Projects and Needs:

Discussion focused on the following:

TID No. 9 – former Anson-Gilkey site: Unertl advised fiscally it will be possible to transfer tax increment from TID No. 7 (N. Center Ave.) and TID No. 10 (FoxPoint) into this TID. Unertl recommended issuing a Request for Proposals (RFP) interest in redevelopment of this Wisconsin River frontage.

TID No. 8 – former bank site on W. Main St.: RDA previously authorized issuing an RFP for redevelopment. This RFP will be issued by end of January 2022.

Land for Residential Development: Johnson emphasized that there are three builders willing to construct new residential units. Various potential sites are being reviewed by City staff. There will be a closed session at the February 2022 RDA meeting to discuss potential sites for consideration of future City purchase.

Former Jefferson School: Sabatke asked about future options. Merrill Area Public Schools (MAPS) owns the property. Johnson commented that the pending April 2022 funding referendum might impact MAPS Board of Education decision-making on future directions.

Livingston Building: The Merrill Parks & Recreation Commission is discussing. This building between the Skate Park and Kitchenette Park will be used by the Parks & Recreation Department.

VFW Building: Sabatke asked about future for this building and noted some adjacent vacant land along E. 2nd St. The current property ownership hasn't been in contact with City staff.

TID No. 9 – former SEMCO buildings: There is some interest in redevelopment by an individual whom doesn't own the property. The property is now under Kyes St. Holdings, LLC. Although the 2018 taxes were paid in October 2021. There are now three years of delinquent taxes owed. There is historical environmental contamination. There are exterior building orders issued by City Building Inspector Darin Pagel.

Next RDA meeting: Next meeting is scheduled for Wednesday, February 2nd, 2022 at 8 a.m.

Adjournment: (Sabatke/Polak) to adjourn at 8:47 a.m. Carried.

Minutes prepared by RDA Secretary Kathy Unertl

**Transit Commission Meeting
November 15, 2021
Minutes**

Present; Rick Blake – Chairperson, Mr. Steve Willis, Ms. Sue Kunkel, Ms. Denise Ziech,
Ms. Katie Swope and Brad Brummond – Transit Administrator

- 1) Call to order 4:00pm
- 2) Public Comment – None
- 3) Approval of October 2021 minutes

A motion to approve minutes of the October 2021 meeting was made by Ms. Sue Kunkel and seconded by Ms. Katie Swope . All ayes, motion approved unanimously.

4) Administrator's Report:

- A. Ridership steady at about 170 per day
- B. Employee Status – Hired full time – Rob Norton, still looking for part time operators

5) 100 years of Motorbus Anniversary

- a. Approximately 140 riders for the Nickel Tour
- b. Both channel 7 and 12 ran stories throughout the weekend
- c. Historical Society pleased with number of visitors

6) Future Agenda Items

- employee status
- tour of lights - review

7) Next meeting date will be December 20, 2021. Meeting will be held at the Council Chambers in City Hall, 1004 E 1st St, Merrill, WI 54452.

8) Adjournment - a Motion to adjourn was made by Mr. Steve Willis and seconded by Ms. Sue Kunkel.
All ayes, motion approved unanimously.

Respectfully submitted by:

**Brad Brummond
Transit Administrator**

ZONING BOARD OF APPEALS MINUTES

January 5, 2022, 6:00 p.m.

PRESENT: Chairman Steve Hass, Alderman Mike Rick, Jeremy Thompson, Dean Haas, Ron Burrows, and Zoning Administrator Darin Pagel

Absent: Jim Koebe, excused

Guests: Marvin Clark, Gloria Clark, Mike Hamann, Linda Doerr

No public comment.

Motion to approve June 2, 2021 minutes Mr. Haas, second Mr. Thompson, carried.

Chairman Hass read the meeting notice and explained procedure.

Motion to open hearing Mr. Rick, second Mr. Thompson, carried.

ZA Pagel explained the variance request and the events that led up to this point. Marvin Clark, owner, spoke in favor stating everything he was going to do to the building and said he disagreed with the value. ZA Pagel reiterated that several letters were sent with no response and a citation was issued. Mike Hamann was opposed stating it is a junkyard without a residence so no one keeps an eye on what goes on there. Mr. Burrows also asked why they never responded to ZA Pagel's letters. Linda Doerr also spoke in opposition.

Motion to close hearing Mr. Thompson, second Mr. Haas, carried.

Motion to deny Mr. Burrows, second Mr. Haas, carried unanimously.

No other business

Next meeting will be at call of the Chairman

Motion to adjourn Mr. Thompson, second Mr. Rick, carried.

Meeting adjourned 6:23pm

Darin Pagel, Recording Secretary.

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: City Plan Commission
Re: Amending the District Zoning Map of the City of
Merrill, Wisconsin for property located at 105 N
Ohio Street.

ORDINANCE NO. 2022-

Introduced: _____

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. The District Zoning Map of the City of Merrill, Wisconsin is hereby amended by changing the zoning of the following described property at 105 N Ohio Street in the City of Merrill from Residential to Thoroughfare Commercial, said parcels more particularly described as follows:

Lots 3 & 4 Blk 11 JM Smith & Co Third Add'n, City of Merrill, Lincoln County, Wisconsin.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

Derek Woellner, Mayor

Attest:

Kathy Unertl, Deputy City Clerk

**APPLICATION FOR ZONING AMENDMENT
CITY OF MERRILL**

NAME: MARK RAYMER STREET ADDRESS: N398 BRUSH RD, MERRILL
PROPERTY ADDRESS: 105 N OHIO ST TAX ROLL#: 251 3106 104 0103
LEGAL DESCRIPTION: LOTS 3 & 4 BLK 11 J M SMITH & CO THIRD ADD

EXISTING USE: RESIDENTIAL PROPOSED USE: COMMERCIAL

REASONS FOR REQUESTING A ZONE CHANGE: PURCHASED LOT &
DEMOLISHED HOUSE TO MAKE A LARGER PARKING
LOT FOR THE GROCERY STORE

ADDITIONAL REQUIREMENTS

- 1.) Names and addresses of all abutting and opposite property owners within 300 feet of the property to be altered. **SEE ATTACHMENTS**
- 2.) Principal use of all properties within 300 feet of the property to be altered. **ONLY 105 N OHIO ALTERED**
- 3.) A plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within 300 feet of the parcel. **THE HOUSE IS NOW GONE. LOT WILL BE ASPHALTED IN 22**
- 4.) Any further information that may be pertinent in considering the application.
- 5.) FAILURE TO SUPPLY SUCH INFORMATION SHALL BE GROUNDS FOR DISMISSAL OF PETITION.
- 6.) A fee of \$175.00 shall be paid to the Clerk-Treasurer at time of application. **INCLUDED**

All information submitted is accurate to the best of my knowledge.


Signature of Applicant 11/22/21
Date
715 218 3277

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
TEMPORARY HOUSING AT
1303 W. MAIN STREET, MERRILL**

WHEREAS, Agra Industries has requested a conditional use permit pursuant to the Merrill Zoning Code Chapter 113, Article IV, Section 113-100 for sleeping facilities on the following described property:

Riverview Add'n lots 3-4-5-6 Blk 2 Ex S 100' of Lts 5 & 6 Thereof, City of Merrill, Lincoln County, Wisconsin,

Commonly known as 1303 W Main Street herein referred to as the "Premises"; and,

WHEREAS, the City Plan Commission scheduled a hearing on the application on January 4, 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 113-100 and has recommended approval of said application;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 11th day of January, 2022, that a conditional use permit shall be issued to Agra Industries for the purpose of temporary housing 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.

Recommended by: City Plan
Commission

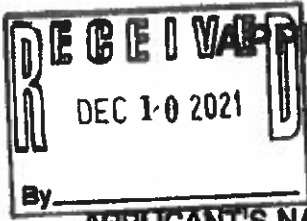
CITY OF MERRILL, WISCONSIN

Moved: _____

Derek Woellner
Mayor

Passed: _____

Kathy Unertl
Deputy City Clerk



APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF MERRILL

DATE 12/6/2021

By _____

APPLICANT'S NAME: Ben Bostrom

BUSINESS NAME: AGRA Industries

PHONE #: 715-536-9584 EMAIL: Bbostrom@agraind.com

PROPERTY ADDRESS: 1303 main st.

PROPERTY OWNER'S NAME: 1211 W. Water St. LLC

TAX ROLL#: 34 PIN#: 251

EXISTING USE: Storage

PROPOSED USE: Temp housing for Millwrights

REASON FOR REQUESTING A USE PERMIT CHANGE: Limited local employees
Need housing for temp workers.

**PLEASE PROVIDE A SEPARATE ATTACHMENT WITH A RESPONSE
TO EACH OF THE FOLLOWING ITEMS**

(Required per Section 113-100 of the Zoning Code)

1. A statement, in writing by applicant, that describes how the proposed conditional use(s) shall conform to the standards set forth in Section 113-103 hereinafter.
 - a) The establishment, maintenance or operation of the conditional use will not be detrimental or endanger public health, safety, morals, comfort or general welfare.
 - b) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with use of adjacent land (describe mitigating features to be part of the operations of the proposed use).
 - c) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the Zoning District.
 - d) Describe if adequate utilities, access roads, drainage, and other required site improvements have been or will be provided.
 - e) Describe what adequate measures have been taken to provide ingress and egress and how designed as to minimize traffic congestion in public streets.

- f) Explain how the conditional use shall conform to all applicable regulations of the district in which it is located.
- g) Explain how the conditional use will not violate flood plain regulations governing the site.
- h) That when applying the above standards to any new construction or placing an addition on an existing building, the Plan Commission and Common Council shall bear in mind the statement of purposes for the zoning district such that the proposed building or addition at the proposed location, does not defeat the purpose and objective of the Zoning District.
- i) In addition to passing the Conditional use Permit, the Plan Commission and Common Council shall also evaluate the effect of the proposed use upon:
 - I) The maintenance of safe and healthful conditions;
 - II) The prevention of water pollution including sedimentation;
 - III) Existing topography, drainage features and vegetative cover on the site;
 - IV) The location of the site with respect to floodplains and floodways of rivers and streams;
 - V) The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover;
 - VI) The location of the site with respect to existing or future access roads;
 - VII) The need of the proposed use for a shoreline location;
 - VIII) The compatibility with uses on adjacent land;
 - IX) The amount of liquid waste to be generated and the adequacy of the proposed disposal system.
- 2. Include the Names and Addresses of the architect, professional engineer, and contractor (if appropriate), and all property owners of record within 100 feet of the applicant. Note: Zoning Administrator will provide list of property owners to be included in the submittal.
- 3. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds description address of the subject site; type of structure; proposed operation or use of the structure of site; number of employees and the Zoning District within which the subject site lies.
- 4. Plat of Survey prepared by a registered land surveyor showing property lines, buildings, improvements, landscaping, and all of the information required for a building permit.
- 5. Additional information as may be required by the Plan Commission of Common Council, or Officers of the City.
- 6. A fee of \$175.00 must accompany the application.
- 7. A copy of Deed is required of proposed property.

The information submitted with this application is true and accurate to the best of my knowledge and belief.



 Signature of Applicant

 Signature of Applicant

