

**CITY OF MERRILL
COMMON COUNCIL
Tuesday, January 9, 2024 MINUTES
Regular Meeting City Hall Council Chambers 7:00 p.m.**

- I. **Call to Order:** Mayor Hass called the meeting to order at 7:00 p.m. The following elected officials, department heads and residents were in attendance:

Elected Officials and Department Heads present: Mayor Hass, City Attorney Hayden, Finance Director Unertl (remote), Finance Director Ley, City Administrator/Public Works Director/City Engineer Akey, Police Chief Bennett, Library Director Ollhoff, Utility Operations Manager Steinagel, Street Superintendent Bonack, Fire Chief Klug, Park & Recreation Director Wendorf and Enrichment Center Director Mrachek. City Clerk Anderson-Malm was excused.

Others in attendance: Pastor William Hohman, other members of the public and Merrill Media Communications.

- II. **Invocation** – Pastor William Hohman – New Testament Church

- III. **Pledge of Allegiance** was recited.

- IV. **Roll Call** was taken and the following alderperson's were in attendance:

Paul Russell – First District	Remote
Michael “Gus” Caylor – Second District	Present
Nathan Meyer – Third District	Present
LaDonna Fermanich – Fourth District	Present
Dick Lupton – Fifth District	Present
Mike Rick - Sixth District	Excused
Mark Weix – Seventh District	Present
Steve Sabatke – Eighth District	Present

- V. **Public Comment** – There was no public comment.

- VI. **Minutes of previous Common Council meeting:**

Aldersperson Meyer made a motion to place the minutes from December 12, 2023 on file. Aldersperson Lupton seconded and the motion carried.

- VII. **Revenue and Expense Reports:**

No action was taken

- VIII. **Place Committee Reports on File:**

Aldersperson Caylor made a motion to place the committee reports on file. Aldersperson Weix seconded and the motion carried.

- IX. **Resolutions:**

City Attorney Hayden read the following Resolution:

A RESOLUTION THANKING COREY BENNETT FOR HIS SERVICE AS CO-CITY ADMINISTRATOR TO THE CITY OF MERRILL

WHEREAS, Corey Bennett has served the City of Merrill as Co-City Administrator from February 2023 to December 2023; and,

WHEREAS, that time has been marked by his continued dedication to the best interests of our community, the safety and well-being of our employees and citizens, all while displaying his caring manner, sense of ethics, and responsibility; and

WHEREAS, Corey Bennett has earned the admiration and respect of his fellow employees for assuming additional duties to those of Police Chief; and

WHEREAS, Corey Bennett's unselfish tenure as Co-City Administrator was a great benefit to the City of Merrill, its employees and citizens;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of January, 2024, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Corey Bennett has given the City of Merrill as Co-City Administrator, congratulate him on his return to Police Chief duties, thank him for his continued unselfish dedication and hard work to make the City of Merrill a better place to live and work and look forward to being under his watchful eye as Chief of Police.

Aldersperson Fermanich made a motion to adopt the resolution. Aldersperson Sabatke seconded and the motion carried.

City Attorney read the following Resolution:

A RESOLUTION OPPOSING H.R. 3557, THE "AMERICAN BROADBAND ACT OF 2023"

WHEREAS, H.R. 3557, the "American Broadband Act of 2023" was approved by the House Committee on Energy and Commerce without any testimony from state or local government representatives; and,

WHEREAS, had state or local government representatives been allowed to speak, the City of Merrill and other municipalities surely would have made the committee aware that this bill represents an unprecedented and dangerous usurpation of local government authority to manage public rights-of-way and land use; and,

WHEREAS, the bill requires local governments to cede a great deal of control to private telecommunications companies, with no benefit to local governments, including Merrill, and – no obligation to provide broadband to "unserved" and "underserved" areas, no timeline for construction, and no accountability to communities; and,

WHEREAS, H.R. 3557 strips local governments of monetary compensation in favor of cable, wireless and telecommunications providers; and,

WHEREAS, H.R. 3557 pre-empts local governments' management authority, zoning powers, cable franchising authority, and property rights;

WHEREAS, H.R. 3557 deems siting decisions as granted if not denied by a local government within 60 days, a time frame that is insufficient for city staff to properly study the issue and for public education and input; and,

WHEREAS, H.R. 3557 makes virtually any local government decision not to allow a provider to install a wireless facility a "prohibition" preempted by federal law, and it would require local governments to draft and publicly release a written explanation for the decision to deny an application on the same day it votes on the decision, a virtually impossible task; and,

WHEREAS, H.R. 3557 substitutes the FCC for the local federal district court as the reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions; and,

WHEREAS, H.R. 3557 would eliminate Wisconsin's 10-year cable TV licensing renewal requirement and would allow video service providers to ignore provisions for "good cause," thereby further restricting the ability of the State to enforce video service statutory obligations such as public, educational and government access channel capacity and customer service requirements; and,

WHEREAS, H.R. 3557 affirmatively grants cable operators the right to use local rights-of-way to provide non-cable services while prohibiting localities, like the City of Merrill, from imposing any fees on non-cable services for use of those rights-of-way; and,

WHEREAS, H.R. 3557 waives historic preservation (NHPA) and environmental (NEPA) rules;
NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of January, 2024, that the City of Merrill urges you to vote against H.R. 3557 when it comes to a floor vote, as this bill undermines local and state government authority to an unprecedented degree, and seeks to tie the hands of local governments; and,

BE IT FURTHER RESOLVED that the proper city officials and staff are hereby authorized and directed to execute any and all documents or agreements which are necessary to effectuate this Resolution.

Alderperson Meyer made a motion to adopt the resolution. Alderperson Lupton seconded and the motion carried.

City Attorney Hayden read the following Resolution:

A RESOLUTION RATIFYING THE JANUARY 1, 2024 TO DECEMBER 31, 2025 CONTRACT BETWEEN THE CITY OF MERRILL AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 847

WHEREAS, negotiations between the City of Merrill and the International Association of Firefighters Local 847 have culminated a tentative contract agreement;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of January, 2024, that the City of Merrill accept the terms and conditions for the January 1, 2024 to December 31, 2025 employment years according to the terms of the contract between the City of Merrill and the International Association of Firefighters Local 847 on file in the City Clerk's office. Said changes and amendments in the terms and conditions to the January 1, 2024 to December 31, 2025 contract shall be effective January 1, 2024. The existing agreement shall be modified accordingly.

Aldersperson Caylor made a motion to adopt the resolution. Aldersperson Meyer seconded and the motion carried.

X. Mayor's Communications:

January 9 – Law Enforcement Appreciation Day – Mayor Hass thanked the Merrill Police Department for their dedication and service to the City.

January 13 – Merrill Fastpitch is having a Jamboree at the MARC with outdoor activities.

January 11 – T.B. Scott Library – Knitting for Beginners from 5:00 pm – 7:00 pm

January 13 – T.B. Scott Library – Author chat and real writers group – 10:30 am – 11:30 am

January 15 – T.B. Scott Library will be closed for staff development

May 18 – Food Truck-a-Palooza and the city wide garage sale

Reminder of the winter odd/even parking restrictions

Winners of the Christmas Lights contest for residents and businesses were announced to the Council.

XI. Adjournment:

Aldersperson Meyer made a motion to adjourn. Aldersperson Lupton seconded and the motion carried. The meeting was adjourned at 7:15 pm.

Minutes respectfully submitted by Lori L Anderson-Malm – City Clerk, from the video provided by Merrill Community Media