

**CITY OF MERRILL
COMMON COUNCIL
TUESDAY, NOVEMBER 12, 2024 MINUTES
REGULAR MEETING CITY HALL COUNCIL CHAMBERS 7:00 PM**

- 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 present: Andrew Caylor, Michael Caylor, Nathan Meyer, LaDonna Fermanich, Robert Lass, Mike Rick, Mark Weix Jr., Rebecca Rutkowski, and City Clerk Anderson-Malm
Others present: City Administrator Akey, City Attorney Hayden, Building Inspector/Zoning Administrator Pagel, Enrichment Center Director Mrachek, Facilities Maintenance Manager Brunett, Finance Director Ley, IT Manager Brown, Library Director Ollhoff, Parks & Recreation Director Wendorf, Police Chief Bennett, Street Superintendent Bonack, Transit Director Brummond, Utility Operations Manager Steinagel, Brian Riley - Ehlers.
Excused: Fire Chief Klug
- II. **Invocation - Pastor Paul Hohman - New Testament Church** All in attendance recognized a silent prayer.
- III. **Pledge of Allegiance** The Pledge of Allegiance was recited.
- IV. **Roll Call** Roll call was taken. All Alderpersons were in attendance.
- V. **Common Council Meeting Expectations** City Clerk Anderson-Malm read the meeting expectations.
- VI. **Public Comment** There was no public comment.
- VII. **Minutes from Previous Meeting**
 1. **Consider placing the minutes from the October 8th meeting on file.**
- Alderperson M. Caylor motioned to place the October 8th minutes on file. Alderperson Meyer seconded and the motion passed.
- VIII. **Public Hearing**
 1. **Public Hearing on the Proposed 2025 Budget** - City Attorney Hayden read the public hearing announcement published in the Foto News. Alderperson Meyer motioned to open the public hearing. Alderperson Fermanich seconded and the motion passed. No one in attendance approached the council regarding the proposed 2025 budget. Alderperson M. Caylor motioned to close the public hearing. Alderperson Rutkowski seconded and the motion passed.
- IX. **Revenue and Expense Reports**

1. Discussion and approval of October Revenue and Expense Reports

- Alderperson Fermanich motioned to approve the October Revenue and Expense reports. Alderperson Weix seconded and the motion passed.

X. 2025 Budget Finance Director Ley highlighted some items regarding revisions from the last Committee of the Whole budget meeting. Alderperson Fermanich thanked Finance Director Ley for the easy-to-read format and her hard work with the budget.

1. 2025 Budget - General Fund -

2. 2025 Budget - Other Funds -

3. 2025 Budget - Tax Increment Districts 3-14 -

4. 2025 Budget - City Capital Projects -

5. 2025 Budget - Water Utility -

6. 2025 Budget - Sewer Utility -

7. 2025 Budget - Utility Capital Projects -

XI. Board of Public Works

1. Consider bids for City-owned property. The Board of Public Works recommends approval.

- Alderperson A. Caylor motioned to approve the bids for city-owned property. Alderperson Rutkowski seconded and the motion passed.

XII. Marketing & Communications

1. Discuss and consider amending Chapter 2, Article IV, Section 2-81 Standing committees; action on committee reports. The Marketing & Communications committee recommends approval.

- Alderperson Meyer motioned to approve. Alderperson Rutkowski seconded and the motion passed.

XIII. Personnel & Finance

1. Discuss and consider combining the Social Media Specialist and the Fair Grounds Manager positions, renaming the position and taking effect, January 1, 2025. The Personnel & Finance committee recommends approval.

- Alderperson Rick motioned to approve. Alderperson M. Caylor seconded and the motion passed.

XIV. Place Committee Reports on File

1. Consider placing the following monthly reports on file: Committee of the Whole, Merrill Enrichment Center Committee, Housing Authority of Merrill, Marketing & Communications Committee, Police & Fire Commission, Redevelopment Authority, Board of Review, Library

Board, - Alderperson Meyer motioned to place the reports on file.
Alderperson Rick seconded and the motion passed.

XV. Ordinances

1. **An Ordinance Adopting the 2025 City of Merrill Budget and Establishing the Tax Levy for the Year 2024** - City Attorney Hayden read the Ordinance. Alderperson A. Caylor motioned to suspend the rules and give the ordinance the second and third readings by title only. Alderperson Meyer seconded and the motion carried. City Attorney Hayden gave the Ordinance the second and third readings by title only. Alderperson Rick motioned to adopt the Ordinance. Alderperson Meyer seconded and the motion carried on an 8/0 roll call vote.

XVI. Resolutions The resolutions were moved to the beginning of the agenda without objection.

1. **Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 6.** - City Attorney Hayden read the resolution.

RESOLUTION NO. 2783

RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN OF TAX INCREMENTAL DISTRICT NO. 6, CITY OF MERRILL, WISCONSIN

WHEREAS, the City of Merrill (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 6 (the "District") was created by the City on May 12, 2009; and

WHEREAS, the City now desires to amend the Project Plan of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will allow excess revenue to be transferred to Tax Incremental District's No. 8 and 9 and 10 as permitted under Wisconsin Statutes Section 66.1105(6)(f)2.

WHEREAS, an amended Project Plan for the District has been prepared that includes:

1. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
2. An economic feasibility study;
3. A detailed list of estimated project costs;

4. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
5. A map showing existing uses and conditions of real property in the District;
6. A map showing proposed improvements and uses in the District;
7. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
8. A list of estimated non-project costs;
9. A statement of the proposed plan for relocation of any persons to be displaced;
10. A statement indicating how the amendment of the District promotes the orderly development of the City;
11. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Lincoln County, the Merrill Area School District, and the Northcentral Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the RDA, on November 12, 2024 held a public hearing concerning the proposed amendment to the Project Plan of the District, providing interested parties a reasonable opportunity to express their views thereon; and WHEREAS, after said public hearing, the RDA adopted the Project Plan, and recommended to the Common Council that it amend the Project Plan. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Merrill that:

1. The boundaries of the District named "Tax Incremental District No. 6, City of Merrill" remain unchanged.
2. That this Amendment is effective as of the date of adoption of this resolution.
3. The Common Council finds and declares that:
 1. There are no additional improvements as a result of this amendment.
 2. The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum

expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).

1. Under the proposed amendment to Tax Incremental District No. 6, a total of \$30,000 in excess tax increments will be transferred to Tax Incremental District No. 8.

1. Under the proposed amendment to Tax Incremental District No. 6, a total of \$25,000 in excess tax increments will be transferred to Tax Incremental District No. 9.

1. Under the proposed amendment to Tax Incremental District No. 6, a total of \$50,000 in excess tax increments will be transferred to Tax Incremental District No. 10.

1. The District and the Recipient District lie within the same overlapping taxing jurisdictions.
2. The District has sufficient revenue to pay for all current Project Costs and has sufficient excess revenue to pay for eligible project costs of the Recipient District.
3. The Recipient District's are blighted area district's which qualifies it as an eligible recipient of excess revenue.

4. The Project Plan for "Tax Incremental District No. 6, City of Merrill " (see Exhibit A), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

Adopted this 12th day of November, 2024.

Mayor

City Clerk

EXHIBIT A - PROJECT PLAN
[DISTRIBUTED SEPARATELY]

Aldersperson M. Caylor motioned to approve. Aldersperson Rick seconded and the motion passed.

2. **Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 7.** - City Attorney Hayden read the resolution paragraph about transfers for the particular TID district.

RESOLUTION NO. 2784

**RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN
OF
TAX INCREMENTAL DISTRICT NO. 7,
CITY OF MERRILL, WISCONSIN**

WHEREAS, the City of Merrill (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 7 (the "District") was created by the City on August 11, 2009; and

WHEREAS, the City now desires to amend the Project Plan of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will allow excess revenue to be transferred to Tax Incremental District's No. 8, 9 and 10 as permitted under Wisconsin Statutes Section 66.1105(6)(f)2.

WHEREAS, an amended Project Plan for the District has been prepared that includes:

1. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
2. An economic feasibility study;
3. A detailed list of estimated project costs;
4. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
5. A map showing existing uses and conditions of real property in the District;
6. A map showing proposed improvements and uses in the District;
7. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
8. A list of estimated non-project costs;
9. A statement of the proposed plan for relocation of any persons to be displaced;

10. A statement indicating how the amendment of the District promotes the orderly development of the City;
11. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Lincoln County, the Merrill Area School District, and the Northcentral Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the RDA, on November 12, 2024 held a public hearing concerning the proposed amendment to the Project Plan of the District, providing interested parties a reasonable opportunity to express their views thereon; and WHEREAS, after said public hearing, the RDA adopted the Project Plan, and recommended to the Common Council that it amend the Project Plan. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Merrill that:

1. The boundaries of the District named "Tax Incremental District No. 7, City of Merrill" remain unchanged.
 2. That this Amendment is effective as of the date of adoption of this resolution.
 3. The Common Council finds and declares that:
 1. There are no additional improvements as a result of this amendment.
 2. The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
-
1. Under the proposed amendment to Tax Incremental District No. 7, a total of \$350,000 in excess tax increments will be transferred to Tax Incremental District No. 8.
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1. Under the proposed amendment to Tax Incremental District No. 7, a total of \$50,000 in excess tax increments will be transferred to Tax Incremental District No. 9.

1. Under the proposed amendment to Tax Incremental District No. 7, a total of \$50,000 in excess tax increments will be transferred to Tax Incremental District No. 10.

1. The District and the Recipient District lie within the same overlapping taxing jurisdictions.
2. The District has sufficient revenue to pay for all current Project Costs and has sufficient excess revenue to pay for eligible project costs of the Recipient District.
3. The Recipient District's are blighted area district's which qualifies it as an eligible recipient of excess revenue.

4. The Project Plan for "Tax Incremental District No. 7, City of Merrill " (see Exhibit A), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

Adopted this 12th day of November, 2024.

Mayor

City Clerk

EXHIBIT A - PROJECT PLAN
[DISTRIBUTED SEPARATELY]

Aldersperson Rick motioned to approve. Aldersperson Rutkowski seconded and the motion passed.

3. Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 11.

- City Attorney Hayden read the resolution paragraph about the transfer for District 11.

RESOLUTION NO. 2785

**RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN OF
TAX INCREMENTAL DISTRICT NO. 11,
CITY OF MERRILL, WISCONSIN**

WHEREAS, the City of Merrill (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 11 (the "District") was created by the City on May 10, 2016; and

WHEREAS, the City now desires to amend the Project Plan of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will allow excess revenue to be transferred to Tax Incremental District's No. 8, 9 and 10 as permitted under Wisconsin Statutes Section 66.1105(6)(f)2.

WHEREAS, an amended Project Plan for the District has been prepared that includes:

1. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
2. An economic feasibility study;
3. A detailed list of estimated project costs;
4. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
5. A map showing existing uses and conditions of real property in the District;
6. A map showing proposed improvements and uses in the District;
7. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
8. A list of estimated non-project costs;
9. A statement of the proposed plan for relocation of any persons to be displaced;
10. A statement indicating how the amendment of the District promotes the orderly development of the City;
11. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Lincoln County, the Merrill Area School District, and the Northcentral Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the RDA, on November 12, 2024 held a public hearing concerning the proposed amendment to the Project Plan of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the RDA adopted the Project Plan, and

recommended to the Common Council that it amend the Project Plan.
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Merrill that:

1. The boundaries of the District named "Tax Incremental District No. 11, City of Merrill" remain unchanged.

2. That this Amendment is effective as of the date of adoption of this resolution.

3. The Common Council finds and declares that:

1. There are no additional improvements as a result of this amendment.
2. The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).

1. Under the proposed amendment to Tax Incremental District No. 11, a total of \$1,020,000 in excess tax increments will be transferred to Tax Incremental District No. 8.

1. Under the proposed amendment to Tax Incremental District No. 11, a total of \$2,229,000 in excess tax increments will be transferred to Tax Incremental District No. 9.

1. Under the proposed amendment to Tax Incremental District No. 11, a total of \$50,000 in excess tax increments will be transferred to Tax Incremental District No. 10.

1. The District and the Recipient District lie within the same overlapping taxing jurisdictions.
2. The District has sufficient revenue to pay for all current Project Costs and has sufficient excess revenue to pay for eligible project costs of the Recipient District.
3. The Recipient District's are blighted area district's which qualifies it as an eligible recipient of excess revenue.

4. The Project Plan for "Tax Incremental District No. 11, City of Merrill " (see Exhibit A), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

Adopted this 12th day of November, 2024.

Mayor

City Clerk

EXHIBIT A - PROJECT PLAN
[DISTRIBUTED SEPARATELY]

Aldersperson A. Caylor motioned to approve. Aldersperson Weix seconded and the motion passed.

4. **Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 12.** - City Attorney Hayden read the resolution paragraph about the transfers for TID District 12.

RESOLUTION NO. 2786

**RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN
OF
TAX INCREMENTAL DISTRICT NO. 12,
CITY OF MERRILL, WISCONSIN**

WHEREAS, the City of Merrill (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 12 (the "District") was created by the City on August 23, 2017; and

WHEREAS, the City now desires to amend the Project Plan of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will allow excess revenue to be transferred to Tax Incremental District's No. 8, 9 and 10 as permitted under Wisconsin Statutes Section 66.1105(6)(f)2.

WHEREAS, an amended Project Plan for the District has been prepared that includes:

1. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent

provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;

2. An economic feasibility study;
3. A detailed list of estimated project costs;
4. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
5. A map showing existing uses and conditions of real property in the District;
6. A map showing proposed improvements and uses in the District;
7. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
8. A list of estimated non-project costs;
9. A statement of the proposed plan for relocation of any persons to be displaced;
10. A statement indicating how the amendment of the District promotes the orderly development of the City;
11. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Lincoln County, the Merrill Area School District, and the Northcentral Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the RDA, on November 12, 2024 held a public hearing concerning the proposed amendment to the Project Plan of the District, providing interested parties a reasonable opportunity to express their views thereon; and WHEREAS, after said public hearing, the RDA adopted the Project Plan, and recommended to the Common Council that it amend the Project Plan. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Merrill that:

1. The boundaries of the District named "Tax Incremental District No. 12, City of Merrill" remain unchanged.
2. That this Amendment is effective as of the date of adoption of this resolution.
3. The Common Council finds and declares that:
 1. There are no additional improvements as a result of this amendment.

2. The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).

1. Under the proposed amendment to Tax Incremental District No. 12, a total of \$10,000 in excess tax increments will be transferred to Tax Incremental District No. 8.

1. Under the proposed amendment to Tax Incremental District No. 12, a total of \$10,000 in excess tax increments will be transferred to Tax Incremental District No. 9.

1. Under the proposed amendment to Tax Incremental District No. 12, a total of \$10,000 in excess tax increments will be transferred to Tax Incremental District No. 10.

1. The District and the Recipient District lie within the same overlapping taxing jurisdictions.
2. The District has sufficient revenue to pay for all current Project Costs and has sufficient excess revenue to pay for eligible project costs of the Recipient District.
3. The Recipient District's are blighted area district's which qualifies it as an eligible recipient of excess revenue.

4. The Project Plan for "Tax Incremental District No. 12, City of Merrill " (see Exhibit A), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

Adopted this 12th day of November, 2024.

Mayor

City Clerk

EXHIBIT A - PROJECT PLAN
[DISTRIBUTED SEPARATELY]

Aldersperson Meyer motioned to approve. Aldersperson Fermanich seconded and the motion passed.

XVII. Mayor's Communications Mayor Hass read the following communications:

Yesterday, November 11th was Veterans Day; please honor the men and women who gave all for our country.

I want to thank all the all the election workers and our City Clerk Lori Anderson-Malm for the outstanding they all did last Tuesday.

November 28th and 29th - City Hall will be closed.

November 30th is Small Business Saturday.

December 6th is the Winter Wonderland at the Agra Pavilion.

December 7th is Sensory Santa at the Agra pavilion, the Christmas Parade, Park Lane Luminary, and the O'Tannenbaum Tour.

December 11th and 12th is the Tour of Lights.

XVIII. Closed Session

- 1. The Committee may convene in closed session pursuant to Wisconsin State Statutes 19.85(1)(e) and (g) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; to discuss pending litigation regarding the Wal-Mart tax assessments and related matters.** - City Attorney Hayden read the closed session language. Aldersperson Rick motioned to enter into a closed session. Aldersperson M. Caylor seconded and the motion passed on an 8/0 roll call vote. The following were included in the closed session in addition to the Common Council, Mayor Hass, City Attorney Hayden, City Administrator Akey, Finance Director Ley, Stan Riffle - outside counsel. City Clerk Anderson-Malm recorded minutes without objection. The Council entered into closed session at 7:27 pm.

The Council discussed pending litigation regarding the Wal-Mart tax assessment and related items.

XIX. Reconvene in Open Session

- 1. The Committee may reconvene in open session regarding the closed session item.** - Aldersperson M. Caylor motioned to reconvene in open session. Aldersperson A. Caylor seconded and the motion passed.

XX. Adjournment Aldersperson Lass motioned to adjourn. Aldersperson M. Caylor seconded and the motion passed. The meeting was adjourned at 7:54 pm.

Minutes respectfully submitted by Lori L Anderson-Malm - City Clerk

The minutes are in draft form until approved at the next scheduled meeting. Meeting minutes are available in the City Clerk's office and on the City of Merrill website. Complete Ordinances are available on the City of Merrill website. <https://www.ci.merrill.wi.us>