



CITY OF MERRILL

COMMON COUNCIL

MINUTES • TUESDAY SEPTEMBER 14, 2021

Regular Meeting

City Hall Council Chambers

6:00 PM

1. Call to Order

In the absence of Mayor Woellner, Common Council President Paul Russell called the meeting to order at 6:00 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	Excused	

2. Invocation by Rev. Paul Hohman, New Testament Church

3. Pledge of Allegiance

4. Roll Call

5. Public Comment Period

On behalf of the Lincoln County Fair Association, Sue Kunkel thanked the City, the Common Council, the Street Department and everyone that helped make the 2021 Lincoln County Fair a success.

On behalf of the Merrill Historical Society, Pat Burg gave an update on the Livingston Building (former American Legion Building). She reported that a letter and the keys to the building have been delivered to the City.

On behalf of the Lincoln County Fair Association, Clyde Nelson thanked City officials and everyone that assisted during and after the tornado (Wednesday, August 11th) to ensure that the Festival Grounds could host a successful fair.

Jon Malm thanked the Merrill Historical Society for their efforts in attempting to sell the Livingston Building to his group. He added that his group is still interested in purchasing the facility.

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

1. Minutes of August 10, 2021 meeting

Motion (Van Lieshout/Rick) to approve.

RESULT: APPROVED

7. Revenue & Expense Reports(s):

1. Revenue & Expense Report for the period ending August 31, 2021

Motion (Van Lieshout/Osness) to approve.

RESULT: APPROVED

8. Communications and Petitions:

1. Insurance claim from Richard Kotschi for towing expenses as the result of a motorcycle disablement at East Third Street and Poplar Street on July 15, 2021. The City has a contract with a contractor for a street project in the area where the disablement occurred. The contract appears to require the contractor to carry professional liability insurance for protection against claims arising out of the performance of its work. Therefore, the insurance company asserts that the City has no liability in this instance and the insurance company recommends that this claim be disallowed.

Motion (Hass/Rick) to disallow.

RESULT: DISALLOWED

9. General agenda items:

1. Employee Years of Service Recognition:

Tyler R. Mueller (Fire Department), 10 years

City Clerk Heideman read a certificate of recognition for Tyler Mueller.

Joshua W. McCaskill (Police Department), 10 years

City Clerk Heideman read a certificate of recognition for Josh McCaskill.

10. Board of Public Works:

1. Continue discussion and take potential action(s) related to the former American Legion Building (now known as the Livingston Center). The Board of Public Works recommends 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.

Motion (Hass/Rick) to refer to the next Committee of the Whole meeting.

RESULT: REFERRED TO COMM. OF THE WHOLE

2. 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. The Board of Public Works recommends approval.

Motion (Van Lieshout/Osness) to approve.

RESULT: APPROVED

3. Bids for Webster Street extension. The Board of Public Works referred the bids to the Common Council with no recommendation.

Motion (Hass/Blake) to approve the low bid of \$338,731.52 from Merrill Gravel and Construction Co.

RESULT: APPROVED

11. Committee of the Whole:

1. Consider recommendation(s) from September 13th Committee of the Whole meeting regarding request from Friends of Vincent Foundation - Haunted Sawmill for American Rescue Fund (City of Merrill) grant program for various projects. At the September 13th meeting, the Committee of the Whole recommended disapproving the request and discontinuing acceptance of any American Rescue Fund (City of Merrill) grant program funding requests from any organizations.

Motion (Van Lieshout/Rick) to approve the recommendations from the September 13th Committee of the Whole meeting.

RESULT: APPROVED

2. Consider recommendation(s) from September 13th Committee of the Whole meeting regarding request for addition of 23rd Police Officer position. At the September 13th meeting, the Committee of the Whole recommended approving the addition of a 23rd Police Officer position.

Motion (Hass/Weix) to approve the recommendation from the September 13th Committee of the Whole meeting.

RESULT: APPROVED

12. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Board of Public Works, City Plan Commission, Festival Grounds Committee, Historic Preservation Committee, Library Board, Merrill Enrichment Center Committee, Parks & Recreation Commission, Personnel & Finance Committee, Redevelopment Authority and Transit Commission.

Motion (Osness/Rick) to place on file.

RESULT: PLACED ON FILE

13. Ordinances:

1. An Ordinance amending Code of Ordinances Chapter 113, Article XI, Section 113-317, related to accessory uses or structures.

City Attorney Hayden gave the ordinance a first reading.

2. An Ordinance Amending Chapter 38, Article VI, Section 105-314 through 105-322, related to Historic Preservation (Ordinance #2021-14).

City Attorney Hayden gave the ordinance a first reading.

Motion (Hass/Van Lieshout) to suspend the rules and give the ordinance a second reading and a third reading by title only. Motion carried without a vote or an objection.

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

RESULT:	APPROVED [6 TO 2]
MOVER:	Steve Hass, Alderperson - Second District
SECONDER:	Steve Sabatke, Alderperson - Eighth District
AYES:	Russell, Hass, Blake, Van Lieshout, Weix, Sabatke
NAYS:	Osness, Rick

14. Resolutions:

1. A Resolution Establishing Parameters for the Sale of Not to Exceed \$1,680,000 General Obligation Corporate Purpose Bonds, Series 2021A (Resolution #2702).

This resolution is being published by title only. A complete copy of the resolution, including all associated exhibits and schedules, is available for inspection in the Clerk/Treasurer office at City Hall.

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Steve Hass, Alderperson - Second District
SECONDER: Rick Blake, Alderperson - Third District
AYES: Russell, Hass, Blake, Osness, Van Lieshout, Rick, Weix, Sabatke

2. A Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,150,000 General Obligation Promissory Notes, Series 2021B (Resolution #2703).

This resolution is being published by title only. A complete copy of the resolution, including all associated exhibits and schedules, is available for inspection in the Clerk/Treasurer office at City Hall.

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: John M. Van Lieshout, Alderperson - Fifth District
SECONDER: Mike Rick, Alderperson - Sixth District
AYES: Russell, Hass, Blake, Osness, Van Lieshout, Rick, Weix, Sabatke

3. A Resolution Authorizing the Issuance and Sale of a \$1,195,000 Tax Increment Revenue Bond, Series 2021C (TID No. 11) (Resolution #2704).

This resolution is being published by title only. A complete copy of the resolution, including all associated exhibits and schedules, is available for inspection in the Clerk/Treasurer office at City Hall.

RESULT: APPROVED BY ROLL CALL VOTE [7 TO 0]
MOVER: John M. Van Lieshout, Alderperson - Fifth District
SECONDER: Rick Blake, Alderperson - Third District
AYES: Russell, Blake, Osness, Van Lieshout, Rick, Weix, Sabatke
ABSTAIN: Hass

4. A Resolution Authorizing the Issuance and Sale of a \$565,000 Taxable Tax Increment Revenue Bond Anticipation Note, Series 2021D (TID No. 10) (Resolution #2705).

This resolution is being published by title only. A complete copy of the resolution, including all associated exhibits and schedules, is available for inspection in the Clerk/Treasurer office at City Hall.

RESULT: APPROVED BY ROLL CALL VOTE [7 TO 0]
MOVER: John M. Van Lieshout, Alderperson - Fifth District
SECONDER: Rick Blake, Alderperson - Third District
AYES: Russell, Blake, Osness, Van Lieshout, Rick, Weix, Sabatke
ABSTAIN: Hass

5. A Resolution authorizing a Development Agreement by and between the City and S.C. Swiderski, LLC (Webster St.) (Resolution #2706).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 8 on September 27, 2011 and the development site is within TID No. 8; and,

WHEREAS, S.C. Swiderski, LLC has proposed construction of duplexes and single-family homes; and,

WHEREAS, the City of Merrill finds that the proposed development and the fulfillment of the items and conditions of the attached Development Agreement are in the vital and best interest of the City of Merrill, the Merrill Redevelopment Authority and City residents and serves a public purpose in accordance with State law; and,

WHEREAS, additional property tax will be generated and new residential units created from this development project; and,

WHEREAS, S.C. Swiderski, LLC has negotiated the development agreement to provide for transfer of property ownership of about 12.154 acres (between Alexander St., Heldt St., and Eugene St.) to facilitate the duplex and single-family home development project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of September, 2021, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and S.C. Swiderski, LLC and to facilitate the implementation thereof.

Motion (Van Lieshout/Blake) to approve.

RESULT:	APPROVED
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6. A Resolution authorizing the vacation of an alley located in Block Twelve of JM Smith & Company's Third Addition (1400 block of West Main Street) (Resolution #2707).

WHEREAS, Brent Scatlin has requested the vacation of an alley, to facilitate business expansion; and,

WHEREAS, the alley to be vacated is described as: In the City of Merrill, Lincoln County, Wisconsin:

A part of Block Twelve (12) of J.M. Smith & Company's Third Addition to West Merrill located in the Southwest Quarter of the Southeast Quarter (SW ¼ of the SE ¼) of Section Ten (10), Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin, more particularly described as follows:

Alley to be vacated lying in the SW ¼ of the SE ¼, Govt. Lot 9, Sec. 10, T31N R6E, City of Merrill, Lincoln County, Wisconsin: Beginning at the Southeast corner of Lot 6 of Block 12 of J.M. Smith & Company's Third Addition to West Merrill, thence East 16 feet to the East alley right-of-way line, thence North 100 feet along the East alley right-of-way line, thence West 16 feet to the West alley right-of-way line, thence South 100 feet along the West alley right-of-way line to the point of beginning.

WHEREAS, the Board of Public Works on April 28, 2021 and the City Plan Commission on May 4, 2021 have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of September, 2021, that the following described alley be vacated:

A part of Block Twelve (12) of J.M. Smith & Company's Third Addition to West Merrill located in the Southwest Quarter of the Southeast Quarter (SW ¼ of the SE ¼) of Section Ten (10), Township Thirty-one (31) North, Range Six (6) East, City of Merrill, Lincoln County, Wisconsin, more particularly described as follows:

Alley to be vacated lying in the SW ¼ of the SE ¼, Govt. Lot 9, Sec. 10, T31N R6E, City of Merrill, Lincoln County, Wisconsin: Beginning at the Southeast corner of Lot 6 of Block 12 of J.M. Smith & Company's Third Addition to West Merrill, thence East 16 feet to the East alley right-of-way line, thence North 100 feet along the East alley right-of-way line, thence West 16 feet to the West alley right-of-way line, thence South 100 feet along the West alley right-of-way line to the point of beginning.

BE IT FURTHER RESOLVED, that the City hereby declares that the alley being vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

Motion (Rick/Sabatke) to approve.

RESULT:	APPROVED
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7. A Resolution honoring Gene Bebel his long-term service to the T.B. Scott Library Board of Trustees and the City of Merrill (Resolution #2708).

WHEREAS, Gene Bebel has served the City of Merrill and the T.B. Scott Library Board of Trustees for 29 years as a valued, tenacious and dedicated Board Member; and,

WHEREAS, his years of service have been marked by dedication to the best interests of our community and citizens; and

WHEREAS, Gene Bebel has earned the admiration and respect of his fellow Board Members and those he worked with by exhibiting an unmatched work ethic, and an amazing sense of humor; and

WHEREAS, Gene Bebel's skills, experience, vision and his colorful use of the English language will be missed at the City of Merrill T.B. Scott Library Board;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 14th day of September, 2021, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Gene Bebel has given the City of Merrill T.B. Scott Library Board of Trustees and commends him for those 29 years of service; and

BE IT FURTHER RESOLVED, that we hereby commend the meritorious and dedicated service of Gene Bebel, congratulate him upon the occasion of his departure from the City of Merrill T.B. Scott Library Board, 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
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15. Mayor's Communications

Alderman Russell noted that there were several events held in the City recently. He thanked the First Responders, Police Department, Fire Department, Street Department and the Lincoln County Sheriff's Department for their participation in grand opening ceremonies held at the Northwoods Veterans Post.

16. Adjournment

Motion (Van Lieshout/Rick) to adjourn. Carried. Adjourned at 6:53 P.M.