CITY OF MERRILL

COMMON COUNCIL

MINUTES ● MONDAY SEPTEMBER 9, 2019

Special Meeting | **City Hall Council Chambers** | **7:00 PM**

1. Call to Order

Mayor Woellner called the meeting to order at 7:00 P.M.

Attendee Name	Title	Status	Arrived
Paul Russell	Alderperson - First District	Present	
Steve Hass	Alderperson - Second District	Present	
Rick Blake	Alderperson - Third District	Present	
Steve Osness	Alderperson - Fourth District	Present	
John M. Van Lieshout	Alderperson - Fifth District	Present	
Rob Norton	Alderperson - Seventh District	Present	
Steve Sabatke	Alderperson - Eighth District	Present	
Derek Woellner	Mayor	Present	

2. Invocation by Pastor William Hohman, New Testament Church
3. Pledge of Allegiance
4. Roll Call
5. Public Comment Period

Ken Maule spoke in favor of the Pine Ridge Development Agreement Resolution.

Ryan Schwartzman spoke in favor of both Development Agreement Resolutions. He also stated that he would answer any questions related to the two “picnic” license applications from the Merrill Historical Society.

6. Agenda item related to vacant District 6 aldermanic position:
   1. Consider recommendations from September 9, 2019 Committee of the Whole meeting related to candidate and duration of term to fill vacant Aldermanic District #6 seat. The candidates who have applied for the position (listed alphabetically by last name) are Landis Holdorf, Chad Krueger, Ronald Liberty, Todd Nofsinger, Robert Oemig and Michael Rick, Jr. Note: Todd Nofsinger has requested that his name be withdrawn from consideration.

At the September 9th, 2019 Committee of the Whole meeting, the final vote to fill the vacant Sixth District Aldermanic seat resulted in six votes for Mike Rick Jr. and two votes for Ron Liberty.

Motion (Norton/Osness) to appoint Mike Rick Jr. to the vacant position of Sixth District Alderperson until the April, 2020 election.

RESULT:	**APPROVED**

   2. Oath of Office for Alderperson in the Sixth Aldermanic District.

City Clerk Heideman administered the oath of office to Mike Rick Jr. Alderman Rick then participated in the remainder of the meeting.

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

    1. Minutes of August 13, 2019 Common Council meeting

    Motion (Norton/Russell) to approve.

RESULT:	**APPROVED**

8. Revenue & Expense Reports(s):

    1. Revenue & Expense Report for Period Ending August 31, 2019

    Motion (Norton/Blake) to approve.

RESULT:	**APPROVED**

9. General agenda items:

    1. Employee Years of Service Recognition:

        Jason R. Hendricks, 10 years (Fire Department)

    City Clerk Heideman read a certificate of recognition for Jason Hendricks.

    2. Due to discontinuation of the Merrill Courier (current official City newspaper), and recognizing that publication of City ordinances, notices, and other legal matters is of vital concern to the City of Merrill, City staff recommends that, pending further action, any newspaper publications and/or internet postings of notices shall be done at the direction of the City Clerk in accordance with appropriate statutes and regulations. Mayor Woellner is bringing this directly to the Common Council.

    Motion (Hass/Osness) to approve the recommendation.

RESULT:	**APPROVED**

10. Board of Public Works:

    1. 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 2019: October 4, October 5, October 11, October 12, October 18, October 19, October 24, October 25, October 26 and October 31, in conjunction with a haunted house event. The Board of Public Works recommends approval.

    Motion (Norton/Hass) to approve.

RESULT:	**APPROVED**

11. Health and Safety Committee:

    1. Application from Dolgencorp, LLC, Ronnie Borgerding, Agent, for a Class "A" (beer) and a "Class A" (liquor) license for Dollar General Store #21051, 710 East Second Street, effective September 11, 2019. The Health and Safety Committee recommends approval.

Motion (Hass/Rick) to approve.

RESULT:	**APPROVED**

2. Application from the Merrill Historical Society, 100 East Third Street, for a temporary Class "B" (picnic) license to sell fermented malt beverages in the Expo Center (Merrill Festival Grounds) on Friday, September 27, 2019, in conjunction with a "Fall Brawl: The Clawman Cometh" wrestling event. The Health and Safety Committee recommends approval.

Motion (Hass/Sabatke) to approve.

RESULT:	**APPROVED**

3. Application from the Merrill Historical Society, 100 East Third Street, for a temporary Class "B" (picnic) license to sell fermented malt beverages and wine at 100 East Third Street on Saturday, November 2, 2019, as part of a trivia night. The Health and Safety Committee recommends approval.

Motion (Hass/Blake) to approve.

RESULT:	**APPROVED**

12. Placing Committee Reports on File:

1. Consider placing the following committee reports on file: Airport Commission, Board of Public Works, Health & Safety Committee, Library Board, Merrill Enrichment Center Committee, Parks & Recreation Commission, Redevelopment Authority and Water & Sewage Disposal Committee.

Motion (Norton/Hass) to place on file.

RESULT:	**PLACED ON FILE**

13. Ordinances:

1. None.

14. Resolutions:

1. An Initial Resolution Authorizing $730,000 General Obligation Bonds for Street Improvement Projects (Resolution #2606).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $730,000 for the public purpose of paying the cost of street improvement projects.

Motion (Norton/Van Lieshout) to approve.

A roll call vote resulted in a 4 to 4 tie. Voting Yes - Alderman Russell, Alderman Blake, Alderman Van Lieshout and Alderman Norton.

Mayor Woellner broke the tie by voting Yes. Therefore the motion carried and the resolution was adopted.

2. An Initial Resolution Authorizing $190,000 General Obligation Bonds for Park and Public Grounds Projects (Resolution #2607).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $190,000 for the public purpose of paying the cost of parks and public grounds projects.

Motion (Norton/Blake) to approve.

A roll call vote resulted in a 4 to 4 tie. Voting Yes - Alderman Russell, Alderman Blake, Alderman Van Lieshout and Alderman Norton.

Mayor Woellner broke the tie by voting Yes. Therefore the motion carried and the resolution was adopted.

3. An Initial Resolution Authorizing $25,000 General Obligation Bonds for a Parking Lot (Resolution #2608).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $25,000 for the public purpose of paying the cost of a parking lot.

Motion (Norton/Blake) to approve.

A roll call vote resulted in a 4 to 4 tie. Voting Yes - Alderman Russell, Alderman Blake, Alderman Van Lieshout and Alderman Norton.

Mayor Woellner broke the tie by voting Yes. Therefore the motion carried and the resolution was adopted.

4. An Initial Resolution Authorizing $125,000 General Obligation Bonds for Community Development Projects in Tax Increment Districts (Resolution #2609).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $125,000 for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statues, by paying projects costs included in the project plan for the City's Tax Incremental Districts.

Motion (Norton/Van Lieshout) to approve.

A roll call vote resulted in a 4 to 4 tie. Voting Yes - Alderman Russell, Alderman Blake, Alderman Van Lieshout and Alderman Norton.

Mayor Woellner broke the tie by voting Yes. Therefore the motion carried and the resolution was adopted.

5. An Initial Resolution Authorizing $235,000 General Obligation Bonds for Sewerage Projects (Resolution #2610).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $235,000 for the public purpose of paying the cost of sewerage projects.

Motion (Norton/Blake) to approve.

A roll call vote resulted in a 4 to 4 tie. Voting Yes - Alderman Russell, Alderman Blake, Alderman Van Lieshout and Alderman Norton.

Mayor Woellner broke the tie by voting Yes. Therefore the motion carried and the resolution was adopted.

6. An Initial Resolution Authorizing $175,000 General Obligation Bonds for Libraries (Resolution #2611).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $175,000 for the public purpose of paying the cost of libraries.

Motion (Norton/Van Lieshout) to approve.

Motion carried 6 to 2 on roll call vote. Voting No - Alderman Rick and Alderman Sabatke.

7. An Initial Resolution Authorizing $335,000 General Obligation Bonds for Water System Projects (Resolution #2612).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $335,000 for the public purpose of paying the cost of water system projects.

Motion (Norton/Blake) to approve.

Motion carried 7 to 1 on roll call vote. Voting No - Alderman Rick.

8. An Initial Resolution Authorizing $225,000 General Obligation Bonds for Constructing a Building for the Housing of Machinery and Equipment (Resolution #2613).

BE IT RESOLVED by the Common Council of the City of Merrill, Lincoln County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed $225,000 for the public purpose of paying the cost of constructing a building for the housing of machinery and equipment.

Motion (Norton/Blake) to approve.

Motion carried 5 to 3 on roll call vote. Voting No - Alderman Russell, Alderman Rick and Alderman Sabatke.

9. A Resolution Directing Publication of Notice to Electors Relating to Bond Issues (Resolution #2614).

WHEREAS, initial resolutions authorizing general obligation bonds have been adopted by the Common Council of the City of Merrill, Lincoln County, Wisconsin (the "City") and it is now necessary that said initial resolutions be published to afford notice to the residents of the City of their adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Motion (Norton/Blake) to approve.

RESULT:	**APPROVED**

10. A Resolution Providing for the Sale of Not to Exceed $2,040,000 General Obligation Corporate Purpose Bonds (Resolution #2615).

WHEREAS, the City of Merrill, Lincoln County, Wisconsin (the "City") has adopted initial resolutions (the "Initial Resolutions") authorizing the issuance of general obligation bonds for the following public purposes and in the following amounts:

(a) $730,000 for street improvement projects;
(b) $25,000 for a parking lot;
(c) $190,000 for parks and public grounds projects;
(d) $125,000 for providing financial assistance to community development projects;
(e) $235,000 for sewerage projects;
(f) $175,000 for library projects;
(g) $335,000 for water system projects; and
(h) $225,000 for constructing a building for the housing of machinery and equipment.

WHEREAS, the Common Council hereby finds and determines that the projects described in the Initial Resolutions are within the City's power to undertake and therefore serve a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Combination of Issues. The issues referred to above are hereby combined into one issue of bonds designated "General Obligation Corporate Purpose Bonds" (the "Bonds") in an amount not to exceed $2,040,000 for the purposes above specified.

Section 2. Sale of the Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Ehlers & Associates, Inc. ("Ehlers")) is hereby authorized and directed to cause the sale of the Bonds to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with Ehlers) shall also cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Motion (Norton/Russell) to approve.

Motion carried 8 to 0 on roll call vote.

11. A Resolution authorizing a Development Agreement by and between the City and Ryan Ott Development and Construction LLC (Resolution #2616).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 11 on May 10, 2016 and the development site is within TID No. 11; and,

WHEREAS, Ryan Ott Development and Construction LLC has proposed construction of up to twelve new single-family homes through a phased construction timeframe; 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 homes created from this development project; and,

WHEREAS, Ryan Ott Development and Construction LLC has negotiated the development agreement to provide for transfer of property ownership of three lots on West St. Paul Street and an incentive payment not to exceed $30,000 to facilitate Phase 1 of the single-family home development project;.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of September, 2019, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Ryan Ott Development and Construction LLC and to facilitate the implementation thereof.

Motion (Norton/Russell) to approve.

Motion carried 7 to 1 on roll call vote. Voting No - Alderman Hass.

12. A Resolution authorizing a Development Agreement by and between the City and Merrill Pine Ridge LLC (Resolution #2617).

WHEREAS, the Common Council of the City of Merrill created Tax Increment District (TID) No. 3 on September 13, 2005 and the redevelopment site is within TID No. 3; and,

WHEREAS, Merrill Pine Ridge LLC has proposed construction of a new restaurant; 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 jobs created from this redevelopment project; and,

WHEREAS, Merrill Pine Ridge LLC has negotiated the development agreement to provide for transfer of property ownership for $150,000 to facilitate the commercial development project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of September, 2019, that the Mayor and City Clerk are authorized to sign the development agreement by and between the City of Merrill and Merrill Pine Ridge LLC and to facilitate the implementation thereof.

Motion (Norton/Van Lieshout) to approve.

Motion carried 7 to 1 on roll call vote. Voting No - Alderman Sabatke.

13. A Resolution honoring Dave Sukow for his extended service and great contribution to the City of Merrill.

WHEREAS, Dave Sukow completed his term as Sixth District Alderperson of the City of Merrill on August 2, 2019; and,

WHEREAS, Dave Sukow has served multiple terms as an alderperson for the City of Merrill from April 18, 2006 to April 17, 2012, and September 11, 2012 to April 19, 2016, and April 17, 2018 to August 2, 2019; and,

WHEREAS, the personal commitment and unselfish dedication and effort Dave Sukow has put forth has contributed greatly to the new development, progress and stability of the City of Merrill; and,

WHEREAS, the City of Merrill offers a solid and stable community environment for all of its citizens in part because of Dave Sukow's dedicated service; and,

WHEREAS Dave Sukow's knowledge, experience, and hard work will be missed at the Merrill City Hall;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of September, 2019, that the Common Council, and the people of Merrill officially acknowledge with deep appreciation the dedicated and faithful service Dave Sukow has given to the City of Merrill and commend him for those years of service.

Motion (Common Council/Common Council) to approve.

RESULT:	**APPROVED**

15. Mayor's Communications

Mayor Woellner issued a reminder related to an upcoming Local Government Seminar on September 30th.

The annual Tomahawk Fall Ride is September 12-15.

16. Adjournment

Motion (Russell/Hass) to adjourn. Carried. Adjourned at 8:05 P.M.