

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
Monday, August 1, 2016 - 6:00PM
Council Chambers, City Hall
Regular Meeting**

The meeting was called to order by Council President Patrick Gagnon at 6:00 PM.

President Gagnon led the Council and those present in the Pledge of Allegiance.

Roll Call – Present: Jim Taddy, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas. Absent and Excused: Brad Yaggie. President Gagnon noted that Mr. Yaggie had indicated that he would be traveling at the time of the meeting, and unable to participate by telephone.

Also present were Jeff Dawson, Library Director; James McDonald, City Engineer/Public Works Director; Joe Collins, Police Chief; Dave Buss, Finance Director; Judy Goodchild, Parks and Recreation Director; Ross Blaha, Water Utility Director; Jack Bruce, City Attorney and, Greg Buckley, City Manager.

Consideration of any Councilmember request to participate in this meeting from a remote location. None.

The City Clerk reported that notice of the meeting was given to the official newspaper and posted on the bulletin board in City Hall on Thursday, July 28, 2016.

Public Hearings:

President Gagnon opened a Public Hearing on an Amendment to Municipal Code Section 10-1-21(d), 10-1-22(D) and 10-1-23(d) to allow new construction and additions to existing dwellings to conform to the minimum setback or the average setback for front and street yards, whichever is less, in the R-1, R-2, and R-3 Residence Districts.

After calling three times and seeing no one wishing to address the Council, President Gagnon closed the hearing.

A motion was made by Councilmember Koach, seconded by Councilmember Taddy to waive reading and adopt the ordinance as recommended by the Plan Commission. Upon a roll call vote, Ayes (8) Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalysz, Bonnie Shimulunas, Jim Taddy. Noes (0) None. Motion carried.

President Gagnon opened a Public Hearing on an Amendment to Municipal Code Section 10-1-7, "Definitions" to define produce gardening and to Section 10-1-16(g)(4), "Permitted Obstructions in Required Yards," to incorporate produce gardening as a permitted land use in street side, rear and interior side yards in the city.

After calling three times and seeing no one wishing to address the Council, President Gagnon closed the hearing.

A motion was made by Councilmember Powalysz, seconded by Councilmember Taddy to waive reading and adopt the ordinance as recommended by the Plan Commission. Discussion took place with Councilmember LeClair stating that she thought the Council should take into consideration that some people can't afford to purchase produce and to allow them to plant a garden in their front yard. She stated that she feels the Ordinance is discriminatory and should get further review. She offered to share her concerns and suggestions with the Plan Commission. Mr. Buckley pointed out that the few existing produce gardens in front yards would be grandfathered under the proposed ordinance; he added that there are plots available for lease at Community Garden on Mishicot Rd. Upon a roll call vote, Ayes (6) Patrick Gagnon, Kay Koach, Jack Powalysz, Bonnie Shimulunas, Jim Taddy, Mark Bittner; Noes (2) John Casavant, Darla LeClair. Motion carried.

President Gagnon opened a Public Hearing on Levying Special Assessments for Excavation, Installation of Storm Sewer, Grading, Graveling, Curb and Gutter, Bituminous Paving, Sidewalk Installation, Restoration, and Other Necessary Work to Improve Garfield Street, from 29th Street to 34th Street.

On the first call, the following people addressed the Council:

- Linda Justema, 4815 River Heights Drive, Manitowoc representing Grace Congregational Church asked a question about the unit cost for post-project restoration. Mr. McDonald noted that there was an error on the original special assessment spreadsheet that had been mailed to property owners (showed correct unit cost of \$1 per square foot for restoration, but calculated cost at \$5 per square foot). Mr. Buckley stated that he understood that a revised spreadsheet had been prepared and mailed to the property owners. Ms. Justema stated that she had no further questions, based on the revised spreadsheet numbers.
- David Singer, 4701 Harrison Rd, Kenosha, asked why some property owners are proposed to be treated differently from others with regard to the deferment of installment payments. Mr. Buckley stated that terms for repayment of the proposed special assessments were recommended by the Public Works Committee, and that developed properties like Mr. Singer's which will immediately benefit from the improvements, were not being offered any deferment.
- Larry Veldre, 1448 Terrace Court, stated that he understands why the street needs to go through but does not see the benefit as being primarily for the 11 individuals who will be paying for it. He further stated he has been paying \$1,600 per year for the Storm Water charge and wondering why the Storm Water utility is not paying for that component of the project, instead of charging a special assessment for the storm sewer. He further cited the City's 2016 Budget and noted that money is budgeted for this project so why isn't it being used for this project. Mr. Buckley and Mr. McDonald stated that the special assessments are paying about half of the total cost of storm sewer for this project; the other half, for the storm sewer main that will connect Garfield Street to the storm sewer infrastructure under Lincoln Avenue, is being paid by the utility. Mr. Veldre stated that he feels there is enough money in the budget to cover these costs and to not assess the 11 individuals for any of the storm water infrastructure on this project.

On the second call, the following person addressed the Council:

- David Singer, 4701 Harrison Rd, Kenosha, WI, stating he owns multiple properties and has been paying into the storm sewer fund as well and agrees with Mr. Veldre that the City should use that fund to pay for this cost.

On the third call, no one addressed the Council, President Gagnon closed the hearing.

A motion was made by Councilmember Shimulunas, seconded by Councilmember Powalisz, to waive reading and adopt the Resolution. Discussion took place with Councilmember Koach asking how long the construction period will be for the Lincoln Avenue project. Mr. McDonald stated March through November of 2017. Councilmember Shimulunas stated she feels the City should use the Storm Sewer fund for this project. Councilmember Bittner suggested that the Storm Sewer Assessment should be further reviewed by the Public Works Committee. Councilmember LeClair thanked Mr. Veldre and Mr. Singer for bringing up the Storm Sewer Assessment issue.

Councilmember Shimulunas, moved to amend the motion on the floor, to remove the storm sewer assessment and to refer that portion of the special assessment to the Public Works Committee for further consideration, Councilmember Bittner seconded the motion to amend.

President Gagnon asked for a roll call vote on the amendment. Ayes (8) John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Mark Bittner; Noes (0) None. Motion carried.

President Gagnon asked for a roll call vote on the original motion to waive reading and adopt the Resolution, as now amended. Ayes (6) Kay Koach, Bonnie Shimulunas, Jim Taddy, Mark Bittner, John Casavant, Patrick Gagnon; Noes (2) Darla LeClair, Jack Powalisz. Motion carried.

Input from the Public.

- * David Singer, 4701 Harrison Rd, Kenosha, WI thanked the City Council for their consideration and questioned the application of Roberts Rules of Order with regard to a tabling

motion. City Attorney answered that the Council does follow Roberts Rules and that while there was a motion to table, it had not been seconded.

* Bobbi Hernandez, 802 29th Street, stated her concerns about the property owners and tenants not being notified of the street construction project prior to receiving the special assessment notification. She stated the property owners deserved to be asked whether they even wanted that street to be installed.

Council Communications. None.

President Gagnon asked the Council if there were any reports from Boards, Commissions or Committees. None.

City Manager's Status/Update Reports:

1. Harbor Park Phase 2. Cardinal was awarded the contract for construction of the restroom/picnic shelter area at the last regular Council meeting. City crews will finish grading, laying top soil, seeding and plantings.

2. Harbor Dredging. Mr. Buckley reported that work will begin on August 15, 2016, with completion planned by Labor Day or shortly thereafter.

3. Holy Family Memorial Lakefront Campus Project. Mr. Buckley stated that Vinton Construction is on site removing and crushing concrete foundations from the old warehouse complex and preparing the site for construction.

4. Proposed TID No. 11. Mr. Buckley reported that work is moving forward with this proposed TID, intended to assist in redevelopment of the former St. Peter the Fisherman School and other properties in the Lincoln Avenue corridor. The Joint Review Board is meeting on Wednesday, August 3, at 7:30 AM and the Plan Commission will hold a public hearing on the proposal on August 8, 2016, and he anticipates adoption of the TID at the September 6, 2016 Council meeting.

Legislative/Intergovernmental

1. Notification from the U.S. Environmental Protection Agency of the award of a \$175,000 Green Infrastructure Grant. This grant will fund construction of a wetland to treat storm water that is discharged to the lake at the north end of Neshotah Park.

2. Mr. Buckley distributed the Wisconsin Department of Revenue's 2016 Statement of Changes in Equalized Values, released earlier in the day, which indicates that the City's tax base grew by 2% from 2015 which is a modest growth but still positive after six years of decline.

The following Consent Agenda items were considered: Minutes from the July 18, 2016 regular City Council meeting; Application for Operator's Licenses for Harley A. Stenzel, 2106 41st Street, Two Rivers; Jody L. Stradal, 1348 Kellner Street, Manitowoc; Temporary Class B License Application for Combat Veterans Motorcycle Association for the 22, with 22, for the 22 event on Saturday, August 6, 2016, in the Jaycee Shelter at Neshotah Beach from 9AM to 9PM; Minutes of Meetings for Committee On Aging, June 6, 2016, Ad Hoc City Council Economic Restructuring Committee, July 22, 2016; Summary of Verified Bills for the month of June in the amount of \$1,362,551.91.

A motion was made by Councilmember Taddy, seconded by Councilmember Koach, to approve the Consent Agenda with the various actions recommended. Upon a voice vote, motion carried.

President Gagnon presented a request for Waiver of the Residency Prohibition contained in Section 9-9-3 of the City Ordinance setting forth "Sexual Offender Residency Restrictions," to allow an individual to reside in the City.

A motion was made by Councilmember Bittner, seconded by Councilmember LeClair, to deny the request as recommended by the Police Chief. Upon a voice vote, motion carried.

President Gagnon presented an Ordinance Establishing a Room Tax Commission to consist of five members; the City Manager, City Council President, two additional members who may be members of the City Council or members of the general public, and one representative of

the Wisconsin hotel and motel industry, who shall be the owner, operator or manager of a lodging facility located within the corporate limits of the City, with one year terms.

A motion was made by Councilmember LeClair, seconded by Councilmember Powalisz, to waive reading and adopt the Ordinance. Upon a roll call vote, Ayes (8) Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Mark Bittner, John Casavant; Noes (0) None. Motion carried.

City Council Unfinished Business. None.

For Information Only: The City Manager addressed the following:

1. Notification of City Manager's appointments to Police and Fire Commission of Kris LaFond for a term expiring May 1, 2021 (vacant since May 1, 2016) and Attorney Don Chewning to fill the balance of the term of Jerry Juckem, who is relocating out of the community (term expires May 1, 2017).

2. In Person Absentee Voting for the August 9, 2016 Partisan Primary Election through Friday, August 5 at 5:00PM.

3. Joint Review Board meeting for preliminary consideration of proposed TID No. 11 is Wednesday, August 3, 2016 at 7:30AM, City Hall Committee Room.

4. Community Care Day is Friday, August 5, 2016 in Central Park from 9AM to 4:00PM in conjunction with Maxwell Street Days and TRBA Ping Pong Ball Drop at 3:00PM

5. United Way of Manitowoc County Campaign Kickoff and Day of Action, Saturday, August 6, 2016 starting at 7:00AM at Washington Park

6. Reminder: Partisan Primary Election is Tuesday, August 9, 2016; Polls open at 7:00AM until 8:00 PM

7. Rogers Street Days, Friday, August 12 and Saturday, August 13, 2016

8. Lakeshore Knights Car Club Classic Car Show, Saturday, August 13, 2016 at Walsh Field

9. Nomination to the Wisconsin and Federal Register of Historic Places; Shipwreck of the Schooner-Scow Alaska, 4.2 miles northeast of Two Rivers in Lake Michigan

10. Reminder, Tuesday, August 2, 2016 Police National Night Out at Washington Park from 6PM to 8PM

11. August Work Session on Waterfront Plan with the Plan Commission is scheduled for Monday, August 29 at 6PM

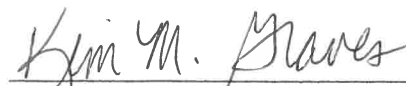
12. Soil and groundwater samples were collected earlier in the day from the City owned Harbor Dock property, where future public access and harbor improvements are planned; the City plans to do similar sampling and testing within City utility easements on the Thermo Fisher property, prior to undertaking necessary work on water and sewer utilities within those easements

13. NOAA Marine Sanctuary Foundation reimbursed the City \$401 for signs and banners purchased for the "Get Into Your Sanctuary" event in June. TR Buses also donated the service of a shuttle bus and driver for the waterfront tours that were offered.

14. Reminder Saturday, August 6 is the 22, with 22, for the 22 event at Neshotah Park, to benefit with Veterans assistance programs.

Closed Executive Session. Mr. Buckley stated that there was no need to enter into the closed session listed on the agenda.

At 8:00 PM, a motion was made by Councilmember Koach, seconded by Councilmember LeClair, to dispense with the reading of the minutes of the meeting and adjourn. Upon Voice vote, motion carried.



Kim M. Graves
City Clerk