

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
Monday, August 7, 2017 - 6:00PM
Council Chambers, City Hall
Regular Meeting**

The meeting was called to order by Council President Kay Koach at 6:00 PM.

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

Roll Call – Present: John Casavant, David England, Patrick Gagnon, Erin Gonnerman, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner.

Also present were James McDonald, Public Works Director; Scott Schneider, Fire Chief; 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, August 3, 2017.

President Koach opened a Public Hearing for Conditional Use Permit for development of parking lot on city-owned property at 2608 Wilson Street in the R-e Single and Double Family Residential Zoning district, for use by employees of Riverside Foods, Inc., submitted by the City of Two Rivers (owner) and Riverside Seafood, Inc., (applicant). On the first call, no one addressed the Council. On the second call, the following person addressed the Council:

- Darwin Lauersdorf, 2618 Wilson Street, stated that he recently purchased this property next door to the planned parking lot and was wondering about the landscaping around the perimeter. Mr. Buckley noted a privacy fence will be placed. Mr. Lauersdorf asked about cedar trees being planted in addition to the fence.

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

A motion was made by Councilmember Bittner, seconded by Councilmember Casavant, to approve the Conditional Use Permit as recommended by the Plan Commission. Upon a roll call vote, Ayes (9)

President Koach opened a Public Hearing for an Ordinance Amendment to Change the Zoning on a Vacant Lot in the Northwest Corner of 35th Street and Lincoln Avenue from R-4 Multiple Family Residence District to B-2 business District, submitted by Laris Veldre (owner) and Mike Yelmene (buyer)

Mr. Buckley noted that Mr. Yelmene was in attendance if there were any questions. After calling three times and seeing no one wishing to address the Council, President Koach closed the hearing.

A motion was made by Councilmember Powalisz, seconded by Councilmember LeClair, to waive reading and adopt the Ordinance as recommended by the Plan Commission. Upon a roll call vote, Ayes (9) Patrick Gagnon, Erin Gonnerman, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England; Noes (0) None. Motion carried.

President Koach opened a Public Hearing for an Ordinance to Amend Municipal Code Section 10-1-24, entitled Multiple Family Residence District R-4 to include Event Facility/Assembly Hall as a Condition Use. After calling three times and seeing no one wishing to address the Council, President Koach closed the hearing.

A motion was made by Councilmember LeClair, seconded by Councilmember Gagnon, to waive reading and adopt the Ordinance as recommended by the Plan Commission. Upon a roll call vote, Ayes (9) Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England, Patrick Gagnon, Erin Gonnerman; Noes (0) None. Motion carried.

Input from the Public. The following persons addressed the Council:

- Dennis Kope, 2336 Roosevelt Avenue, stated that his neighbor's property at 2338 Roosevelt Avenue is full of garbage. He distributed pictures to the Council that he has taken of the backyard of this property. He further stated that he is trying to sell his house and no one wants to buy it. Kris Remiker, Realtor with Aspire, spoke to the Council stating they have shown Dennis' house and people like the house, but do not like to look out the window at the neighbor's property, so it is very hard to sell. Ms. Remiker questioned why this property wasn't monitored with the amount of garbage in the back yard. Mr. Buckley noted that the Police Department and Code Enforcement Officer have been to the residence numerous times and sent a letter dated August 1, regarding the condition of the property. He noted that copies of the letter had supplied to the City Council, Mr. Kope and Ms. Remiker. He stated that he will include a report on the property on the next City Council agenda and the City will continue to monitor this situation and issue citations if necessary.

Mr. Buckley noted that Mr. Rob Peaslee was in attendance wished to address Item XI. D. Authorize the Filing of a Rate case by the Water Utility with the Public Service Commission; he asked the Council to suspend rules to allow input on this matter when it is addressed. The Council concurred.

Council Communications: Councilmember Shimulunas stated she received a phone call from Mr. Kakes regarding the proposed water rates. Councilmember Bittner stated he received a phone call from a lady who commented on safety concerns about the conditions of sidewalks in the city.

Council Reports from Boards/Commissions/Committees. There were no reports.

City Manager's Report:

Status/Update Reports:

1. Mr. Buckley stated he received a question on to the cost of the colored sidewalk being placed on Lincoln Avenue. He stated the cost for all forty-one crosswalk segments

- along the project route is \$17,775.00 out of the total cost of \$788,765.00 for concrete paving project. He added that the project is progressing well and Vinton Construction is on schedule, with the official deadline of November for completion.
2. Mr. Buckley stated there was nothing new to report on the acquisition of the Memorial Drive wayside. He continues to work with DOT and its real estate people. Hopefully by year end this acquisition will be in place.
 3. Mr. Buckley stated there is nothing new to report and that the City continues to work on an offer to present to Canadian National Railroad, to acquire the railroad right-of-way from Madison Street to Woodland Drive.
 4. Mr. Buckley stated that the funding application was filed on August 1, 2017 with Wisconsin's Harbor Assistance Program for south pier repairs and design of a surge mitigation structure.
 5. Mr. Buckley stated the Manitowoc County Condemnation Commissioners met and elected Attorney Kate Reynolds as their Chair. The City is waiting to hear from the Condemnation Commissioners regarding a hearing date regarding the property at 1326 East River Street (former Blue Goose Tavern).
 6. Mr. Buckley stated that the soil borings have been completed at Vietnam Vets Park in preparation for bidding the lighting replacement project.
 7. Relative to Hamilton Waterfront Property Acquisition; nothing new to report.
 8. Mr. Buckley and Parks and Recreation Director Judy Goodchild represented the City at the ceremony on Saturday, August 5, commemorating the designation of Two Rivers and Manitowoc as Ice Age Trail Communities.
 9. Mr. Buckley reported that he and Mayor Nickels presented at the Chamber's Business Meets Government meeting that day regarding each of the city's Comprehensive Plan.

10. The Owner of the Bulk Petroleum gas station (former Uni-Mart) at 2023 Washington Street has begun to remove the underground tanks at that site.

Legislative/Intergovernmental Update.

1. Mr. Buckley noted that there is still no State Budget for the fiscal year that began on July 1; funding for transportation infrastructure appears to be a major sticking point.
2. Mr. Buckley distributed information from the Wisconsin Department of Revenue regarding 2017 Equalized Values.

The following Consent Agenda items were considered: Minutes from the July 17, 2017 regular meeting, July 24 and July 31, 2017 special meetings; Application for Beverage Operator License – Recommended for Approval from; – Judy M. DeBauche, 3416 Garfield Street; Application for Temporary Class “B” License - Recommended for Approval for Manitowoc County Mariners Football Games on August 12, August 19, September 16, September 30 and October 18, 2017 at Walsh Field; Application for Class “B” Beer and Liquor Beverage Retail License for Mary and Thomas Sisel, TMS, d/b/a City Central Bar & Grill, LLC, 2014 Washington Street, Two Rivers for the period of August 18, 2017 through June 30, 20178; Minutes of Meetings for Advisory Recreation Board, July 11, 2017, Committee On Aging, June 5, 2017, Personnel and Finance Committee, July 25, 2017, Plan Commission, July 20, 2017; Financial Reports for Debt Service, General Fund and Library for June 2017 and 2nd Quarter Utility Report for 2017.

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

President Koach presented the recommendation from the Personnel and Finance Committee meeting of July 25, 2017.

1. Authorize hiring an additional full-time Firefighter/Paramedic to increase Fire

Department staffing through year-end (Department has retirement scheduled at year-end)

A motion was made by Councilmember Gagnon, seconded by Councilmember Powalisz, to authorize the temporary increase in staffing, as recommended by the Personnel and Finance Committee. Upon a voice vote, motion carried.

President Koach presented an Ordinance to amend Municipal Code Title 11, Chapter 1, entitled Building Code, to amend provisions related to updating the adopted codes, and to increase the maximum size for accessory buildings without a foundation from 100 square feet in area to 144 square feet in area.

A motion was made by Councilmember Powalisz, seconded by Councilmember Gonnerman, to waive reading and adopt the Ordinance. Upon a roll call vote, Ayes (9) Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England, Patrick Gagnon, Erin Gonnerman, Kay Koach; Noes (0) None. Motion carried.

President Koach presented an Ordinance to amend Municipal Code Title 11, Chapter 1 entitled Electrical Code, to amend provisions related to updating the adopted codes and to repeal all references related to local licensing because electrical licenses are issued by the State of Wisconsin.

A motion was made by Councilmember Gagnon, seconded by Councilmember Casavant, to waive reading and adopt the Ordinance. Upon a roll call vote, Ayes (9) Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England, Patrick Gagnon, Erin Gonnerman, Kay Koach; Noes (0) None. Motion carried.

President Koach presented the request to authorize filing of a rate case by the Water Utility with the Public Service Commission of Wisconsin. Mr. Buckley reviewed the memo from Dave Buss, Finance Director, which noted that the filing will likely result in the PSCW approving an 11% increase in the water rates; he requested Council approval to move forward with filing the rate case.

At this time, a motion was made by Councilmember Gagnon, seconded by Councilmember LeClair, to suspend rules and allow input from the public on this subject. Upon a voice vote, motion carried.

The following person addressed the Council:

- Rob Peaslee, 3109 Adams Street, stated he is against this proposal. He feels the City should be purchasing water from Manitowoc and stated he feels it would be cheaper and best option for Two Rivers.

After discussion, a motion was made by Councilmember Gagnon, seconded by Councilmember Casavant, to authorize the filing to the Public Service Commission. Upon a roll call vote, Ayes (8) Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, Patrick Gagnon, Erin Gonnerman, Kay Koach, Darla LeClair; Noes (0) None. Councilmember England abstained from voting. Motion carried.

President Koach presented a staff report requested authorization to contract for cleaning of the City's Lake Michigan water intake, with Northern Divers, USA at a cost of \$358,000.

A motion was made by Councilmember Gagnon, seconded by Councilmember Casavant, to authorize the contract with Northern Drivers Service, subject to final document approval by the City Manager, Water Utility Director and the City Attorney. Upon a roll call vote, Ayes (9) Bonnie Shimulunas, Mark Bittner, John Casavant, David England, Patrick Gagnon, Erin Gonnerman, Kay Koach, Darla LeClair, Jack Powalisz; Noes (0) None. Motion carried.

President Koach requested authorization for an inter-fund loan to fund the intake cleaning project. Mr. Buckley stated he is proposing to finance the project with a loan from Tax Incremental District #7, the old Hospital Redevelopment TID which has available cash for the next five years. He recommended that the loan be repaid in annual installments over the next five years, at an interest rate of three percent.

A motion was made by Councilmember Gonnerman, seconded by Councilmember England, to authorize an inter-fund loan as recommended by the City Manager. Upon a roll call vote, Ayes (9) Mark Bittner, John Casavant, David England, Patrick Gagnon, Erin Gonnerman, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas; Noes (0) None. Motion carried.

President Koach presented the appointment of William Niquette, 2109 Garfield Street, to a three-year term on the Plan Commission as recommended by the City Manager.

A motion was made by Councilmember Powalisz, seconded by Councilmember Gagnon, to approve the appointment. Upon a voice vote, motion carried.

President Koach requested authorization to proceed with full engineering design for a \$3.7 million project to construct a new headworks, add grit removal facilities and upgrade the plant SCADA System at the wastewater treatment plant.

Mr. Buckley noted that this project was submitted for low-interest loan financing through DNR's Clean Water Fund, and DNR has indicated that it will qualify for \$700,000 in "principal forgiveness" (grant) funding. He added that project design needs to be about 90 percent completed and plans submitted to DNR by September 30 to qualify for this assistance. The Utilities Committee reviewed this project at a meeting on August 3, and recommends approval of the design contract.

A motion was made by Councilmember Gonnerman, seconded by Councilmember Casavant, to authorize a contract with Town and Country Engineering in the amount of \$230,500 to be financed through anticipated Wisconsin Clean Water Fund borrowing. Upon a voice vote, motion carried.

For Information Only:

A. Mr. Buckley reported on recent special events: Coolest Coast EVP Volleyball, War on the Shore Baseball Tournament, Two Rivers Fish Derby and Optimist Fishing Parade, Main

Street Brew Dash, Community Care Day and Maxwell Street Day and White Chocolate Concert.

He thanked all the sponsors and volunteers who made these events successful.

B. Central Park Concert Series featuring White Chocolate, Thursday, August 10 and the Island Shores Steel Drum Music, Sunday, August 13, 2:00 – 5:00 PM at the Rotary Pavilion at Neshotah Beach

C. Rogers Street Days, at Rogers Street Fishing Village, Friday, August 11 and Saturday, August 12;

D. Lakeshore Knights Car Classic Car Show, Saturday, August 12 at Walsh Field

E. Public Information Meeting/Open House on East Side Bike/Pedestrian Trail Project, Tuesday, August 29, 2017, 4:30 to 6:00 PM, City Hall, Council Chambers

At 8:16 PM, a motion was made by Councilmember Powalisz, seconded by Councilmember LeClair, to enter into Closed Sessions, per Wisc. Stats. 19.85(1)(e) to discuss possible City Assistance to Economic Development Projects; to discuss possible property acquisition and discuss results of recent environmental testing activity on and near City-owned property and property owned by others; discuss possible regulatory agency actions and negotiations related thereto and Per Wisc. Stats 19.85(1)(g), conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: Confer with legal counsel regarding property acquisition matters likely to be the subject of litigation.

Upon Roll Call vote; Ayes (9) David England, Patrick Gagnon, Erin Gonnerman, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant; Noes (0), None. Motion carried.

At 8:40 PM, a motion was made by Councilmember Gagnon, seconded by Councilmember LeClair, to reconvene in Open Session. Voice vote, motion carried.

At 8:40 PM, a motion was made by Councilmember LeClair, seconded by Councilmember Gagnon, to dispense with the reading of the minutes and adjourn the meeting.

Upon voice vote, motion carried.

Kim M. Graves
City Clerk