

**CITY OF TWO RIVERS  
COUNCIL PROCEEDINGS  
Monday, January 16, 2017 - 6:00PM  
Council Chambers, City Hall  
Regular Meeting**

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

Roll Call – Present: Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie. Absent: None.

Also present were Jeff Dawson, Lester Library Director; Ross Blaha, Water Utility Director; Joe Collins, Police Chief; Jim McDonald, Public Works Director; Dave Buss, Finance Director; Scott Schneider, Fire Chief; Judy Goodchild, Parks and Recreation Director; Ken Kozak, Electric 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, January 12, 2017.

President Gagnon convened a Public Hearing on proposed Ordinance to amend the District Zoning Map from B-1 Business District to R-3 Single and Double Family Residence District for the property located at 1715 East Street, submitted by Glen Brower (owner).

After three calls, there were no comments from the public. President Gagnon closed the public hearing.

A motion was made by Councilmember Taddy, seconded by Councilmember Shimulunas, to waive reading and adopt the Ordinance. Upon Roll Call vote; Ayes (9), Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz; Noes (0), None. Motion carried.

President Gagnon convened a public hearing on a proposed Ordinance to amend the District Zoning Map from R-3 Single and Double Family Residence District to I-2 Industrial District for the property located at 2006 14<sup>th</sup> Street, submitted by Diane Ellerman (owner) and Dale Eslinger (buyer).

After three calls, there were no comments from the public. President Gagnon closed the public hearing. He noted that Mr. Eslinger was present in the audience, in the event any Councilmembers had questions of him.

A motion was made by Councilmember Koach, seconded by Councilmember Yaggie, to waive reading and adopt the Ordinance. Upon Roll Call vote; Ayes (9), Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas; Noes (0), None. Motion carried.

Input from the Public.

Brent Dow, 2215 School Street, attending the meeting with several other members of Boy Scout Troop 927, asked the Council about the status of any plans for the Hamilton property?

President Gagnon responded, and suggested that Mr. Dow take a look at the Redevelopment Plan for the property that was recently adopted by the City Council and can be found on the City's website.

Councilmember Bittner stated that the Wisconsin Coastal Management Council will be looking at the grant application for the River Trails project, submitted by Bay-Lake Regional Planning Commission, in Madison on January 31, 2017.

Council Communications.

Kay Koach stated that she had been contacted by a resident regarding a letter received from an organization affiliated with Sean Hannity of FOX News, stating the Two Rivers may be designated by the Federal government as a community for resettlement of undocumented refugees from the Middle East. Mr. Buckley stated that he had also received a copy of the letter

from a concerned resident, and was not aware of any such plans by the Federal government. He added that the letter was also a fund-raising solicitation.

Councilmember Yaggie stated that he had received a letter from Mark and Denise Heller relative to a pending application for a Conditional Use Permit on Lincoln Avenue. Other Council members stated that they had received the same letter. Mr. Buckley noted that this agenda includes action setting a public hearing on the matter in question, and that a copy of Mr. Heller's letter will be included in the agenda packet for the Council meeting of February 6, 2017, when the hearing is to be held.

Mr. Buckley had recently spoken with a resident concerning the new Maritime Metro Transportation bus route in the City, which took effect on January 3, 2017. He stated that the resident was concerned about the original placement of the bus stop sign near 24<sup>th</sup> and Garfield Streets; the sign has since been repositioned. He added that the City has asked Atrium/Northland Lodge management if the bus route could pass through that facility's south parking lot as part of its route; he is awaiting response to that request.

Council Reports from Boards/Commissions/Committees. None.

City Manager's Report.

Invited Guests.

Mr. Buckley acknowledged attendance by several members of Boy Scout Troop 927, sponsored by St. Peter the Fisherman Catholic Church, with Troop Leaders Scott Ahl and Kris Wondrash, working on Citizenship in the Community Merit Badge.

Status/Update Reports.

1. Mr. Buckley presented a proclamation declaring January 2017 as Mentoring Month, as issued by his office.

Legislative/Intergovernmental Update. None.

The following Consent Agenda items were considered: Minutes from the January 3, 2017 City Council Regular Meeting; Applications for Operator's Licenses – Recommended for Approval for Yakoubek, Nancy A., 1801 29<sup>th</sup> St., Two Rivers; Minutes of Meetings from Committee on Aging, November 7, 2016, Architectural Control Committee for Sandy Bay Highlands Subdivision, December 15, 2016, Special City Council Meeting, December 27, 2016, Public Works Committee, January 3, 2017, Special City Council Meeting, January 3, 2017, Public Utilities Committee, January 4, 2017, Special City Council Meeting, January 6, 2017, Plan Commission January 9, 2017, Department Reports from December, 2016 from Electric, Fire, Inspections, Lester Public Library, Parks and Recreation, Public Works/Wastewater Treatment Plant, Safety, Water; Financial Reports from November, 2016 from Debt Service, General Fund, and Lester Public Library.

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

Recommended from Boards and Committees.

President Gagnon presented a recommendation from the Plan Commission to schedule a public hearing on a request for a Conditional Use Permit for an agriculture land use to include the Keeping of Animals in the R-1 Single Family Residence District at 4115 Lincoln Avenue, submitted by Jeremy and Shannon Berglund (owners).

A motion was made by Councilmember Yaggie, seconded by Councilmember Powalisz, to set a Public Hearing on Monday, February 6, 2017 at 6:00 PM, as recommended by the Plan Commission. Upon Voice vote, motion carried.

President Gagnon presented a recommendation from the Plan Commission to schedule a public hearing on a request for a Conditional Use Permit for an Art Studio in the R-3 Single

and Double Family Residence District at 2000 12<sup>th</sup> Street, submitted by Annette England D/B/A Annie's Heart, LLC (owner).

A motion was made by Councilmember Koach, seconded by Councilmember Yaggie, to set a Public Hearing on Monday, February 6, 2017 at 6:00 PM, as recommended by the Plan Commission. Upon Voice vote, motion carried.

President Gagnon presented a recommendation from the Plan Commission to schedule a public hearing on a request proposed amendment to the Official Map to include Lakefront Way as a public street.

A motion was made by Councilmember Shimulunas, seconded by Councilmember Yaggie, to set a Public Hearing on Monday, February 6, 2017 at 6:00 PM, as recommended by the Plan Commission. Upon Voice vote, motion carried.

President Gagnon presented a recommendation from the Plan Commission, from a meeting held earlier on this date, regarding proposed land exchanges, including City-owned property, in the area of Vietnam Park and the former St. Peter the Fisherman School. Mr. Buckley noted that the Plan Commission recommends proceeding with the proposed land exchanges, as addressed in an economic development agreement appearing later on the agenda for this meeting.

No action was taken by the Council.

President Gagnon presented a Resolution Upon Retirement for Shirley Shimulunas, Assessing Technician.

A motion was made by Councilmember Shimulunas, seconded by Councilmember Yaggie, to read and adopt the Resolution. Upon Roll Call vote; Ayes (9), Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy; Noes (0), None. Motion carried. Finance Director Dave Buss read the resolution aloud.

President Gagnon presented a Resolution authorizing the borrowing of \$1,772,340.00 from the Board of Commissioners of Public Lands State Trust Fund Loan Program, for 2017 Capital Projects (10 Year Borrowing at 3.5% Annual Interest).

A motion was made by Councilmember Koach, seconded by Councilmember Yaggie, to waive reading and adopt the Resolution. Upon Roll Call vote; Ayes (9), Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie; Noes (0), None. Motion carried.

President Gagnon presented a resolution authorizing the borrowing of \$1,300,000.00 from the Board of Commissioners of Public Lands State Trust Fund Loan Program, to refinance existing General Obligation Bonds for interest savings (10 year borrowing to lower interest rate from 4.25% to 3.5%).

A motion was made by Councilmember Taddy, seconded by Councilmember Casavant, to waive reading and adopt the Resolution. Upon Roll Call vote; Ayes (9), John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner; Noes (0), None. Motion carried.

President Gagnon presented an ordinance to repeal and recreate Municipal Code Section 1-1-7 entitled "General Penalty", which applies a penalty for violation of any section of the Municipal Code when no specific penalty is provided for, to reduce the minimum penalty from \$150 to \$5. The City Manager noted that a 2016 ordinance amendment that had increased the minimum penalty under that General Penalty to \$150 had created some unintended problems.

A motion was made by Councilmember Powalisz, seconded by Councilmember LeClair to waive reading and adopt the Ordinance. Upon Roll Call vote; Ayes (9), Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant; Noes (0), None. Motion carried.

President Gagnon presented an ordinance to repeal and recreate Title 5, Chapter 1 of the Municipal Code, entitled "Municipal Utilities," to modify requirements related to water service lateral repair and replacement. The City Manager pointed out that this ordinance amendment and the next ordinance amendment on the agenda, along with a related policy, had been reviewed at length by the Public Works Committee and Utilities Committee, as well as by the full Council at a special meeting on January 3, 2017.

A motion was made by Councilmember Koach, seconded by Councilmember Powalisz, to waive reading and adopt the ordinance. Upon Roll Call vote; Ayes (9), Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon; Noes (0), None. Motion carried.

President Gagnon presented an ordinance to repeal and recreate Title 5, Chapter 2 of the Municipal Code, entitled "Sewer System User Charge System and Industrial Cost Recovery System," to modify requirements related to sanitary and storm sewer laterals.

A motion was made by Councilmember Yaggie, seconded by Councilmember Taddy, to waive reading and adopt the ordinance. Upon Roll Call vote; Ayes (9), Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Noes (0), None. Motion carried.

President Gagnon presented a proposed Sewer and Water Service Line Policy Statement regarding enforcement of City Ordinance Section 5-1-8 and Section 5-2-8, as amended.

A motion was made by Councilmember Shimulunas, seconded by Councilmember Taddy, to waive reading and adopt the policy. Upon voice vote, motion carried.

City Council Unfinished Business.

For Information Only: The City Manager addressed the following:

-- Kwik Trip Grand Opening, Wednesday, January 18, 2017, 10:00 AM – Noon. Ribbon Cutting Ceremony at 11:00 AM. Councilmembers are encouraged to attend.

- - Friends of Mariners Trail Dinner Meeting, Wednesday, January 25, 2017, 6:00 PM, Assembly Room, Manitowoc Senior Center. RSVP to Clare, 920.973.2983. Councilmembers are welcome to attend.

- - Two Rivers Kiwanis Pancake Breakfast, Sunday, February 5, 2017, 8:00 AM – 12:30 PM at Machut's Supper Club.

- - The Chamber of Manitowoc County 100<sup>th</sup> Annual Dinner, Tuesday, February 7, 2017, 5:00 PM, Fox Hills Resort in Mishicot. RSVP through the City Manager's Office; Councilmembers' attendance paid by City, any guests' tickets will be billed to the requesting Councilmember.

At 7:10 PM, a motion was made by Councilmember Koach, seconded by Councilmember Yaggie, to enter into Closed Sessions, per Wisc. Stats. 19.85(1)(e) to discuss possible City assistance to Economic Development Projects and property acquisition and per Wisc. Stats 19.85(1)(g), discuss the status of current litigation and possible settlement. Upon Roll Call vote; Ayes (9), Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair; Noes (0), None. Motion carried.

At 7:40 PM, a motion was made by Councilmember Yaggie, seconded by Councilmember LeClair, to reconvene in Open Session. Upon Voice vote, motion carried.

President Gagnon presented for Council action a proposed development agreement, including a developer grant of up to \$200,000 from Tax Incremental District No. 11, related to the redevelopment of former St. Peter the Fisherman school property by Vinton-Two Rivers, LLC.

A motion was made by Councilmember Bittner, seconded by Councilmember Yaggie, to authorize the City Manager and City Clerk to execute the Agreement on behalf of the City, inclusive of land exchanges recommended for approval by the Plan Commission, with further authorization to sign documents related to the land exchanges and amendment to an existing easement agreement, as addressed in the Agreement. Further, the City Manager and the City



Clerk are authorized to approve modifications to the Agreement that they consider non-substantive in nature and in the best interest of the City.

Upon Roll Call vote; Ayes (9), Bonnie Shimulunas, Jim Taddy, Brad Yaggie, Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalisz; Noes (0), None. Motion carried.

At 7:44 PM, a motion was made by Councilmember Yaggie, seconded by Councilmember Casavant, to dispense with the reading of the minutes and adjourn the meeting. Upon Voice vote, motion carried.

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Kim Graves  
City Clerk