

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
Monday, May 2, 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: Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Jim Taddy, Mark Bittner, John Casavant, Patrick Gagnon. Absent: None.

Also present were Judy Goodchild, Park & Recreation Director; Scott Schneider, Fire Chief; Joe Collins, Police Chief; Ross Blaha, Water Utility Director; Jim McDonald, Public Works Director; Jeff Dawson, Lester Library Director; Jack Bruce, City Attorney and, Greg Buckley, City Manager.

Consideration of any Councilmember request to participate in this meeting from a remote location.

A motion was made by Councilmember Koach, seconded by Councilmember Taddy, to accept request by Councilmember Yaggie to join meeting from remote location. Upon Voice vote, motion passed. Mr. Yaggie acknowledged that he was in contact with the meeting via speakerphone.

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, April 28, 2016.

President Gagnon asked for Input from the Public.

Michael McGreevy, 1803 Emmet Street, shared personal concerns regarding traffic enforcement around Two Rivers. He stated he had three (3) near accidents involving cell phone use. The first incident was with a teen girl on Memorial Drive who stopped abruptly in the roadway while texting, during the second incident he had to hit his brakes hard as a teen driver blew through a stop sign while using a phone and the third involved a teen driver near the Woodtype Museum who was driving the

wrong way on a one-way street. He also stated that he witnessed 3-4 kids playing “chicken” in cars on 22nd Street. He said that there was no police presence during any of these events.

City Manager Buckley stated that there are only 3-5 officers on duty in the City at any one time during the day.

Councilmember LeClair asked what time of day the game of “chicken” took place.

Mr. McGreevy said it was around 4:30 PM.

Mr. McGreevy had concerns about the City’s code restricting the placement and height of fences on residential property. He stated that he has two (2) German Shepherds that he keeps in his front yard but needs his picket fence to be higher to keep them in.

Mr. Buckley stated that the City Code has standards for fences in front yard areas that are intended to assure for visibility for drivers entering and exiting driveways: and he suggested that Mr. McGreevy contact the City Manager’s office or the Zoning Administrator if her wishes to bring his concerns to the Plan Commission.

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:

A. Invited Guests. None.

B. Status/Update Reports

1. Harbor Park Seawall/Water Main Project. The City Manager reported that Michels Construction will begin pavement work the week of May 9, 2016. This is work is part of Phase 1. He noted that the City recently requested a \$475,000 draw on the \$500,000 CDBG grant that assisted the

project. He also noted that the City had recently received a clearance letter from the WI Department of Administration, following a site visit and review of project records earlier this year.

The City Manager stated that there are three major tasks involved in Phase 2 of the project, to be completed this year. They are: extending the Bike/Ped trail along East Street from 17th Street to Harbor Park; constructing a new restroom and park shelter building at the park, and complete landscaping work.

2. Vets Park Fish Cleaning Station. The City Manager reported that construction of the facility is coming along very well. The roof has been completed, consistent with the goal of completion by Memorial Day weekend. Conveyor installation will begin soon.

3. Gull Management Program. Mr. Buckley reported that USDA Wildlife Services has a new contract for gull control in the downtown area. This year's contract with USDA- WS will cost about \$2,800. The Eggers West plant will also be a part of this year's management program. City utility personnel will assist with this effort.

C. Comments on Financial Reports. Mr. Buckley gave summary comments relative to the financial reports included in the Council packets. He stated that operating results for the General Fund Budget for 2015 were about \$455,000 to the good, due to a \$32,000 land sale and an operating surplus of about \$135,000. Auditors will discuss more in the future, Mr. Buckley will provide the Shenck audit report at a future Council meeting.

Councilmember Bittner congratulated the City Manager and the Department Heads for their fiscal management and commented on how important good management is, particularly in light of concerns about intergovernmental funding.

The following Consent Agenda items were considered: Minutes of April 18, 2016 regular meeting and the April 19, 2016 special City Council meeting; Beverage Operator's License – for Approval - Genrich, Michael G., 1618 19th Street, Two Rivers, Gleichner, Erich P.,

2920 43rd Street, Two Rivers, Goessl, Rebecca L., 1705 E. Tapawingo Rd, Mishicot, McClure, Shane P., 1614 20th Street, Two Rivers, Moua, Jammee, 3619 Monroe, Two Rivers, Palzer, Thomas C., 1416 21st Street, Two Rivers, Stephens, Patricia K., 2010 29th Street, Two Rivers, Xiong, Pang, 3404 Memorial Drive, Two Rivers; Temporary Class “B” Operator’s License for Two Rivers Main Street for Wine Walk at Multiple Locations in the City on Friday, May 13, 2016 from 5:00Pm to 8:00 PM; Minutes of Meetings for Advisory Recreation Board, April 12, 2016; Financial Reports for Debt Service, December 2015, General Fund, December 2015, Lester Library, December 2015, Utilities, December 2015, General Fund, March 2016, Debt Service, March 2016, Lester Library, March 2016, Utilities, March 2016.

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

President Gagnon presented a Beverage Operator’s License – recommended for denial – for Steidl, Christine L., 811 ½ Rankin Street, Appleton, WI. City Attorney Bruce noted that the applicant was not entitled to a formal hearing if there is a denial, as this is a new application, not a renewal. He further stated that the applicant will need to be notified by letter of the Council’s decision, if it votes to deny.

A motion was made by Councilmember Koach, seconded by Councilmember Taddy, to deny the application as recommended by the Police Chief. Upon Voice vote, motion carried.

President Gagnon presented a bid declaring the Herald Times Reporter as the Official Newspaper for the City of Two Rivers.

A motion was made by Councilmember Shimulunas, seconded by Councilmember Powalisz, to accept bid as submitted and declare the Herald Times Reporter as the official newspaper of the City of Two Rivers. Upon Voice vote, motion carried.

President Gagnon presented a proclamation naming the week of May 15 – 21, 2016 as Police Week and May 15, 2016 as Peace Officer's Memorial Day (Memorial Ceremony at Noon, Monday, May 16, 2016).

A motion was made by Councilmember Powalisz, seconded by Councilmember Taddy, to read and adopt the Proclamation. Upon Voice vote, motion carried. Police Chief Joe Collins read the proclamation.

President Gagnon presented the City Manager's appointments and re-appointments to Boards, Committees and Commissions (additional appointments to be presented at May 16, 2016 meeting).

A motion was made by Councilmember Koach, seconded by Councilmember Powalisz, to approve the list as recommended by the City Manager: Thomas Christensen, Business Improvement District Board; Lenore McDonough, Sandra Jane Havlichek, and Rosemary Borths, Committee on Aging. Upon Voice vote, motion carried.

President Gagnon presented a resolution expressing appreciation for members of Committees, Commissions and Boards who retired as of April 2016 or have ended their service during the past year

A motion was made by Councilmember LeClair, seconded by Councilmember Shimulunas, to read and adopt the Resolution. 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. City Manager Buckley read the resolution.

President Gagnon presented a resolution upon retirement of Councilmember Vince Alber.

A motion was made by Councilmember Casavant, seconded by Councilmember Yaggie, to read and adopt the resolution. 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. Mr. Buckley read the resolution.

President Gagnon presented a resolution upon retirement of Councilmember David VanGinkel.

A motion was made by Councilmember Bittner, seconded by Councilmember Shimulunas, to read and adopt the resolution. 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. Mr. Buckley read the resolution.

President Gagnon presented a request from the Two Rivers Kiwanis Club for a noise waiver on July 15 – 17, 2016 for the Fish Derby until 11:30 PM each night and no parking on the east side of the 2100 block of Polk Street, on the 2200 and 2300 blocks of Sandy Bay Road and the 600 Block of 22nd Street and both sides of the entrance to Picnic Hill.

A motion was made by Councilmember Taddy, seconded by Councilmember Koach, to approve request as submitted. Upon Voice vote, motion carried.

President Gagnon presented an agreement with Wisconsin Department of Transportation relative to construction of a street access to STH 42/Memorial Drive, as required for a development project.

A motion was made by Councilmember Koach, seconded by Councilmember Shimulunas, to authorize the City Manager to file final application on behalf of the City, including draft letter as presented. Upon Voice vote, motion carried.

President Gagnon presented an easement agreement with Wisconsin Central, Ltd., for construction of a city street across a segment of railroad right-of-way, also required for the proposed development project.

A motion was made by Councilmember LeClair, seconded by Councilmember Bittner, to authorize the City Manager to sign the easement agreement on behalf of the City. Upon Voice vote, motion carried.

President Gagnon presented a resolution authorizing submittal of application to Wisconsin Department of Natural Resources for grant funding for a Bike/Ped Trail to be constructed along Pilon Court and connecting to north pier and beach, in conjunction with planned street utility work.

A motion was made by Councilmember Shimulunas, seconded by Councilmember Taddy, to waive reading and adopt the resolution. 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. Mr. Buckley read the resolution.

President Gagnon presented the International Migratory Bird Day Resolution.

A motion was made by Councilmember Taddy, seconded by Councilmember Shimulunas, 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. Judy Goodchild read the resolution.

City Council Unfinished Business.

President Gagnon presented an ordinance to repeal and recreate Section 6-10-2 of the City of Two Rivers Municipal Code regarding Pawnbrokers, Second Hand Article and Jewelry Dealers (tabled from April 18, 2016 meeting) including Alternative 1: ordinance with the term “articles” defined as “anything of value” and Alternative 2: ordinance with a specific listing of “articles” to which the ordinance requirements apply.

City Manager Buckley made comments regarding the ordinance and referred to a memo he provided in the Council packet.

He stated that there were two (2) alternative versions of the ordinance being presented for the Council’s consideration. Both incorporate certain changes from the earlier draft that had been tabled; specifically, the current draft ordinances would not apply to “consignment” shops, no longer contain language addressing a “bond” requirement (State law requires only for pawnbrokers), and set an effective date of July 1, 2016. On the matter of “consignment shops, he stated that it is not clear that the State statute applies to such businesses, and that the Police Department is not especially concerned about the likelihood of stolen property being sold through consignment shops.

As for differences between the two (2) alternative ordinances, Mr. Buckley stated that Alternative 1 would define “Article” as “any items of value” with only a few stated exceptions. Alternative 2, in contrast, would limit regulated “Articles” to a list of 20 categories of merchandise, including 16 categories required by State statute, plus Tools (including hand and power tools), firearms, sports equipment and sports memorabilia.

A motion was made by Councilmember Koach, seconded by Councilmember Bittner, to suspend the rules and allow input for discussion. Upon Voice vote, motion carried.

Perry Holtzman, 2116 30th Street, an individual business owner who works from home. He stated that he has done some research on Wisconsin State Statutes regarding this issue. He said that he is not sure of the wording but he does support the concept. He further stated that Alternative #2 does not cover eBay and the Council should delete the word “business” and change the wording of definition of Secondhand Article dealer. He offered his own alternative language to be considered by the Council. He believes the ordinance, as written, is a big over-reach and he has discussed his views with Chief Collins.

Virginia Craven, 1609A Monroe Street, is the owner of Ginny’s Blue Parrot. She stated that she supports Alternative #2 as written.

Steven Craven, 1609A Monroe Street, stated he supports Alternative #2 but also supports M. Holtzman’s opinions and encouraged the Council to consider Mr. Holtzman’s changes. He further stated that Facebook sellers are not businesses but it is where the bulk of stolen merchandise is peddled. He stated he believes the ordinance should clearly distinguish between pawnbrokers and secondhand dealers as they are two different business types. Mr. Buckley responded that there is a statutory definition for pawnbrokers

Kevin Schmitz, 937 Ladwon Drive, Mishicot and 3114 Memorial Drive (All Things Manitowoc), stated that he supports Alternative #2 as the best option. He expressed the opinion that the State has outdated laws that make it difficult to govern new business types like eBay sales. He expressed concern about how internet sales would be regulated, stating that the ordinance is neither clear nor concise and has confusing language. He suggested the City have a meeting with business owners, prior to implementing the ordinance and thanked the Council members who have reached out to business owners.

Councilmember Bittner asked if trading or bartering items is covered under the ordinance.

City Attorney Jack Bruce stated that such activities would be covered under this ordinance.

Councilmember LeClair asked a question regarding the 16 articles listed in the ordinance and how they relate to sales of firearms, which are regulated by Federal firearms laws.

Police Chief Collins commented that the reporting requirements of Alternate #2 would be consistent with Federal requirements.

City Manager Buckley stated that the ordinance would become effective July 1, 2016 and any implementation issues would be addressed. He further stated that the police department would schedule meetings with local businesses impacted by the ordinance.

Chief Collins added that Manitowoc Police Department will assist with the implementation of this ordinance as they have had a similar ordinance in place for some time.

Councilmember LeClair asked whether the State Statute covers Mr. Holtzman's concerns.

Attorney Bruce stated that the statute doesn't define 'business', the defect is in the statute and not in the City's proposed ordinance.

Councilmember Taddy stated that the City can't produce an exhaustive list in the ordinance because the Council would never complete such a list, it is impossible to do. He supports Alternative #2.

Attorney Bruce stated that people selling their own items online are not selling second hand items, they are simply selling their own property.

A motion was made by Councilmember Koach, seconded by Councilmember Taddy, to approve Alternative #2 of the ordinance. Upon Roll Call vote, Ayes (9), Mark Bittner, John Casavant, Patrick Gagnon, Kay Koach, Darla LeClair, Jack Powalysz, Bonnie Shimulunas, Jim Taddy, Brad Yaggie; Noes (0), None. Motion carried.

A motion was made by Councilmember Koach, seconded by Councilmember Shimulunas, to take XIII. ELECTION OF COUNCILMEMBERS TO VARIOUS CITY BOARDS AND COMMITTEES out of order. Upon Voice vote, motion carried.

President Gagnon presided over an election/appointment process that resulted in the following committee assignments: Personnel and Finance, Brad Yaggie (Chair), Patrick Gagnon, Kay Koach; Public Utilities, Jim Taddy (Chair), Darla LeClair, Jack Powalysz; Public Works, Bonnie Shimulunas (Chair), Mark Bittner, John Casavant.

For Information Only: The City Manager addressed by following:

A. Progress Lakeshore 5th Annual Excellence in Economic Development Awards Breakfast, Tuesday, May 3, 2016, 7-9 AM, Knox's Silver Valley Banquet Hall, Manitowoc

B. MAVCB Tourism Breakfast and Forum, Wednesday, May 4, 2016, 7:30-11 AM, Holiday Inn, Manitowoc

C. Heart-A-Rama Performances, J.E. Hamilton Community House, May 5, 6, 7, 2016. Tickets on sale at Inman Jewelers.

D. Council Special Meeting, Wednesday, May 11, 2016, 6 PM, Council Chambers, for Closed session discussion of several matters.

E. WPPI Power Dinner & Program, Thursday, May 12, 2016, Brett Favre Steakhouse, Green Bay, 5:30 PM. RSVP requested.

F. Wisconsin Historic Preservation Review Board to consider S.C. Baldwin Shipwreck (near Rawley Point Lighthouse) for nomination to Wisconsin State Register of Historic Places and National Register of Historic Places on May 20, 2016 at 9:45 AM.

G. League of Wisconsin Municipalities – Local Government 101 Workshop, (nearest location) – Green Bay, Tundra Lodge, June 3, 2016 - - Council members wishing to attend?

H. President Gagnon's Appointments to City Council Standing Committees for 2016-2017. Personnel and Finance Committee to consist of Council members Yaggie (chair), Gagnon and Koach. Public Utilities Committee to consist of Council members Taddy (chair), LeClair and Powalisz. Public Works Committee to consist of Council members Shimulunas (Chair), Bittner and Casavant.

I. National Day of Prayer Observance, Central Park Bandstand, Thursday, May 5, 2016 at noon

J. Mariners Trail Cleanup, Saturday, May 7, 2016, starting from Memorial Drive wayside opposite Woodland Drive at 8:30 AM

K. Neshotah Charitable Foundation "Dick Rohrer Memorial Badger Night," featuring Badger football great and Heisman Trophy winner Ron Dayne, J.E. Hamilton Community House Gym, May 12, 2016, starting at 5:30 PM

L. Annual Bird Breakfast at Woodland Dunes, Saturday, May 14, 2016.

M. Salvation Army is in need of bell ringers.

Closed Executive Session.

At 8:10 PM, a motion was made by Councilmember Koach, seconded by Councilmember Shimulunas, to enter into Closed Session to discuss possible City assistance to economic development projects or discuss possible property acquisition. 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.

At 8:30 PM, a motion was made by Councilmember Koach, seconded by Councilmember Shimulunas, to reconvene in open session. Upon Voice vote, motion carried.

At 8:30 PM, a motion was made by Councilmember Shimulunas, seconded by Councilmember Powalisz, to dispense with the reading of the minutes of the meeting and adjourn.

Kim M. Graves
City Clerk