

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

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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 Joe Collins, Police Chief; Jeff Dawson, Lester Library Director; Ross Blaha, Water Utility Director; Ken Kozak, Electric Utility Director; Judy Goodchild, Parks and Recreation Director; Jim McDonald, Public Works Director; Scott Schneider, Fire Chief; Dave Buss, Finance Director; Jack Bruce, City Attorney and Greg Buckley, City Manager.

Consideration of any Council member 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, October 12, 2017.

President Koach opened a Public Hearing for a Resolution to Revise the Approved General Development Plan for Rivers Edge Condominiums in the Planned Development District (PPD), Related to Deleting Two 5-Unit Buildings and the Adding of Four 2-Unit Buildings. After calling three times and seeing no one wishing to address the Council, President Koach closed the hearing.

A motion was made by Council Member Gagnon, seconded by Council Member LeClair, to waive reading and adopt the Resolution as recommended by the Plan Commission. Upon a 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.

Input from the Public. No one addressed the Council:

Council Communications: A letter was received from Two Rivers Historical Society in support of proposed National Marine Sanctuary. A motion was made by Council Member Bittner, seconded by Council Member Powalisz to receive, file and forward to our State Election Officials. 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.

Council Reports from Boards/Commissions/Committees. Council Member Shimulunas stated that the Public Utilities Committee is looking at comparisons of water rates with other communities. .

Manager's Report:

Invited Guests:

1. Introduction and Swearing in Two New Firefighter/Paramedics. Chief Schneider and Assistant Chief Murack welcomed Firefighter/Paramedic Andrew Taddy and Firefighter/Critical Care Paramedic Christopher McNeill. City Clerk Kim Graves swore in both new officers.

2. Introduction and Swearing in Two New Police Officers. Chief Collins welcomed Full Time Officer Andrew Lade and Part Time Officer Bradley Dimmick and pinned on their badges. City Clerk Kim Graves swore in both new officers.

3. Mr. Buckley introduced Russ Green, National Oceanic and Atmospheric Administration (NOAA), to give an update on Proposed Wisconsin – Lake Michigan National Marine Sanctuary. Mr. Green reported that the implementation plan proposal is about three-fourth completed. The final draft proposal will be reviewed before the plan goes to the Governor's office and to Congress.

Status/Update Reports:

1. Mr. Buckley stated that the State Highway 42/Lincoln Avenue Ribbon-Cutting and

- Re-Opening will be Thursday, October 19, 2017 at 5:00 PM at Krajnik Chevrolet.
2. Mr. Buckley reported after follow-up questions on the title work, the conclusion is that Manitowoc County owns the property that is the site of the Memorial Drive Wayside that the City wishes to acquire.
  3. Mr. Buckley stated there is nothing new to report regarding acquisition of the Canadian National Railroad right-of-way.
  4. Mr. Buckley reported on the East Side Bike Trail Project. The 60 percent design has been approved by the DOT, environmental review is nearly completed and the City has contracted with Omni Associates to assist with right-of-way acquisition.
  5. Mr. Buckley stated that the lighting materials at Vietnam Vets Park will be delivered by equipment supplier Musco tomorrow.
  6. Mr. Buckley informed that the appraisal reports have been sent to Thermo Fisher Scientific and Jay and Mary Streu, related to the City's planned Hamilton area property acquisitions.
  7. Mr. Buckley stated the water and sanitary sewers are in on Pilon Court, and utility work is underway on Wilson Street.
  8. Mr. Buckley stated that twenty-five of the seventy-one lead service laterals included in the current contract for private side lead service lateral replacement have been replaced. The Water Department is following up with property owners who received letters about the need to replace their private services.
  9. Mr. Buckley reported on the South Pier Emergency Repairs by the US Army Corps of Engineers, noting that the Corps tugs and barges are back in the port today, after being driven away by rough conditions on the lake. He added that the City has not received word on the status of Harbor Assistance Program funding for design of a "dog leg" extension of the south pier; grant awards won't be announced until early

December.

10. Mr. Buckley noted the article on Two Rivers' waterfront redevelopment activities in the 2017 Wisconsin Great Lakes Chronicle, published by Wisconsin's Coastal Management Program.

#### Legislative/Intergovernmental Update

1. The Senate is reviewing the Dark Store Legislation
2. A decision on the City's application for Harbor Assistance Program funding will be announced in early December.
3. DNR 2017 Sanitary Survey Report, Water Utility
4. Water Utility Lead Exceedance – Public Notification Requirements and Plans for Further Sampling/Testing

Council members discussed the recent lead testing results, the public information that will be provided, and follow-up testing and lead service lateral replacement required by DNR.

Council Member Gonnerman excused herself from the meeting at 7:10 PM.

The following Consent Agenda items were considered: Minutes from the October 2, 2017 Regular City Council Meeting and October 4, 2017 Special City Council Meeting. Application for Beverage Operator's License – Recommended for Approval for Landon J. Boettcher, 3508 Mishicot Road, Two Rivers; Application for Temporary Class "B" Retailer's License for Two Rivers Main Street for a Wine Walk in Downtown Two Rivers at Various Businesses on Friday, November 3, 2017, 5:00 PM– 8:30 PM; Minutes of Meetings for Lester Public Library Board of Trustees, September 12, 2017; Plan Commission, October 9, 2017; Public Utilities Committee, October 3, 2017; Public Works Committee, October 3, 2017; September 2017 Department Reports for Electric, Fire, Inspections August and September, Lester Public Library, Parks and Recreation, Public Works/Wastewater Departments, Safety

Program, Water; Summary of Verified Bills for the Month of September 2017 in the amount of \$1,838,951.46

A motion was made by Council Member Powalisz, seconded by Council Member LeClair, to approve the Consent Agenda with the various actions recommended. Upon a voice vote. Motion carried.

President Koach presented a Request for a Right-of Way Privilege Agreement to Allow a Fence to be Located in Right-of-Way at 2201 10th Street, Submitted by Keith Korth and Jerry Levine (Owners).

A motion was made by Council Member Gagnon, seconded by Council Member England, to approve Right-of Way Privilege Agreement as recommended by the Plan Commission. Upon a roll call vote, Ayes (8) Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England Patrick Gagnon; Noes (0) None. Motion carried.

President Koach presented a request to authorize Acquisition of Property at 1714 21st Street for Future Use by the Fire Department.

A motion was made by Council Member England, seconded by Council Member Casavant, to approve the purchase from Shoreline Credit Union for \$3,200 as recommended by the Plan Commission. Upon a voice vote, Motion carried.

President Koach presented the proposed Plat for Sandy Bay Highlands Subdivision No. 2 (twenty-two additional lots).

A motion was made by Council Member Bittner, seconded by Council Member Casavant, to approve the proposed Plat Map as recommended by the Plan Commission. Upon a voice vote, motion carried. Mr. Buckley reported that the plat will be filed with the State of Wisconsin and the County Register of Deeds; the City hopes to start marketing the lots next Summer.

President Koach presented a Resolution Authorizing Funding Application to Wisconsin DNR for South Breakwater Repairs and Construction of Wave Mitigation Structure. Mr. Buckley recommended tabling this matter, since the grant application is for construction funding that will be based on design work that is the subject of the City's recent Harbor Assistance Program funding application; pending word on that grant for design, he does not recommend application for construction funding.

A motion was made by Council Member Gagnon, seconded by Council Member Bittner to table to Special City Council meeting October 23, 2017. Upon a voice vote. Motion carried.

President Koach present a Development Agreement with Oak Park Developers, LLC, Pertaining to River's Edge Condominiums, Phase 2.

A motion was made by Council Member Gagnon, seconded by Council Member England to authorize the City Manager and City Clerk to execute the agreement on behalf of the City. Upon a roll call vote, Ayes (8) Kay Koach, Darla LeClair, Jack Powalisz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England Patrick Gagnon; Noes (0) None. Motion carried.

Discussion of Special Council Meeting and Public Input Session on Economic Development Strategic Plan. The City Manager stated that he recommends Wednesday, November 15, 2017 with Thursday, November 16, 2017 as alternate date, 6:00 PM. Most Council members indicated they could attend on either date. Mr. Buckle will follow up and set the meeting for one of those dates.

For Information Only:

- A. Personnel and Finance Committee Budget Review Meeting, City Hall Committee Room, Wednesday, October 18, 2017, 6:00 PM and City Council Work Session, City Hall Council Chambers, Monday, October 23, 2017, 6:00 PM
- B. Fall Leaf Pickup began Monday, October 16, 2017. East Side on Mondays; North Side (between rivers) on Tuesdays, Wednesdays and Thursdays; South Side on Fridays

- C. Senior Health & Information Fair, Thursday, October 19, 2017, 8:00 AM-12 Noon, J.E. Hamilton Community House
- D. Crime Prevention Day, Saturday, October 21, 2017, 10:00 AM – 3:00 PM, Expo Grounds - Merchants Building
- E. Lester Public Library Book Sale, October 26, 27, 28, 2017, during regular hours
- F. Haunted Library - Lester Public Library, Friday, October 27, 2017, 8:30 -10:00 PM, Ages 8 and up
- G. Main Street Downtown Trick or Treat, Saturday, October 28, 2017, 11:00 AM – 2:00 PM
- H. Spooky Spectacular, after trick-or-treating for a spooky fun time complete with a costume contest, candy find, games, hot chocolate & a HUGE bonfire! Tuesday, October 31, 2017, 6:30-7:45 PM, Neshotah Diamond
- I. Trick or Treat, Tuesday, October 31, 2017, 5:00 – 7:00 PM
- J. Main Street Wine Walk Downtown, Friday, November 3, 2017, 5:00 – 8:00 PM

Mr. Buckley reported on recent special events: Lions 2017 Applefest and the Ribbon Cutting at HFM. He thanked the businesses and the volunteers who made these events successful.

Mr. Buckley reminded the Council that there will be a Main Street Lunch and Learn at the new HFM Lakefront Clinic on Wednesday, October 18, 2017 at noon.

At 7:40 PM, a motion was made by Council Member Gagnon, seconded by Council Member Bittner, to enter into Closed Sessions, per Wisc. Stats. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investment of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session 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 to

confer with legal counsel regarding property acquisition matters likely to be the subject of litigation.

Upon Roll Call vote; Ayes (8), Darla LeClair, Jack Powalysz, Bonnie Shimulunas, Mark Bittner, John Casavant, David England, Patrick Gagnon, Kay Koach; Noes (0), None. Motion carried.

At 8:10 PM, a motion was made by Council Member Powalysz, seconded by Council Member Gagnon, to reconvene in Open Session. Upon a voice vote, motion carried.

Motion to accept award of Commissioners in the amount of \$57,000.00, provided there is no further appeal, withholding action on claimed attorney's fees and costs and reserving the right to contest their reasonableness. Reaffirms city attorney's request for information regarding the amount of claimed fees and the invoice of the Novacheks' attorney for the property at 1326 East River Street (former Blue Goose Tavern Property)

At 8:15 PM, a motion was made by Council Member LeClair, seconded by Council Member Powalysz, to dispense with the reading of the minutes and adjourn the meeting. Upon voice vote, motion carried.

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Kim M. Graves  
City Clerk