

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
REGULAR MEETING
Monday, May 4, 2020 – 6:00 PM
Council Chambers – City Hall
MINUTES**

1. CALL TO ORDER by President Curt Andrews at 6:00 PM.

NOTE: Per Governor's Executive Order and Local Emergency Proclamation, related to the COVID-19 pandemic, this meeting was held remotely, via Zoom video/audio conference.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL BY CITY CLERK

| Attendee Name | Title | Status | Arrived |
|-------------------|----------------|---------|---------|
| Adam Wachowski | Councilmember | Present | |
| Bill LeClair | Councilmember | Present | |
| Bonnie Shimulunas | Councilmember | Present | |
| Curt Andrews | President | Present | |
| Darla LeClair | Councilmember | Present | |
| Jack Powalisz | Vice-President | Present | |
| Jay Remiker | Councilmember | Present | |
| John Casavant | Councilmember | Present | |
| Mark Bittner | Councilmember | Present | |

Also present remotely were Jeff Dawson, Lester Library Director; Al Schaeffer, Interim Parks and Recreation Director; Jim McDonald, Public Works Director; Steve Denzien, Fire Chief; Ken Kozak, Electric Director; Brian Kohlmeier, Police Chief; Ross Blaha, Water Director; Dave Buss, Finance Director; Elizabeth Runge, Economic Development Director/City Planner; Rick Powell, EDP Supervisor; Jack Bruce, City Attorney and Greg Buckley, City Manager.

4. ANNOUNCEMENT OF METHODS FOR PUBLIC PARTICIPATION IN THIS REMOTE MEETING

5. PUBLIC HEARING

- A. **2020-096** Public Hearing on Amendment No. 1 to a Conditional Use Permit for Proposed Culver's Restaurant, 1507 22nd Street

Recommend Action:

Motion to waive reading and approve the Conditional Use Permit

President Andrews opened the first call, no one addressed the Council.

On the second and third calls, no one addressed the Council. President Andrews closed the hearing.

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Jack Powalisz, Vice-President
SECONDER: Darla LeClair, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, John Casavant, Mark Bittner

- B. **2020-097** Public Hearing on an Ordinance Amendment to Section 10-1-14 of the Zoning Code, to Change the Minimum Required Dimensions for Parking Spaces

Recommended Action:

Motion to waive reading and adopt the Ordinance

President Andrews opened the first call, no one addressed the Council.

On the second and third calls, no one addressed the Council. President Andrews closed the hearing.

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Bill LeClair, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, John Casavant, Mark Bittner

6. INPUT FROM THE PUBLIC

None.

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Councilmember Wachowski stated that Beserkers, Machuts and Tapped on the Lakeshore sent emails regarding reducing Class B fees for liquor licenses.

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember Bittner stated the Personnel & Finance Committee is keeping up with the budget in regard to COVID-19.

9. CITY MANAGER'S REPORT

A. Invited Guests

1. Introduction and Swearing-in of Assistant Police Chief Benjamin Meinnert

Mr. Buckley played a recorded swearing-in ceremony, due to Covid 19 where Brian Kohlmeier, Police Chief introduced Assistant Police Chief Benjamin Meinnert and City Clerk Graves administered the Oath of Office to Assistant Police Chief.

2. Presentation of Lifesaving Award to Officer Bradley Dimmick

A second video showed Police Chief Kohlmeier recognizing Officer Dimmick for his actions in saving the life of a resident of Two Rivers on February 24, 2020. Officer Dimmick was presented the Two Rivers Police Department Life Saving Award

Certificate along with a Life Saving Pin which is worn above a lapel on his police uniform.

B. Status/Update Reports

1. May 5 is Liberation Day in Two Rivers' Sister City of Domažlice, Czech Republic--75th Anniversary of Their Liberation from the Germans at the End of WWII

Mr. Buckley reported that May 5 is Liberation Day in Two Rivers' Sister City of Domazlice, Czech Republic-75 years since an advance party of Patton's Third Army, headed by Lt. Col. Matt Konop of Two Rivers, arrived in his ancestral hometown to announce its liberation from Nazi occupation.

2. Sale of 1.88 acres of Columbus industrial Park Property by City to Ironwood Plastics closed on April 30--Revenue of \$46,545

Mr. Buckley reported on the sale of 1.88 acres of Columbus Industrial Park property by the City to Ironwood Plastics closed on April 30m with related revenue of \$46,545.

3. City is Now the Owner of 2023 Washington Street (Former Uni-Mart)

Mr. Buckley reported the City is now the owner of 2023 Washington Street (former Uni-Mart) through assignment of County's rights in tax foreclosure. The City's goal is to eliminate blight and achieve redevelopment of the property.

4. Thank You to City Electric Utility Crews for April 29 Storm Response

Mr. Buckley thanked the City Electric utility crews for their April 29 storm response.

5. Thank You to Public Works Crews for Efforts to Preserve Beachwalk During April 29 Storm

Mr. Buckley thanked the City Public Works crews for their April 29 storm response.

6. Thank You to Two Rivers Rotary for Recent Donations in Support of the Two Rivers Fire Department

Mr. Buckley thanked the Two Rivers Rotary for their recent donations of a commercial washer and ultraviolet (UV) disinfecting lights to the Fire Department.

7. Memorial Day 2020: Parade and Ceremony at Cemetery Cancelled; "Salute to Our Military" Planned for Central Park, Staff looking at Options for On-Line Tribute on Memorial Day

Mr. Buckley reported the 2020 Memorial Day parade and ceremony at the cemetery is cancelled. The City staff is looking at options for an online tribute. He also stated the "Salute to Our Military" a luminaria display is planned for Central Park.

8. COVID-19 Update

Mr. Buckley reported that City Hall, Community House, Senior Center and the Lester Library remain closed to walk-in customers. He stated some services are returning like curbside pickup of reading materials at the Lester Public Library, the launch ramp and fish cleaning station at Vets Park and Maritime Metro Transit.

9. Downtown Hotel Project

Mr. Buckley stated the hotel construction is on-track for a July opening. The City just filed progress reports with WEDC, a requirement for the \$250,000 Community Development Incentive Grant.

10. Riverside Foods Expansion Project

Mr. Buckley stated the construction is well underway and the company is shooting for project completion by 2020 year end.

11. Former Paragon Property

Mr. Buckley stated that the City is in dialogue with two parties who have shown interest in the property. He and the Community Development Director have also had recent discussions with State and Federal agencies regarding possible grant funding to assist with rehabilitation of the building, as well as partial demolition. The City acquired this property, which includes a 315,000 SF building on 27 acres of land, through foreclosure on a defaulted economic development loan to Paragon Partners, LLC.

12. Other

Councilmember Bittner asked about the CN Railroad property. Mr. Buckley stated he has not heard back from the railroad. He also stated that there is not a for sale sign up on the former Eggers downtown property yet. He stated that the Community Development Director had a recent conversation with a Green Bay developer.

Councilmember Andrews stated Silver Lake College (Holy Family College) will be closing permanently as of August 2020 and Councilmember Shimulunas stated the music facility is not closing as a part of Silver Lake College.

Mr. Buckley reported the beach was damaged by high winds during the last storm and a discussion is needed with options of being mindful of the high water.

C. Legislative/Intergovernmental Update

Mr. Buckley reported banners are \$70.00 for the Two Rivers High School 2020 Grads Project. The goal for having the banner placed on the utility poles is June 2. Proposed City support would be placement and removal of banners by the electric utility.

10. CONSENT AGENDA

A. Presentation of Minutes

1. Regular City Council Minutes-April 20, 2020 and Re-organizational Meeting Minutes April 21, 2020

Recommended Action:

Motion to waive reading and adopt the minutes

B. Reports

1. Minutes of Meetings

- a. Business and Industrial Development Committee, February 27, 2020
- b. Police and Fire Commission, April 22, 2020

Recommended Action:

Motion to receive and place on file

2. Finance Reports

- a. Debt Service, March 2020
- b. General Fund, March 2020
- c. Lester Library, March 2020
- d. Utilities Report, 1st Quarter 2020

Recommended Action:

Motion to receive and place on file

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Jay Remiker, Councilmember
SECONDER: Jack Powalisz, Vice-President
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, John Casavant, Mark Bittner

11. CITY COUNCIL - FORMAL ITEMS

A. Election of City Council Representative to Progress Lakeshore Board (Tie vote on April 27)

Recommended Action:

Council discretion

Nomination of Bonnie Shimulunas and Darla LeClair. On a vote of 5 to 4, Darla LeClair was declared the Council representative to Progress Lakeshore Board.

B. Review and Consider Changes to Policy on Councilmember Participation in Meetings from a Remote Location

Recommended Action:

Council discretion

Motion to participate remotely and in Closed Session

RESULT: APPROVED WITH VOICE VOTE [7 TO 2]
MOVER: Jack Powalisz, Vice-President
SECONDER: Mark Bittner, Councilmember
AYES: Adam Wachowski, Bill LeClair, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, Mark Bittner
NAYS: Bonnie Shimulunas, John Casavant

After discussion, a motion to strike some wording in paragraph number 1 and to strike paragraph number three completely.

1. Participation by such means may be permitted for both regular and special meetings of the City Council and for regular and special meetings of the Council's standing committees, but only for open sessions of such meetings. ~~Participation by such means in closed sessions may only be permitted in extraordinary circumstances, by~~

- ~~action of the Council as described in numbered paragraph 9 of this Resolution.~~
3. ~~Members not physically present at the meeting shall not count toward a quorum; that is, a quorum of the body must be physically present at the meeting in order to conduct business.~~

RESULT: APPROVED VOICE VOTE [UNANIMOUS]
MOVER: Jay Remiker, Councilmember
SECONDER: Jack Powalisz, Vice-President
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, John Casavant, Mark Bittner

- C. **2020-098** City Manager's Appointments and Re-Appointment to Boards, Committees and Boards

Recommend Action:

Motion to approve the appointments as recommended by the City Manager

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Darla LeClair, Councilmember
SECONDER: Jack Powalisz, Vice-President
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, John Casavant, Mark Bittner

- D. **2020-099** Ordinance Amendment to Temporarily Reduce Fee for Class B Liquor Licenses

Recommended Action:

Motion to adopt Option B to reduce the fee for Retail "Class B" and Retail Class "B" licenses, for the licensing period July 1, 2020 through June 30, 2021, with fees to return to current levels as of July 1, 2021.

During discussion Councilmember Darla LeClair stated she is not in favor of lowering liquor license fees. Councilmember Wachowski stated he is in favor of reducing liquor fees and would do everything he can to help those businesses. Councilmember Remiker confirmed the ordinance will return to the original rate the next licensing year.

RESULT: APPROVED WITH ROLL CALL [5 TO 4]
MOVER: Adam Wachowski, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Adam Wachowski, Bonnie Shimulunas, Jack Powalisz, Jay Remiker, John Casavant
NAYS: Bill LeClair, Curt Andrews, Darla LeClair, Mark Bittner

- E. Discussion and Direction to Staff Regarding Possible Changes to the City Ordinance on Beer Gardens to Facilitate Use of Outdoor Serving Areas--Responsive to Proposal by Tavern League of Wisconsin (Forwarded by Councilmember Wachowski)

Recommended Action:

Motion to direct staff to prepare an ordinance amendment for consideration at the May 18 Council meeting

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Bill LeClair, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, John Casavant, Mark Bittner

Councilmember Powalisz left the meeting at 8:00 PM.

- F. **2020-100** Resolution Urging Governor Evers and State Legislative Leaders to Pursue a Cooperative and Balanced Approach to Protecting Public Health and Reopening Wisconsin's Economy, as Communities Across the State Struggle to Deal With the COVID-19 Pandemic (Requested by Councilmember Darla LeClair-draft to be distributed at meeting)

Recommended Action:

Motion to waive reading and adopt the resolution

RESULT: APPROVED WITH ROLL CALL [6 TO 2]
MOVER: Adam Wachowski, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Jay Remiker, John Casavant, Mark Bittner
NAYS: Curt Andrews, Darla LeClair
ABSENT: Jack Powalisz

After discussion, a motion to amend the original motion, by adding a statement that the Council recommends immediately beginning to reopen the economy as of May 4, using a phased in approach.

RESULT: APPROVED ROLL CALL [7 TO 1]
MOVER: Bill LeClair, Councilmember
SECONDER: Adam Wachowski, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
NAYS: Curt Andrews
ABSENT: Jack Powalisz

- G. **2020-101** Ordinance to Amend Sections 6-2-2(a) and 6-2-5 of the Municipal Code, to Authorize Issuance of Beverage Operator Licenses by the City Clerk

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Bill LeClair, Councilmember
SECONDER: John Casavant, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSENT: Jack Powalisz

- H. **2020-102** Proclamation Naming the Week of May 10-16, 2020 as Police Week and May 15, 2020 as Peace Officers Memorial Day (to be distributed at meeting)

Recommended Action:

Motion to read and adopt the Proclamation

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: Adam Wachowski, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSENT: Jack Powalisz

- I. **2020-103** Resolution Proclaiming International Migratory Bird Day, May 9, 2020

Recommended Action

Motion to waive reading and adopt the resolution

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSENT: Jack Powalisz

- J. **2020-104** Proclamation for National Drinking Water Week May 3-9, 2020

Recommended Action:

Motion to adopt the Proclamation

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Darla LeClair, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSENT: Jack Powalisz

12. FOR INFORMATION ONLY

- A. Manitowoc County Celebrating May as Foster Care Month
- B. City Council Meeting, Monday, June 1, 2020, 6:00 PM
- C. City Council Work Session Meeting, Wednesday, May 27, 2020, 6:00 PM—Remote Meeting

13. CLOSED SESSION

At 8:30 PM, a motion to enter into Closed Session, 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 reason require a closed session

- Discuss Possible City Assistance to Economic Development Projects: Culver's, Others
- Discuss Status of Negotiations Regarding Former Hamilton Property
- Discuss Status of Negotiations Regarding Sale or Lease of Former Paragon Property

And per Wisc. 19.85(1)(g), conferring with legal counsel for the governmental body who is rendering oral or written advice 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
- Discuss Current Litigation Matter

RESULT: APPROVED ROLL CALL [UNANIMOUS]
MOVER: Jay Remiker, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSENT: Jack Powalisz

14. RECONVENE IN OPEN SESSION

At 9:35 PM, a motion to reconvene in open session.

RESULT: APPROVED VOICE VOTE [UNANIMOUS]
MOVER: Adam Wachowski, Councilmember
SECONDER: Darla LeClair, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSENT: Jack Powalisz

15. ADJOURNMENT

At 9:35 PM, a motion to dispense with the reading of the minutes of the meeting and adjourn.

RESULT: APPROVED VOICE VOTE [8 TO 0]
MOVER: Darla LeClair, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker, John Casavant, Mark Bittner
ABSTAIN: Jack Powalisz

Kim M. Graves
City Clerk