

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

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

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	Vice-President	Present	
Jack Powalisz	Councilmember	Absent	
Jay Remiker	Councilmember	Present	
John Casavant	Councilmember	Present	
Mark Bittner	Councilmember	Present	

Also present were Jeff Dawson, Lester Library Director; Jim McDonald, Public Works Director; Steve Denzien, Fire Chief; Brian Kohlmeier, Police Chief; Ben Meinnert, Assistant Police Chief; Elizabeth Runge, Economic Development Director/City Planner; Rick Powell, EDP Supervisor; Jack Bruce, City Attorney and Greg Buckley, City Manager.

4. **CONSIDERATION OF ANY COUNCIL MEMBER REQUESTS TO PARTICIPATE IN THIS MEETING FROM A REMOTE LOCATION**

None.

5. **PUBLIC HEARING**

- A. **2020-145** Public Hearing for Change in Zoning from R-3 Residence District to I-1 Industrial District for 0.92 acres of land adjacent to 251 Taylor Street, submitted by Ryan Koch, TDB Investments, LLC (owner)

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:	Adam Wachowski, 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

6. INPUT FROM THE PUBLIC

1. Charles Hagen, 2314 Adams Street addressed the Council about exploretworivers.com, noting that the site was developed by a Milwaukee area firm. He requested a resolution by Council that the City directs its spending, where competitively possible, toward Two Rivers suppliers. He also stated concerns about the budget approved communications position, the rebranding initiative being premature and specific questions regarding the Code of Ethics.
2. Kathy Dahlke, 3727 Adams Street addressed the Council stating that they represent all citizens that want to be heard and need to be addressed in a timely manner. She also stated that comments on Face book need to be addressed in a timely manner as a channel of communication.
3. Jeff Dahlke, 3727 Adams Street stated he is concerned about wheelchair access to the North Pier and having a handicapped accessible restroom at that location.

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Councilmember Wachowski stated he was asked about the slow no wake signs on the East Twin River at the 17th and 22nd Street bridges. Mr. Buckley reported the signs were done and recently went up. Councilmember Wachowski stated that he also received a question regarding the requirement that beer gardens, must close at certain time, noting that smokers are then forced to congregate outside by the front entrance; he would prefer that smoking be allowed in beer gardens, even after food and drinks can no longer be consumed there.

Mr. Wachowski also relayed a citizen concern about the jet ski launch at the beach not being accessible while the beach is full--is more signage needed? He asked for an update from the police department per the incident that happened on June 30.

Councilmember Casavant received a text message from a citizen that was sitting in his own back yard while his neighbor playing loud rap music, is getting fed up. The address will be passed to the police department.

Councilmember Shimulunas was asked by a citizen as to why a person has to state their name and address when giving public comment. Attorney Bruce stated there is nothing in the law that requires public comments and that the Council can set rules it considers appropriate.

Councilmember Bittner stated he received a letter from a constituent who hopes the City does not issue a mask for mandate in our community.

Councilmember B. LeClair stated that he received a question asking why Culver's is not building yet. Mr. Buckley stated he received an email today from Aaron Abt that the project is delayed, due to COVID related issues with new store development.

Councilmember Andrews reported that he was contacted by a citizen who expressed the opinion that the beach is out of control. Her suggestions were to start charging for parking, limit number of people on the beach. Mr. Buckley stated that he received a message on the from a citizen who enjoys the beach but believes there should be an admission or parking fee be charged for the beach. Mr. Buckley stated that the Advisory Recreation Board will be looking at the beach situation. Councilmember Bittner suggested more efforts to turn day trippers into overnight stays.

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

None.

9. CITY MANAGER'S REPORT

A. Invited Guests

1. Two Rivers Rotary Representatives, Regarding Donation of UV Disinfection Units for Fire and Police Departments

Ms. Elizabeth Bittner, representing Two River Rotary presented a \$740.99 donation check to the Police Department for the purchase of UV Disinfection Units.

B. Status/Update Reports

1. Small Business Emergency Grant Program With City of Manitowoc and Chamber of Commerce-- Round 1 Awards

Mr. Buckley reported that round 1 of grant application closed on July 12, with 38 applications from Two Rivers small businesses funded.

2. Downtown Hotel Development Project

Mr. Buckley stated the tentative opening date is August 7, with work on landscaping and site paving this week.

3. Riverside Foods Project

Mr. Buckley stated the loan closing was June 15, 2020. The \$300,000 loan is to be repaid over 36 months. The \$8 million project was also assisted with a \$400,000 TID No. 8 grant.

4. Parks and Recreation Director Recruitment Appointment

Mr. Buckley reported Theresa Vosters was appointed as Two Rivers' Parks and Recreation Director. Ms. Vosters will start work on Monday, July 13 and she will be attending her first Advisory Recreation Board meeting on July 14 and City Council meeting on July 20.

5. July 4 Weekend

Police Chief Kohlmeier reported on the June 30 incident involving juveniles near Washington Park which is still under investigation. Assistant Police Chief Meinnert reported on the July 4 activities at the beach, at the fireworks and elsewhere in the

community. Mr. Buckley thanked the Park & Recreation, Police and Fire Departments for a successful event.

6. South Breakwater Trail

Mr. Buckley reported the trail signage was installed the week of June 29 and interpretive signage will be placed later this summer.

7. WI Coastal Management Grant for Comprehensive Plan Update

Mr. Buckley reported the 2020 WI Coastal Management Grant of \$26,000 will assist with the Comprehensive Plan update with a required City match of \$30,000. \$23,000 was borrowed in 2019 toward this project.

8. Date for Events Honoring Patrick Gagnon

Mr. Buckley reported the Library/Lakeshore Park Trail will be dedicated to the memory of Patrick Gagnon, along with a bench dedication and awarding of the Leonard Stangel Community Service Award, at a ceremony to be held Sunday, August 16 at 1:30 PM.

9. August 11 Partisan Primary Election Update

Mr. Buckley stated the 7th Circuit Court of Appeals has issued its ruling in the One Wisconsin Institute case, requiring the following changes to election laws and procedures for the August 11, 2020 Partisan Primary Election. In Person Absentee voting for the August 11 Partisan Primary must cease until Tuesday, July 28, 2020. The voter registration residency requirement is now 28 days. Prior was 10 days. Clerks may no longer fax or email absentee ballots to regular absentee voters, only to military and overseas voters.

10. Upcoming Events

Mr. Buckley reported on the 2020 Two Rivers Central Park Concert Series, Bands on the Beach and the Outdoor Movies schedules.

11. Other

C. Legislative/Intergovernmental Update

10. CONSENT AGENDA

A. Presentation of Minutes

1. **2020-146** Regular City Council Minutes-June 15, 2020

Recommended Action:

Motion to waive reading and adopt the minutes

B. Applications and Petitions

1. Applications for Operator License-Recommended for Denial

- a. Charlotte A. Gundrum, 2714 11th Street, Two Rivers
- b. Carol J. Copeskey, 7136 Tannery Road, Apt. 40, Two Rivers

Recommended Action:

Motion for the City Clerk to notify each of the applicants of the City Council's intent to deny his/her license, based on the recommendation of the Chief of Police, and to advise applicant of his/her right to a hearing before the City Council

- 2. New Application for Class B Beer and Liquor License Application for the period of July 7, 2020 through June 30, 2021 for Two Rivers Hotel Group, LLC, D/B/A Cobblestone Hotel & Suites, 1407 16th Street, Two Rivers WI 54241

Recommended Action:

Motion to approve the application and authorize the City Clerk to issue the license

- 3. Applications for Temporary Class B License

- a. Rotary Club of Two Rivers, Bands on the Beach, July 11, August 1, 9, 15, 22, 2020, Neshotah Beach Rotary Pavilion, 5:00 - 10:00 PM
- b. Rotary Club of Two Rivers, Bands on the Beach, August 29, 2020, Walsh Field, 6:00 - 10:00 PM

Recommended Action:

Motion to approve the applications and authorize the City Clerk to issue the licenses

- 4. Application for New Landscape License -Recommended for Approval

- a. Chris Lewis Tree Surgery, LLC., PO Box 1564, Manitowoc

Recommended Action:

Motion to approve the application and authorize the City Clerk to issue the license

- 5. Applications for Commercial Garbage Hauler's License – Recommended for Approval

- a. Waste Management, 1861 East Allouez Avenue, Green Bay
- b. Manitowoc Disposal Inc., 1800 Johnston Drive, Manitowoc

Recommended Action:

Motion to approve the applications and authorize the Engineering Department to issue the licenses

C. Reports

- 1. **2020-147** Finance Reports

- a. Debt Service, May 2020
- b. General Fund, May 2020
- c. Lester Library, May 2020

Recommended Action:

Motion to receive and place on file

2. **2020-148** Summary of Verified Bills for the Month of June 2020 for \$1,424,174.56

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 [6 TO 2]
AYES:	Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, John Casavant, Mark Bittner
NAYS:	Adam Wachowski, Jay Remiker
ABSENT:	Jack Powalisz

11. CITY COUNCIL - FORMAL ITEMS

- A. **2020-149** Noise Ordinance Waiver Request for Mid-Summer Classic Youth Softball Tournament, Friday, July 17-18, 2020 until 11:00 PM Vietnam Veterans Park

Recommended Action:

Motion to approve the request as submitted

RESULT:	APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER:	Bill 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

- B. **2020-150** Noise Ordinance Waiver Request for Crazy from the Heat Softball Tournament, July 31-August 1, 2020 until 11:00 PM Vietnam Veterans Park

Recommended Action:

Motion to approve the request as submitted

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

- C. **2020-151** Noise Ordinance Waiver Request for Snowfest, August 15-16, 2020 until 11:30 PM, Walsh Field

Recommended Action:

Motion to approve the request as submitted

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

- D. **2020-152** Award of Bid for Street and Paving Work: Installation of Concrete Curb and Gutter, Base Course Asphalt Pavement in Sandy Bay Highlands Phase 2 Area, Top Course Asphalt Pavement in Phase 1 Area (Budgeted at \$275,000); Pavement Work at Community House Parking Lot (Budgeted at \$40,000)

Recommended Action:

Motion to award the contract to Vinton Construction of Two Rivers, in its low bid amount of \$240,486.95 (\$205,414.20 Sandy Bay; \$35,072.75 Community House)

Motion was made by Remiker, seconded by Wachowski to only pave the Community House parking lot in the amount of \$40,000.

Mr. Buckley pointed out that both projects are budgeted for 2020 construction, as indicated on the agenda. It was also noted that the cost for street paving has been advertised as included in the lot prices. Mr. Buckley also stated that, based on the motion to award only \$40,000 in work out of a \$240,000 contract, he could not accurately determine at this time which company was actually the low bidder.

After discussion, Councilmembers Remiker and Wachowski withdrew their motion.

RESULT: APPROVED VOICE VOTE [UNANIMOUS]
MOVER: Jay Remiker, 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

A motion was then made to amend motion back to original motion, to award the contract to Vinton Construction of Two Rivers, in its low bid amount of \$240,486.95.

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

- E. **2020-153** Resolution Delegating Responsibility for Premises Extensions for Establishments Licensed to Serve Liquor, to Allow Temporary Outdoor Seating Areas (Follow-up to Council Authorization for such Areas by a Staff Review Committee--Action Taken on June 29, 2020)

Recommended Action:

Motion to waive reading and adopt the Resolution

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

- F. Permit Application for Temporary Outdoor Seating Areas--as Adopted by City Council June 29, 2020 (Information and Discussion Only)

The permit application was reviewed and not action was taken.

RECOMMENDATIONS FROM FINANCE AND PERSONNEL COMMITTEE MEETING OF JUNE 24, 2020

- G. **2020-154** Resolution for Budget Amendment No. 2 to 2020 General Fund Budget (Approval Failed on 5-4 Vote at June 29 Meeting; Requires 2/3 Majority, or 6 Affirmative Votes)

Recommended Action:

Motion to waive reading and approve the budget amendment, as recommended by the Personnel and Finance Committee

(Attachments: Budget Amending Resolution, CivicBrands Proposal as approved by Council May 20, 2019 and job description for part-time contractual Communication Coordinator)

After discussion, Attorney Bruce stated

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

Following the vote, Attorney Bruce advised that, in order for the Council to consider this budget amendment, which failed to pass by a sufficient majority at the June 29 meeting, there should have been a motion to reconsider; such motion must be made by a Council member who voted "no" on the June 29 motion.

Motion to move to reconsider and adopt the budget amendment, which failed due to an insufficient majority at the June 20 meeting.

Having attained the necessary super majority, the motion was declared adopted.

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

H. Proposed Code of Conduct for Elected Officials

Recommended Action:

Motion to adopt the proposed Code of Conduct, as recommended by the Personnel and Finance Committee

After discussion, Councilmember D. LeClair and B. LeClair withdrew the motion.

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

Motion to table until July 20 Council meeting.

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

I. Discuss Parking and Beach Use Areas at Neshotah Park; Direction on Possible Changes

Recommended Action:

Council discretion

Motion to return Parking Lot 1 to use as a parking lot, rather than an extension of the beach, except where barriers are located.

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Adam Wachowski, 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

12. FOR INFORMATION ONLY

- A. Movie on the Beach: Jaws 2, Friday, July 10, 2020, 8:00 PM, Neshotah Beach
- B. Bands on the Beach-Panic Station, Saturday, July 11, 2020, 6-10 PM, Rotary Pavilion Neshotah Beach
- C. City Council Regular Meeting, Monday, August 17, 2020, 6:00 PM
- D. Possible Topic: City Branding
- E. City Council Work Session Meeting, Monday, August 31, 2020, 6:00 PM
- F. Music in the Park Series, Sunday, July 30, 2020, 6-8 PM, Bella Musik, Central Park
- G. Celebrate Two Rivers, Saturday, August 29, 2020, 4-10 PM, Walsh Field, Music from Nettle Hill, food trucks, beer, concessions and more.

13. CLOSED SESSION

At 9:05 PM, a motion to enter into Closed Session, per Wisc. Stats 1985(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.

RESULT:	APPROVED ROLL CALL [UNANIMOUS]
MOVER:	Mark Bittner, Councilmember
SECONDER:	Bonnie Shimulunas, 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 9:32 PM, a motion to reconvene in open session and consider possible actions in follow-up to closed session discussions.

RESULT:	APPROVED VOICE VOTE [UNANIMOUS]
MOVER:	Mark Bittner, 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

15. ADJOURNMENT

At 9:32 PM, a motion to dispense with the reading of the minutes of the meeting and adjourn.

RESULT: **APPROVED VOICE VOTE [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

Kim M. Graves
City Clerk