

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
REGULAR MEETING
Monday, October 5, 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	Present	
Jay Remiker	Councilmember	Present	
John Casavant	Councilmember	Absent	
Mark Bittner	Councilmember	Present	

Also present were Jeff Dawson, Lester Library Director; Jim McDonald, Public Works Director; Steve Denzien, Fire Chief; Ken Kozak, Brian Delleman, Electric Director; Brian Kohlmeier, Police Chief; Ben Meinnert, Assistant Police Chief; Ross Blaha, Water Director; Dave Buss, Finance Director; Elizabeth Runge, Economic Development Director/City Planner; Terri Vosters, Parks & Recreation Director; 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**

5. **PUBLIC HEARING**

None.

6. **INPUT FROM THE PUBLIC**

Ned Guyette, 2501 Washington Street, addressed the Council supporting the Police Departments recommend amendments to the Beer Garden Ordinance.

John Wallace, 2519 Washington Street, addressed the Council supporting the Police Departments recommendations on the Beer Garden and Noise Ordinance amendments.

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Council Vice-President D. LeClair reported that she received a phone call from Bethany Lee regarding a memorial bench for blues singer, Bryan Lee and is planning a fundraiser music jam event next year in his honor.

Councilmember Wachowski stated the Two Rivers Swim Club is fundraising for their capital campaign.

President Andrews stated he received three emails from citizens in support of the Beer Garden Ordinance and Noise Ordinance amendments, as recommended by the Police Chief.

Councilmember B. LeClair stated he had also received emails from citizens regarding the Beer Garden and Noise Ordinance.

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember Bittner, Finance and Personnel Committee Chair stated that the committee is currently working on the 2021 budget, with meetings every Wednesday in October. He encouraged the public to attend the meetings.

Council Vice-President D. LeClair, Main Street Board of Directors stated that Main Street's planned October Wine Walk is canceled due to COVID concerns. She also reported on attending the ribbon cutting ceremonies at Extreme Audio and Cleveland Cyclesworks.

9. CITY MANAGER'S REPORT

A. Invited Guests

1. Ken Kozak and Brian Delleman Electric Utility, Presentation Regarding Public Power Week, October 4-10, 2020

Ken Kozak and Brian Delleman, Electric Department presented information on Public Power Week October 4-10, noting that Two Rivers is one of 80 community-owned, not-for-profit electric utilities across Wisconsin. They invited community members to participate in the celebration by taking the on-line quiz for a chance to win Chamber Bucks.

B. Status/Update Reports

1. Appointment of New City Clerk/Human Resources Coordinator

Mr. Buckley reported Jamie Jackson will start work part-time as City Clerk/Human Resources Director on October 19 and full-time on November 4. Ms. Jackson has served since April 2019 as City Clerk for the City of Algoma and was Deputy City Clerk prior to that. She also has served as City Clerk/Treasurer for the City of Kewaunee from April 2014 to November 2016, prior to that she worked as an accountant at Eggers Industries. Ms. Jackson has a bachelor's degree in business administration from UW-Green Bay. City Clerk Kim Graves will retire at the end of January 2021.

2. Follow-Up reports on Actions Taken at the September 28, 2020 Special City Council Meeting
 - a. Contract for Sale of Former Paragon Property, 606 Parkway Boulevard
Mr. Buckley reported on an accepted Offer to Purchase 606 Parkway Boulevard, former Paragon building, by Enlight Group II, LLC. The final language was worked out per Council direction, and the agreement was signed September 29. Mr. Buckley reported the staff will be meeting with company representatives later this week, to discuss development incentives and due diligence matters.
 - b. Planned Redevelopment Project Involving Property Along the South-side of the West Twin River, West of Washington Street
Mr. Buckley reported that a Comfort Resolution on a possible new tax incremental district or an amendment to an existing TID is included on the agenda tonight.
 - c. Award of Bid for Resurfacing a Section of Mariners Trail
Mr. Buckley reported that the contract to resurface 1.1 mile of the trail was approved on September 28, and prep work for paving should occur later this week.
3. Hamilton Wood Type and Printing Museum News--Mr. Buckley referred these matters to Council President Curt Andrews, who sits on the museum's board of directors, for comment.
 - a. Donation Drive
Mr. Andrews reported that the Hamilton Wood & Printing Museum is in the midst of a donation drive, in which Windgate Foundation will match every dollar donated, toward purchasing the museum's real estate and collections from the Two Rivers Historical Society.
 - b. 12th Annual Waysgoose International Conference--This Year, "Awayzgoose" On-Line Conference, November 5-8
4. Washington Highlands/TID 8--New Construction Activity
Mr. Buckley reported the Inspections Department received plans for three new duplex condo structures with the basements to be dug the week of October 19.
5. Sandy Bay Highlands Subdivision--Street Work, Lot Sales
Mr. Buckley reported the curbing was installed last week in Phase 2 and the asphalt paving is scheduled for week of October 12. The 20% off the list price promotion for lots in Phase 2 continues through December 31.
6. Water Utility Lead Testing--Not Required Until 2022
Mr. Buckley stated that Water Utility Lead testing is not required until 2022. The DNR staff has advised that, because the Two Rivers water utility is engaged in a study to optimize its corrosion control measures, the utility will not be required to do another round of lead and copper testing until after implementation of optimization measures, likely in 2022. He noted that he had previously reported that lead testing would take place this Fall, based on earlier DNR communications

7. New Curbside Drop Box for Making Payments at City Hall

Mr. Buckley thanked the City's energy supplier, WPPI Energy, for its contribution that made the drop box possible.

8. New Signage for Spirit of the Rivers Monument and Wayside

Mr. Buckley reported on the new signage that was fabricated and installed by the City Public Works Department.

9. Voting in the November 3, 2020 General Election

Mr. Buckley stated that residents can register in person at the City Clerk's Office at City Hall, during normal business hours (10:00 AM to 4:00 PM Monday-Friday) or during the extended hours when in-person absentee voting is offered, or they can register on-line at www.myvote.wi.gov. In either case, you will need to provide a valid photo ID, such as a driver's license.

Absentee ballot applications can also be made at the City Clerk's Office or on-line at www.myvote.wi.gov. He urged people to apply for absentee ballots as soon as possible, to assure that they receive such ballots and have adequate time to get them returned to City Hall.

In Person Absentee Voting will be offered Tuesday, October 20 through Friday, October 23 and Monday, October 26 through Friday, October 30, from 8:00 AM to 6:00 PM in the City Hall Lobby. Extended hours for this period of time are offered to assist voters with registration and absentee voting.

Curbside Service for In Person Absentee Voting will be available during these times, for voters who have difficulty coming City Hall.

Voters can drop off their completed ballots at City Hall - Customer Service if they choose not to mail them back.

Polls Open on Election Day from 7:00AM - 8:00PM. All locations are open.

Reminder: Ward 7 & 8 voting location has moved from Koenig School to J.E. Hamilton Community House in the Behringer Room.

10. Downtown Trick or Treat, Saturday, October 24, 11:00 AM to 2:00 PM

Mr. Buckley reported Downtown Trick or Treat is Saturday, October 24, 11:00 AM to 2:00 PM organized by Two Rivers Main Street. Also, a Howl-o-Ween Party will be offered during those hours in Central Park, with treats and socially distanced activities offered by Two Rivers Parks and Recreation.

11. City-Wide Trick or Treat, Saturday, October 31; 5:00 PM to 7:00 PM

Mr. Buckley stated the decision to participate in trick or treating or to welcome is trick-or-treaters is a matter of individual choice; if residents elect to participate or allow family members to participate, social distancing and use of face masks and gloves are strongly recommended; individually-wrapped treats can also be placed outside for pickup. He encouraged residents to go to www.cdc.gov for more information.

12. 2021 Budget Process: Significant Dates

Mr. Buckley reported that Personnel and Finance Committee Budget Review

Sessions will be each Wednesday in October at 5:00 PM with the Budget Presentation to City Council on Monday, November 2, at 6:00 PM.

The Joint Meeting of Personnel/Finance Committee and Utilities Committee for Utility Budgets Review is Tuesday, November 3 (time TBD). The Personnel/Finance Committee Final Review of All Budgets 5:00 PM Wednesday, November 11 (if needed) with the City Council Public Hearing on Budget 6:00 PM Monday, November 16 and Budget Adoption 6:00 PM Monday, November 30.

13. Mental Illness Awareness Week of October 4-10

Mr. Buckley announced a Proclamation of October 4-10 as Mental Illness Awareness Week, issued by the City Manager's Office on September 22, at the request of the Manitowoc County Chapter of the National Alliance on Mental Illness (NAMI). A related display is in the J.E. Hamilton Community House in the 2nd floor lobby.

14. Fall Leaf Pickup Starts October 12

Mr. Buckley reported Fall leaf pickup starts October 12 and continues until Thanksgiving with Mondays East Side (East of East Twin), Tuesday - Thursday between the rivers and Fridays South Side (West of West Twin).

15. Other

Mr. Buckley reminded everyone that complete information on local events and activities, can be found at www.exploretworivers.com.

C. Legislative/Intergovernmental Update

Mr. Buckley reported that the City has submitted all necessary documentation, including an audit report, in order to be reimbursed \$250,000 by the WI Economic Development Corporation for the hotel grant.

10. CONSENT AGENDA

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

A. Presentation of Minutes

1. **2020-199** Regular City Council Minutes-September 21, 2020; Special Meeting-September 24, 2020 and Work Session Meeting-September 28, 2020

Recommended Action:

Motion to waive reading and adopt the minutes

B. Applications and Petitions

1. Application for Operator License-Recommended for Denial

Katie Vanden Heuvel, 1820 19th Street, Two Rivers

Recommended Action:

Motion to deny application, as applicant did not respond to City Clerk's letter advising her of the opportunity to schedule a hearing on the Council's stated intent to deny her license

C. Reports

1. **2020-200** Minutes of Meetings

- a. Branding and Marketing Committee, September 10, 2020

Recommended Action:

Motion to receive and place on file

2. **2020-201** Department Report for August 2020

- a. Fire

Recommended Action:

Motion to receive and file

3. **2020-202** Finance Reports

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

Recommended Action:

Motion to receive and place on file

4. **2020-203** Summary of Verified Bills for the Month of September for \$1,782,806.57

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

11. CITY COUNCIL - FORMAL ITEMS

- A. **2020-204** Possible Assistance to Development Project: Consideration of Comfort Resolution, Directing Staff to Proceed with Activities Necessary to Amend Tax Incremental Financing District (TID) 10 to Assist with a Rehabilitation Project

Recommended Action:

Motion to waive reading and adopt the Resolution

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

B. **2020-205** Purchase of Replacement Dump Trucks--Salters (2020 Capital Budget Item)

Recommended Action:

Motion to authorize the purchase of the new trucks and related plowing and salting equipment for the price of \$397,630.00, with the intent to borrow an additional \$97,630 in 2021 to fund this purchase, as recommended by the Public Works Director and Public Works Committee

RESULT: TABLED [7 TO 1] WITH REFERRAL BACK TO PUBLIC WORKS COMMITTEE
MOVER: Adam Wachowski, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Adam Wachowski, Bill LeClair, Curt Andrews, Darla LeClair, Jack Powalisz, Jay Remiker, Mark Bittner
NAYS: Bonnie Shimulunas
ABSENT: John Casavant

C. **2020-206** Ordinance to Amend Section 9-2-5 of the Municipal Code, Entitled "Loud and Unnecessary Noises Prohibited"

Recommended Action:

Motion to waive reading and adopt the Ordinance

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

D. **2020-207** Ordinance to Repeal and Recreate Section 6-1-19 of the Municipal Code of the City of Two Rivers, Wisconsin, Entitled "Beer Gardens Regulated"

Recommended Action:

Motion to waive reading and adopt the Ordinance, eliminating the word "permanent" and substituting "substantial" as a description for the manner of construction for a perimeter barrier under Standards and Conditions

Council President Andrews asked Police Chief Kohlmeier to review the proposed changes to the ordinance. He noted that the Council packet included the ordinance in the form proposed for adoption, as well as a mark-up of the ordinance that identified 15 specific changes contained in the ordinance amendment.

Councilmember Wachowski stated he does not agree with section 12, which keeps the prohibition on amplified sound after 9 PM.

Councilmember Remiker stated smoking should be allowed in beer gardens, after the required beer garden closing time of 11:00 PM. Councilmember Wachowski expressed his agreement, noting that it would be preferable to having patrons gathered to smoke on the sidewalk, near the entrance to an establishment. Chief Kohlmeier noted enforcement concerns about having people in designated beer gardens after closing time; he also noted that nothing prevents taverns from establishing outdoor smoking areas that are separate from their beer gardens.

RESULT:	APPROVED WITH ROLL CALL [5 TO 3]
MOVER:	Mark Bittner, Councilmember
SECONDER:	Bill LeClair, Councilmember
AYES:	Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jack Powalisz, Mark Bittner
NAYS:	Adam Wachowski, Curt Andrews, Jay Remiker
ABSENT:	John Casavant

12. FOR INFORMATION ONLY

- A. Breakfast for Lunch Fundraiser, Friday, October 9, 2020, 11:00 AM- 1:00 PM, Senior Center, J. E. Hamilton Community House, 1710 W Park Street
- B. Secure Shred and Recycle Event, Saturday, October 10, 2020, 9:00 AM - 1:00 PM, JE Hamilton Community House Parking Lot, Sponsored by Fox Communities Credit Union and Two Rivers Optimist Club
- C. Senior Health & Information Fair, Thursday, October 15, 2020, 9:00 AM - Noon, Senior Center Pergola
- D. City Council Regular Meeting, Monday, October 19, 2020, 6:00 PM
- E. City Council Work Session Meeting, Monday, October 26, 2020, 6:00 PM

13. CLOSED SESSION

At 8:40 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. Discuss status of negotiations regarding former Hamilton property. Consider action relative to existing right of first refusal held by the City for purchase of Real 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. Discuss current small claims litigation matter.

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

Councilmembers Powalisz and Wachowski left the meeting after the roll call to enter into Closed Session.

14. RECONVENE IN OPEN SESSION

At 9:10 PM, a motion to reconvene in open session and to consider possible actions in follow-up to closed session discussions.

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

Motion to authorize the City Manager to sign a document terminating the City's Right of First Refusal on property located in the Town of Two Rivers, west of the City's Woodland Industrial, to allow Nationwide to purchase that 4 acre parcel, located adjacent to the company's property.

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

15. ADJOURNMENT

At 9:10 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: Darla LeClair, Vice-President
AYES: Bill LeClair, Bonnie Shimulunas, Curt Andrews, Darla LeClair, Jay Remiker,
 Mark Bittner
ABSENT: Adam Wachowski, Jack Powalisz, John Casavant

Kim M. Graves
City Clerk