

Two Rivers City Hall  
1717 East Park Street  
Council Chambers  
Two Rivers, WI 54241  
(920) 793-5532  
www.two-rivers.org



**CITY OF TWO RIVERS  
CITY COUNCIL AGENDA  
Monday, February 24, 2020  
Council Chambers – City Hall – 6:00PM  
Work Session**

1. Call to Order by Acting City Manager
2. Roll Call
3. Consideration of any Councilmember Requests to Participate in this Meeting from a Remote Location
4. Election of President Pro Tempore for this Meeting
5. Public Hearing
  - A. Conditional Use Permit to Operate a Drive-Thru Facility at the Proposed Culvers Restaurant which is Proposed to be Located at the Southwest Corner of 22nd and Washington Streets in the B-1 Business District, submitted by Bayland Building (designer) and Aaron Abt (developer)  
Recommended Action:  
Motion to waive reading and adopt the Conditional Use Permit as recommended by the Plan Commission
6. Formal Items
  - A. Report from City Manager on City Council Options With Regard to the Vacancy on City Council Resulting from the Passing of Patrick J. Gagnon  
Recommended Action:  
Presented for information and discussion only at this time; will be included on the March 2, 2020 City Council Agenda as a possible action item
  - B. Appointment of a City Councilmember to Replace Patrick Gagnon on the Room Tax Commission (Note: Other Councilmembers on the Room Tax Commission are Mark Bittner and Erin Gonnerman)  
Recommended Action:  
Council discretion; Council Member Andrews has expressed an interest
7. Information Only

- A. Personnel & Finance Committee Meeting, Thursday, February 27, 2020 at 6:00 PM
- B. Councilmember Andrews expects to be back in town and available for meeting as of February 27, 2020

## 8. Adjournment

Motion to dispense with the reading of the minutes of the meeting and adjourn

Please note, upon reasonable notice, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Office of the City Manager by calling 793-5532.

It is possible that members of and possibly a quorum of governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

**CONDITIONAL USE  
PERMIT  
City of Two Rivers**

Document Number

Permit No. 2020-02

Before the City Council of the City of Two Rivers, Manitowoc County, Wisconsin, regarding the premises at 1507 - 22nd Street in the City of Two Rivers, Manitowoc County, State of Wisconsin, further described as:

Original Plat, Lots 1 - 4 and the North 100 feet of Lot 5, Block 29 in the City of Two Rivers, Manitowoc County, Wisconsin.

Inspections Department  
City of Two Rivers  
PO Box 87  
Two Rivers, WI 54241-0087

Parcel ID Number: t/b/d

Zoning Classification of the Premises is: B-1 Business District/Conditional Use for a Drive-Thru Facility.  
Mailing Address of the Premises is: c/o Aaron Abt, 11371 Oldenburg Lane, Galena, IL 61036

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statute, state that the premises may not be used for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the City Council of the City of Two Rivers having determined that by reason of the particular nature, character and circumstances of the proposed use, and of the specific and contemporary conditions, permit of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, it is permitted, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of the operation of a drive-thru facility.

Permitted by action of the City Council of the City of Two Rivers on February 24, 2020.

Original filed in the office of the City Clerk of the City of Two Rivers, Wisconsin

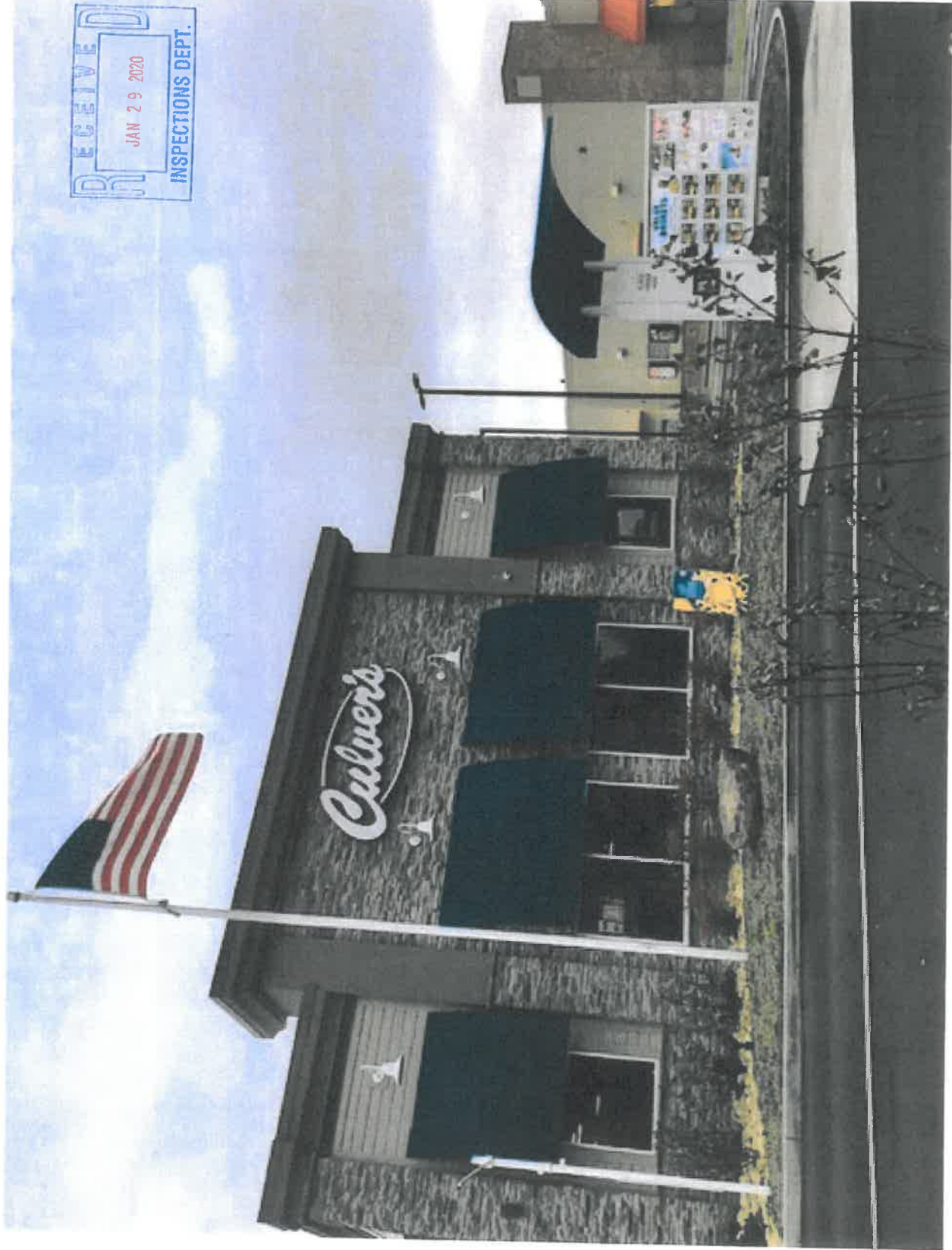
The Conditions of this Permit are:

1. This Permit shall become effective upon the execution and recording by the Owner of the Premises as acceptance hereof.
2. This Permit shall be void unless proper application, pursuant to the Building and Zoning Codes of this Municipality, for appropriate Building and Zoning Use Permits in conformity to this Permit, is made within twelve (12) months of the date hereof.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of this Municipality.
4. Construction and operation of the use permitted shall be in strict conformity with the approved Site, Architectural, Lighting and Landscaping Plans and such plans are incorporated herein by reference as if set forth in detail herein.
5. Any substantial change or expansion of the facilities permitted by the initial issuance of this Permit would require approval by the Plan Commission and City Council as an amendment to this Permit.
6. Conditions of Operations:
  - a. Hours of operation: 6 AM - Midnight, 7 days per week.
  - b. Inspection by the TRFD prior to opening for business,
  - c. Signage in accord with the City's Sign Code.
  - d. All landscaping plantings shall be maintained and kept in good health or be replaced; and, all landscaped areas shall be maintained in such manner to be free of weeds.

Attachment: Culvers.cup.022420 (2480 : Culvers Restaurant)

**SIGNATURES OF PROPERTY OWNER(S) AND PERMITEE(S):****As Owner(s) of the Subject Property, I/we accept and understand the above described conditions.**\_\_\_\_\_  
Printed Name: \_\_\_\_\_\_\_\_\_\_  
Printed Name: \_\_\_\_\_STATE OF \_\_\_\_\_  
\_\_\_\_\_ COUNTYPersonally came before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the above named \_\_\_\_\_  
and \_\_\_\_\_ to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.\_\_\_\_\_  
Printed Name: \_\_\_\_\_Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires: \_\_\_\_\_**As Permittee(s) of the Subject Property, I/we accept and understand the above described conditions:**\_\_\_\_\_  
Printed Name: \_\_\_\_\_\_\_\_\_\_  
Printed Name: \_\_\_\_\_STATE OF \_\_\_\_\_  
\_\_\_\_\_ COUNTYPersonally came before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the above named \_\_\_\_\_  
and \_\_\_\_\_ known to be the person(s) who executed the foregoing instrument and acknowledge the same.\_\_\_\_\_  
Printed Name: \_\_\_\_\_Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires: \_\_\_\_\_**SIGNATURES - CITY OF TWO RIVERS**\_\_\_\_\_  
Kim M. Graves, City Clerk\_\_\_\_\_  
Patrick J. Gagnon, Council PresidentSTATE OF WISCONSIN  
MANITOWOC COUNTYPersonally came before me this 24th day of February, 2020, the above named Kim M. Graves and Patrick J. Gagnon known to be the person(s) who  
executed the foregoing instrument and acknowledge the same.\_\_\_\_\_  
Printed Name: Vicky L. BergNotary Public, Manitowoc County, Wisconsin  
My commission expires: 05/08/21THIS INSTRUMENT WAS DRAFTED BY:  
Vicky L. Berg, Zoning Administrator

Attachment: Culvers.cup.022420 (2480 : Culvers Restaurant)



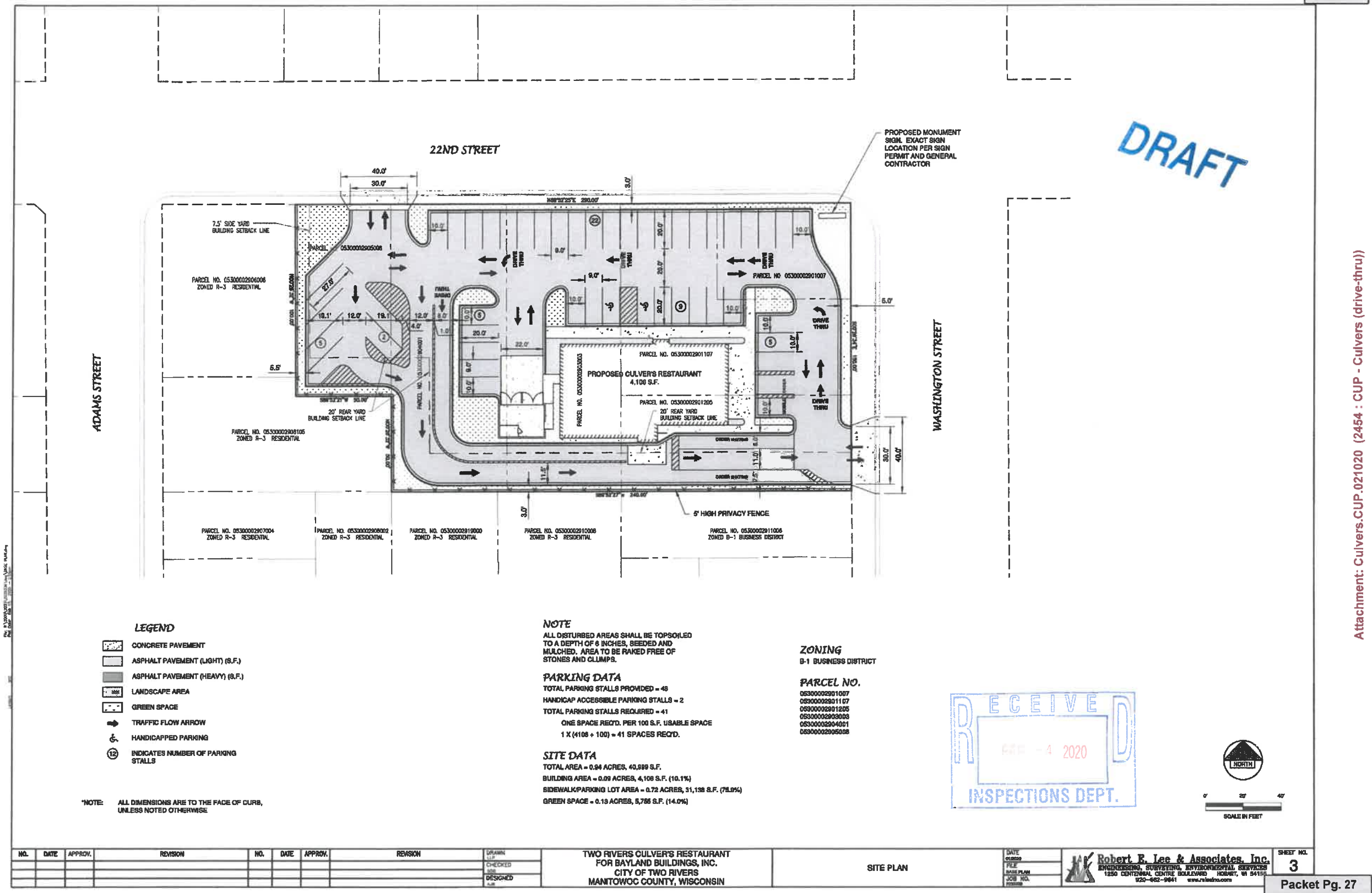
Attachment: Culvers.CUP.021020 (2454 : CUP - Culvers (drive-thru))





Attachment: Culvers.CUP.021020 (2454 : CUP - Culvers (drive-thru))

3.D.a



**--MEMORANDUM--**

**TO:** City Council

**DATE:** February 21, 2020

**FROM:** Gregory E. Buckley  
City Manager



**SUBJECT:** City Council Vacancy Created by the Passing of Patrick Gagnon

Patrick Gagnon's term on the City Council runs until April 2021.

I asked City Attorney Jack Bruce to address the City Council's options for filling this vacancy on Council. He reported back as follows:

**"Wis. Stat. Sec. 17.23(1)(a) sets forth the procedure to be followed in the event of a vacancy on the Council.**

**There is no requirement that a vacancy be filled within a particular period of time.**

**The Council may appoint someone to fill the vacancy, either until the end of the term of the person being replaced or until his/her successor is elected and qualified, if the Council decides that a special election will be held to fill the vacancy.**

**If the Council decides a special election should be held, if the vacancy occurs before June 1 of the year preceding the end of the term (which I understand would be the case in this instance), then the election is to be held on the Tuesday following the first Monday in November."**

So, the Council has several options:

- Appointing a replacement for the balance of Patrick's term, to April 2021
- Appointing a replacement to hold the position until it can be filled by special election in November 2020
- Leaving the position vacant until it is filled by special election in November 2020
- Leaving the position vacant for the balance of Patrick's term (as there is no time restriction on appointing or electing a replacement)

I am not presenting this matter for action at the February 24 meeting; rather, this information is intended for your consideration in advance of the March 2 regular meeting, where there the agenda will include an opportunity for action on this matter.

As for the position of Council President to which Patrick was elected by the Council, for a one-year term ending in April 2020—City Ordinances do not describe a process for filling that vacant Council President position. Section 2-2-2 of City Ordinances—City Council/General Rules of



the Council—provides that “unless otherwise provided in these ordinances, the Council in its deliberations shall be governed by Roberts Rules of Order, Revised.” Roberts Rule of Order, in turn, provides that the Vice President of a body shall automatically succeed to the position of President in the event of the death or resignation of the President.

So, the City Attorney, City clerk and I agree that the Council Vice President, Curt Andrews, succeeds Patrick Gagnon as Council President, and there is presently a vacancy in the position of Vice President. Accordingly, the March 2 Council meeting agenda will include the opportunity for City Council to elect a new Vice President, by paper ballot.

As for committee assignments, Patrick served on the

- Public Works Committee of City Council
- BIDC/CDA
- Room Tax Commission
- Community Development Block Grant Housing Committee

While appointments to these groups can generally wait until after a Council decision on a replacement for Patrick on City Council, I **am** requesting action at the February 24 meeting to appoint a replacement to the Room Tax Commission, as we need to get that group together and prepare for upcoming dialogue with the MAVCB and the Manitowoc Room Tax Commission.