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 Wednesday, May 27, 2020 Council Chambers – City Hall – 6:00PM Work Session REVISED May 26, 2020

NOTICE: For the duration of the COVID-19 Emergency, related executive orders by the Governor and City Proclamation of Emergency, City public meetings will be conducted via video conference or conference call, with members of the body participating from remote locations. The City uses "Zoom" software as the platform for such meetings. The public may monitor such meetings:

- By watching a live stream of the meeting, on the Two Rivers City Hall Facebook page or the City website (www.two-rivers.org)
- By tuning into Spectrum Cable Channel 993
- Via Zoom (download for free at <u>zoom.us the login below for video/audio or use one of the phone numbers below for audio only</u>

Join from a PC, Mac, iPad, iPhone or Android device: Please use this URL to join. https://us02web.zoom.us/j/83121964930 Or join by phone: Dial: US: +1 929 205 6099 or +1 312 626 6799 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 Webinar ID 831 2196 4930

NOTE: TO ADDRESS THE CITY COUNCIL DURING "INPUT FROM THE PUBLIC" OR ANY PUBLIC HEARING, YOU MUST EITHER;

*ACCESS THE MEETING VIA ZOOM (BY PHONE CONFERENCE OR VIDEO CONFERENCE):

*OR CALL THE FOLLOWING PHONE NUMBER WHEN ANNOUNCED AT THE MEETING: 920-793-5534 If you have any questions about monitoring public meetings of the City Council during this Emergency period, please contact the City Manager's Office, telephone 920-793-5532, email: lkuehn@two-rivers.org

- Call to Order
- 2. Roll Call
- Pledge of Allegiance
- Announcement That This Meeting is Being Held as a Remote Meeting--Council President
- 5. Discuss and Consider Adoption of 2020-21 Goals for the City and City Manager--Recommendation from Personnel and Finance Committee
- Consider Approval of Amended 2020 Capital Projects List for Storm Water Utility

- 7. Discuss Possible Ordinance Amendment to Allow the Operation of ATV's and UTV's on City Streets
- 8. Report on Various Utility Budget Cuts--Operating Budget and Capital Projects--to Offset Potential Revenue/Cash Flow Impacts of COVID-19 and Related PSC Order
- 9. Discuss Plans for Re-Opening in a Safe Way from COVID-19
- 10. City Council Representation on Board and Committees
- 11. Consider Final Approval for Emergency Grant Program for Small Businesses (joint effort with City of Manitowoc and the Chamber of Manitowoc County)
- 12. Discuss the Possibility of Removing a Parking Lot or Portion of a Parking Lot at Neshotah Beach, to Create More Room for Beach Activities in Light of Record-High Lake Michigan Water Levels
- 13. Closed Executive Session

The City Council reserves the right to enter into closed session, per Wisc. Stats.19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session.

- --Discuss Negotiations Relative to Acquisition of Former Hamilton Property from Fisher Scientific International, LLC
 - -- Discuss Matters Regarding Economic Development Projects
- 14. Reconvene in Open Session

To consider possible actions in follow-up to closed session discussions

15. 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.

City of Two Rivers Strategic Goals and Objectives (Draft 4/16/20)

The following goals and objectives are presented for discussion and adoption by the Two Rivers City Council to provide clear direction for the City through 2020 and into 2021.

The City Council is for not only responsible for adopting these goals and objectives, but for monitoring the City's progress in pursuit of these goals and supporting the City Manager and staff as they development and implement policies, programmatic initiatives and capital investment in support of these goals and objectives.

The City Manager, as appointed Chief Executive Officer for the City, is responsible for coordinating city government's actions and leading City staff in pursuit of these goals and objectives; he is accountable to the City Council for success in achieving these goals and objectives.

Every City department must be aware of these goals and objectives and is expected to contribute to their pursuit and attainment. City staff will review these goals and objectives with the various citizen boards and committees of the City, seeking members' objective feedback and support for these efforts.

The City Council and City Manager recognize that the effective pursuit of these goals and objectives requires not only the support, hard work and cooperation of the City Council, City Manager, Department Heads and staff, but also requires the cooperation and support of many community partners.

After all WE ARE TWO RIVERS!

2020 Strategic Goals & Objectives

- I. Focus relentlessly on fiscal new revenue streams and operational sustainability.
 - Encourage and facilitate projects that will increase City tax base—both new construction and increase in market value of existing properties
 - Recruit businesses that can take advantage of available water and wastewater treatment capacity, to help stabilize or reduce rates for those utilities
 - Increase the General Fund's Unrestricted Fund Balance to \$2 million—improve by at least \$250,000 per year
 - Eliminate Water Utility deficit—reduce by at least \$180,000 per year
 - Capitalize on sale/development of City-owned properties—short-term revenue from sales; long-term property tax and utility revenue from redevelopment
 - Educate City Council and community on the fiscal constraints placed on cities by Wisconsin's statutory and institutional framework for financing local government; work through the WI League of Municipalities and other state-level organizations to bring about changes in the system for financing local services

II. Deliver outstanding city services & innovations for both sustainability and to support future growth.

- Develop, implement and act upon feedback mechanisms for local residents and businesses
- Invest in technology to drive delivery of quality services and to achieve economies
- Develop and implement a strategy for better informing the public about city services and infrastructure and their contribution to economic development and community quality of life

III. Drive strategic community development.

- Develop and implement programs to encourage reinvestment in existing housing stock
- Emphasize continued redevelopment in the City's downtown and downtown waterfront areas
- Emphasize redevelopment investment along Memorial Drive
- Invest in critical infrastructure, leveraging available funding from non-City sources to maximize investment
- Complete update of 2010 Comprehensive Plan and related City plans; emphasize community development and redevelopment needs and priorities in new Comp Plan
- In pursuit of all the above goals, make strategic use of development incentives

IV. Continue to grow a vibrant, sustainable, safe & connected community while respecting our traditions & history to attract new residents, visitors & new businesses.

- Develop design standards and incentives for investment in historic properties
- Develop design standards and incentives for new development and redevelopment in the downtown and downtown waterfront areas
- Develop and adopt a local historic preservation ordinance including creation of a City Historical Commission
- Update and continue implementation of 2013 Bike/Ped Facilities Plan
- Foster development of the local arts community as an integral component of community quality of life and economic development

- V. Encourage employees' personal and professional development, invest in employees to deliver the highest quality services for our community today and tomorrow while being a preferred city for career opportunities.
 - Recruit and retain employees whose professional and educational backgrounds and interests are consistent with the City's goals
 - Retain good employees by encouraging ongoing professional development, supported by City budgeted resources and through active pursuit of grant funding
 - Recruit and retain good employees by maintaining competitive, market-based pay scales
 - Develop and maintain succession plans for positions of City Manager, department heads and other key positions
- VI. Enhance and promote the City identity and brand story throughout the region.
 - Tell Two Rivers' story through effective implementation of branding strategy, using the most effective communication channels, digital and traditional
 - Target message to drive economic development, new residential growth, and tourism.
 - Leverage community and regional resources to help promote Two Rivers' brand story, including:
 - --TRBA
 - --Two Rivers Main Street
 - -- Two Rivers Historical Society
 - --Hamilton Wood Type and Printing Museum
 - --Woodland Dunes Nature Center
 - --Local Arts Community
 - --Area Realtors
 - --Local Employers
 - -- Progress Lakeshore
 - --Manitowoc Area Visitor and Convention Bureau
 - --Chamber of Manitowoc County

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Attachment:

City of Two Rivers					
Storm Water Utlity Capital Plan					
3/10/2020; Revised 5/22/2020	2020	2021	2022	2023	2024
Storm Water Utility 5-Year Capital Plan					
Storm Water Pond Construction					
Riverview Pond	\$ 650,000				
Eggers Pond		\$ 500,000			
Paddlers Park Pond				\$ 200,000	
Storm Water Infrastructure Repl. In Conjunction w/Street Work					
25th, Madison StreetsDeferred from 2020 to 2021		\$ 303,000			
24th StreetDeferred from 2020 to 2023 Since 2020 Budget Adopted		\$ 370,000			
17th Street			\$ 240,000		
Roosevelt: Lakefront Way to 12th				\$ 300,000	
Roosevelt: Lowell to Lakefront Way					\$ 260,000
Annual ReplacementsMains	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Annual ReplacementsInlets	\$ 15,000	\$ 15,000	\$ 25,000	\$ 25,000	\$ 25,000
Shoreline Protection & RepairAdded Since 2020 Budget Adopted	\$ 250,000	\$ 150,000	\$ 25,000	\$ 25,000	\$ 25,000
Totals	\$ 965,000	\$ 1,388,000	\$ 340,000	\$ 600,000	\$ 360,000

CITY OF TWO RIVERS CITY COUNCIL PROCEEDINGS SPECIAL CITY COUNCIL MEETING

Monday, July 22, 2019 3rd Floor Committee Room City Hall

Call to Order

The City Council meeting was called to order by President Patrick Gagnon at 6:00 PM.

Roll Call

Members present: William LeClair, Jack Powalisz, Jay Remiker, Bonnie Shimulunas, Curt Andrews, Mark Bittner, David England, Patrick Gagnon. Absent and Excused: Erin Gonnerman.

Staff Members present were: Gregory E. Buckley, City Manager, Jim McDonald, City Engineer, Joe Collins, Police Chief, Dave Buss, Finance Director, Ross Blaha, Water Utility Director and Jack Bruce, City Attorney.

Discuss Items:

1. Possible Ordinance Amendment to Chapter 9 of City Ordinances, "Offenses and Nuisances," to Facilitate Ordinance Enforcement Activities Against Repeat Violators.

Mr. Buckley distributed the current language in Section 9-3-4 Destruction of Noxious Weeds and Regulation of Height of Lawns and Weeds. He stated that the ordinance currently provides that if a person owning, occupying or controlling land fails to comply with a mowing notice within five days of notification, then that person incurs a forfeiture of not more than \$75 (\$150 for each subsequent failure to comply with a mowing notice in the same calendar year).

In addition to the property owner incurring this forfeiture/penalty, the City may cut the lawn and charge the property owner a special charge.

The City Manager noted that the existing language only provides for a forfeiture if the owner fails to comply with a 5-day notice to mow his/her property. He recommended that the Council consider an amendment to this section of the Code of Ordinance, whereby any subsequent violations, involving the same property, same owner, in the same year, would result in an immediate forfeiture (for the violation itself, not for failure to abate the violation following notice). In addition, the property owner would still be required to mow the tall grass within 5 days or face the City doing the work and charging for it.

After reviewing the proposed ordinance language, it was the consensus of the Council to direct the City Manager to make the necessary changes to this Ordinance and add it to the August 5, 2019 City Council meeting Agenda for approval.

City Council Special Meeting July 23, 2019 Page Two

2. Possible Ordinance Amendment Pertaining to the Operation of ATV's and UTV's on City Streets.

Mr. Buckley stated that, following the City Council's recent approval of an ordinance allowing golf carts on City streets, he had been contacted by a citizen who requested that the City also allow ATV's and UTV's on City streets. He noted that, like in the case of golf carts, there was a recent change in state law allowed local municipalities to permit ATV's and UTV's on local streets.

Police Chief Joe Collins reported that he had reviewed both State law and a publication titled "ATV Route Guideline and Suggestions," produced by the WI DNR Bureaus of Law Enforcement and Community Financial Assistance. He distributed a copy of the publication to Council members.

The Chief stated his concern that ATV's and UTV's are not safe on city streets—he noted that they are not "low speed vehicles" like golf carts and they are not equipped with brake lights or signals. He noted that most of the communities that have adopted such ordinances are close to a designated ATV trail or located between two trails, so access to certain designated city streets may be desirable to encourage trail users to access local businesses. Two Rivers is not located near any existing ATV trails. After discussion of this matter, it was the consensus of the Council, to not pursue any change in the current ordinance on the Operation of ATV's and UTV's on City Streets.

3. Possible Ordinance Amendment to Allow Larger Outdoor Beer Garden Areas Than Are Currently Permitted.

Mr. Buckley stated he was contacted by a business owner who would like to expand its beer garden location to allow for more outdoor activity. Currently the Ordinance states no permit shall be issued for a beer garden if the beer garden area is greater than the gross floor area of the adjoining licensed premise. Discussion took place regarding guidelines and fencing and other requirements. Mr. Buckley stated staff will do some research and will bring back a draft Ordinance Amendment.

<u>Consider Adoption of Policy Manual for New Economic Development Loan Fund (tabled from July 15, 2019 meeting)</u>

Mr. Buckley stated he had become aware of questions in another community regarding statutory authority for using City funds for a business loan program. He noted that he has discussed this matter briefly with the City Attorney, but that more review is needed. He requested this item be tabled until the August 5, 2019 City Council meeting.

A motion was made by Councilmember England, seconded by Councilmember Andrews, to table this item until the August 5, 2019 City Council meeting. Upon a voice vote, motion carried.

Closed Executive Session

Mr. Buckley stated there was no need to go into Closed Session to discuss matters that were listed on the Agenda.

City Council Special Meeting July 23, 2019 Page Three

The City Council then discussed in open session the Development Agreement with the Two Rivers Hotel Group. Mr. Buckley reported the City closed on the sale of the three City-owned parcels to Two Rivers Hotel Group, LLC, which occurred on July 8. A design unveiling is tentatively scheduled for Wednesday, July 24, when Lt. Governor Mandela Barnes will be in Two Rivers for a Wisconsin Main Street Day observance. That activity is scheduled for 3:30 PM. Two Rivers is one of six cities being visited by State officials and WEDC staff; the others are Jefferson, Wausau, Green Bay, Eau Claire and Ashland.

Mr. Buckley then reported on the Paragon Partners foreclosure. The sale is now scheduled for August 20, 2019. He will update the Council in Closed Session on August 5, 2019 with regard to communications with Manitowoc County.

Adjournment

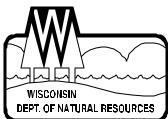
At 7:26 PM, a motion was made by Councilmember Remiker, seconded by Councilmember LeClair, to adjourn the City Council meeting. Upon a voice vote, motion carried.

Kim M. Graves City Clerk

ATV Route Guideline and Suggestions

(A Community Official's Handbook)





Produced by the Bureaus of Law Enforcement and Community Financial Assistance

Publ # LE-109 4/03

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This guideline and attached suggested ordinance is provided to assist the county, town, city, or village administrator with examining the considerations for ATV routes within the community.

There are specific statutes and codes that govern routes. A complete list of the statutes and codes are provided in the appendix of this guideline.

Original Route Intent - The route is generally recognized as a means to connect the terminal end of a trail (when it is obstructed by a city, village, river, railroad track or other impediment) back to the trail on the other side of the obstruction.

- **Route** A Route is a highway or sidewalk designated for use by ATV operators by the governmental agency having jurisdiction. Routes are identified at the beginning point by a 24"X18" sign showing a white silhouette of an ATV on a green background. White directional arrows (12"X9") on a green background, show the continuation of the route.
- **Trail** A trail is a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic. Trails are identified by 6"X6" signs showing a white silhouette of an ATV on a brown background.

State law does not allow ATV residential or lodging access within communities in the manner that is afforded to snowmobile users. However, significant trends involving routes have been seen within several communities recently. These trends are in two forms; 1) Attempt to mimic the snowmobile statutes by opening all town roads to ATV use, 2) Create routes for meaningful riding experiences or as total means of ATV recreation. Providing the latter as a riding experience is generally contrary to the original route purpose, safety practices and machine design. Regardless of the trend's purpose, neither of these route types is created in the context of the original route function. But, is that all bad? Deciding whether these types of (route) uses hold positive or negative effects greatly depends on individual circumstances within the community. It is difficult to broad brush either trend good or bad, but loosely, both trends raise concerns for the Department of Natural Resources (DNR), which is charged with the ATV safety and law enforcement components.

Before we begin to discuss the finer points of routes, signage and legal requirements, we should first discuss the unsaid and perhaps the intangibles that affect ATVers, routes, communities and of course you, the administrator.

There are several of these intangible issues that will affect ATV use in your county and as the community administrator it is incumbent upon you to consider each area carefully. Some of the considerations are; **Safety & Liability, Law Enforcement, Tourism & Community Acceptance**.

Safety & Liability

The single most important route consideration will be the safety of <u>all</u> ATV riders, pedestrians, bicyclist, automobile operators and others. As the administrator and potentially the advocate for the adoption of a route, you should know certain things about ATVs and the way they handle so that you can make informed recommendations.

It seems simple enough that ATV routes will likely increase ATV user participation. With that said, you might not have considered that the ATV riding public would be subject to more frequent intermingling with automobiles. The more automobiles and ATVs mix the higher the risk to each party, especially when you consider the following;

Many of the ATVs in use today are not equipped with brake lights; taillamps yes, but not brake lights; this includes currently produced machines. When you realize this fact you can certainly see mixing ATVs with motor vehicles in a very different light.

The lack of brake lights complicates a young rider's multitasking skills when coupled with the need to use both hands to handle the ATV and the need to use hand signals. Add this to required braking, (needed) quick decision-making skills and you can have a very confused rider, not to mention an unsafe one.

You should note that the DNR has concerns about increasing the use of ATVs on roadways with a broad-brush approach. The entire engineering makeup of an all-terrain vehicle is based on the premise of off-road use. Specifically, the ATV tires dictate that the machines be used off the roadway. All-terrain vehicle tires are designed to provide tread slip under some conditions, yet provide grip under others. The majority of problems associated with roadway accidents are a result of losing control due to the physics of tire and roadway incompatibility. The mere change in the road surface can and does cause crashes when not used properly.

Considerations should be given to route speed limits when changes in road surfaces occur. Changing from pavement to mud, gravel, etc. or any combination thereof can create a hazardous riding situation if speeds are excessive. The ATV will handle differently on each surface.

• An additional complication is noted when all-terrain vehicles are operated with one set of wheels on the paved portion of the road and the other set of tires on the non-paved portion of the road. The wheels on the paved portion grip the roadway with stress and rotate slower than the wheels on the non-paved surface. This type of operation coupled with a turn, slight bump or rut can create a physical upset of the machine under certain conditions.

ATVs can be used responsibly on paved roadways when precautions are taken to reduce the crash potential. Anecdotal accounts by reviewing ordinances have noted route speed restrictions from 10-25 mph. Also, when applicable, the ordinances mimic state speed

restrictions, restricting operation to 10-mph when within 100 feet of pedestrians and when within 150 feet of a home. Although it's required by state statute, route ordinances have generally restated:

- Headlights and tail lights must be turned on at all times
- Youth under 16 are required to have safety certificates
- All persons under 18 operating and/or riding on an ATV must wear a helmet

Of all the areas that can truly create discomfort for an administrator, it will be in the area of public safety and the need to act reasonably. The administrator or town/county official should be mindful to any area involving the safety of the ATVing public.

Suggestion: Prior to creating a route, consider the amount and type of automobile traffic the road receives; the potential number of ATV riders that will use the route, ATV rider age potential, speeds that can be generated by ATVs, proper speed limits, stop signs/lights, intersections, pedestrian traffic, road surfaces (pavement, ice, mud, gravel,).

Law Enforcement

The ATV statutes and codes fall specifically within the DNR's jurisdiction, but that doesn't mean as much as you might think when considering who actually enforces these laws. Certainly, conservation wardens enforce ATV laws and in addition so can an officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), county sheriffs/deputies or municipal peace officers. But, the assumption that conservation wardens will be the main law-enforcing officers of these laws (routes) will be a mistake that could cause distress for the administrator later on.

DNR Law Enforcement...

The DNR has 4-position (FTE) equivalents that are dedicated to the ATV program. These equivalents translate into 7,320 hours. The hours are distributed among the entire warden service (209) and are used for a variety of ATV related duties; including law enforcement, safety education, court, maintenance, accident investigation, public relations, and other activities. Unfortunately, this breakdown also translates into roughly nine hours of enforcement work that is available per warden/year. The "DNR-hours dilemma" is that the agency is not authorized to work time beyond what the legislature has granted and there has been limited success in acquiring new FTE. Results: The DNR must rely heavily on local enforcement efforts.

County Law Enforcement...

The DNR provides grant money to counties for ATV law enforcement purposes. However, the county sheriff's offices are the only law enforcement branch eligible for the

grants. Of the 72 Wisconsin counties, only 18-20 have traditionally participated in the patrol grant process and only \$70,000 state dollars are available for distribution.

Local Law Enforcement...

Local enforcement efforts besides the sheriffs' have generally been limited as well. Part of limited enforcement efforts could be because of grant ineligibility: cities and villages cannot apply. Additionally, when a city or village determines priorities for deploying officers and working criminal activity, ATV riding can receive low rankings and can be even lower on the agency's priority list. The results can sometimes yield high numbers of violations, high complaints and low community tolerance - end result - frustration and trail/route closures.

An additional consideration - Most towns do not employ their own law enforcement officers as do cities and villages. Creating a route in the township, away from the city or village, places additional law enforcement responsibility upon the DNR and/or sheriff patrols. Under current conditions increased coverage is not likely to be available.

To be successful, local law enforcement must support the use of ATVs and the use of a route(s) or at least commit to help keep problems to a minimum. If law enforcement is not available to handle the problems that may occur with associated/increased use, you will suffer the effects of poor planning even if the route is later removed.

Suggestion: Consider your law enforcement resources carefully prior to creating a route.

Tourism & Community Acceptance

ATV use within the community has been on the increase, and at times it's been increasing despite the lack of trails and or routes. One of the benefits of having an ATV trail interrupted by a city is that a properly placed route can divert ATV traffic to local businesses as long as the route passes adjacent to the businesses. Restaurants, motels, gas stations and chambers of commerce can see a substantial increase in foot traffic that is delivered via ATV. There are both pros and cons to the diverted ATV use in the business community.

- ATVs use can bring tourism dollars to the business.
- Increased ATV use in the city/village can bring congestion, which in turn will create frustrations for automobile operators and ATVers.
- At times, ATV users may take shorts cuts with automobile right of way laws.
- Increased ATV use among automobile traffic increases apprehensions about risking vehicular collisions, not only for citizens, but law enforcement as well.
- A small number of ATV users will take liberty by "exploring" areas/roads away from the route and will create a negative image for all ATV users.

Route signing must be clear to everyone. Adjustments may be necessary if ATV users constantly become lost or stray from the route. This should not be a problem with a properly posted route.

The use of posted signs showing NO ATVs can prevent problems ahead of time. However, once you begin to use a system of signs, you must stay with it. The Trail Signing Handbook (PUB-CF- 023) will provide the proper guidance for posting legally required signs. Review your routes - the ATVer may be confused if you post the NO ATV sign at some intersecting roads and then fail to place them at others. Inconsistency may give the impression that it's okay to ride there.

Look beyond your own community and attempt to determine the effects a route will have on adjoining towns, cities or villages or county, state or federal lands. Will the other town/city/village accept the dead-end traffic to their jurisdiction? Will the route end up connecting to another route or trail? Does the route fulfill the original intentions of the route concept?

Suggestion: Consider carefully, the totality of the circumstances; law enforcement needs/requirements, community acceptance, tourism benefits and safety (vehicle and ATV) prior to creating a route. Consider the long term results and/or comments (pros and cons) that you might receive, or the comments town officials and law enforcement may receive. Consider ATV traffic that may unintentionally divert from the route to business services that are not directly adjacent to the route.

MEETING THE LEGAL REQUIREMENTS FOR ROUTES

Process

A. When the route ordinance has been passed/approved by the local jurisdiction, the clerk of jurisdiction MUST send a copy of the route/ordinance to:

> Department of Natural Resources ATTN: ATV Section P.O. Box 7921. Madison, WI 53707

B. The clerk of jurisdiction MUST also send a copy of the route/ordinance to the law enforcement agency having jurisdiction over the highway(s).

C. The unit of government that designated the route SHALL post the proper route signs or ensure that it is done. Sometimes the county, town, city or village, while maintaining supervisory responsibility, designates this task to an ATV club or an ATV association. Ultimately the designating unit of government is responsible for signing the route.

NOTE: Failure to sign the route, yet allowing ATVs to operate, sets a dangerous stage for litigation to follow any ATV accident that occurs on the unsigned route.

Failure to sign a route also creates very difficult enforcement situations. Law enforcement officers, especially state officers or county officers who may not be as closely connected to the city or village activities, won't always know that a route/ordinance has been adopted. In fact, this is more likely to be the case than not. If this circumstance arises and the officer observes an ATV operating on a roadway (unsigned route), the instinctual response is to determine the lawfulness of the operation. Even though the operator may feel that he/she is legally operating pursuant to the route allowances (which are written on paper only), the person may in fact be violating the law. The governing body that failed to place the signs is also culpable. Keep in mind that if an ATV route/ordinance is passed, the ATVers will likely be the first to know of it and will attempt to use it immediately.

A citation issued under these circumstance immediately draws negative attention to the governing body that created the route and every official that deals with the charge; including the judge and the officer.

The DNR does not have ordinance review authority over routes or the ordinances governing routes, but suggestions are made when inconsistencies are found.

A complete set of guidelines for signing trails can be located in the Department of Natural Resources "Trail Signing Handbook" Publication number PUB-CF-023.

GRANTS AND REIMBURSEMENTS - ELIGIBILITY (PAYING FOR SIGNS)

The cost of the initial set of route signs (to and from a trail and/or from a trail to services and back to a trail) is eligible for grant funds. However, you should know that the DNR distributes available funds using a ranking system. Most of the grant applications (for route signs) do not rank high enough to receive priority during the grant distribution setting process. Therefore, the county, town, city or village is often left with paying for the signs completely. This result often places the unit of government in a difficult position to make a conscious decision "To sign or Not to sign." Taking the later approach is tempting, especially when the all town roads have been opened as a route.

The DNR discourages towns from managing routes in this manner. The cost for maintaining a route is not a reimbursable expense.

NOTE: Merely placing one sign at the village, city or town limits and attempting to notify the public that the entire set of roads within the jurisdiction are considered routes, will not be sufficient to comply with the route-signing requirements. Each road designated as a route must be marked in accordance with the route-signing handbook Pub-CF-023 99Rev.

The Grant Application process is -

- ✓ Complete and submit form 8700-159, which includes a brief description of your project and a breakdown of the type of sign, quantity, and price. This must be accompanied by the following documents:
- ✓ An ordinance passed by the municipality at a formal meeting,
- ✓ A map of the municipality identifying the roads being opened, where services are and where signs are being proposed, and
- ✓ A resolution approving the municipality's participation in the program (a sample is on the back of 8700-159).

Applications <u>must be received by April 15</u> of each year. Funding is based upon priorities.

NOTE: Before completing your ordinance or application, it is recommended that your talk to your Community Services Specialist and/or local warden about the project.

SUGGESTED ATV ROUTE/ORDINANCE FORMAT

All-Terrain Vehicle Route

Village of Dunn, Dane County



AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES

Section I - Intent

The Village of Dunn, Dane County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

Section II - Statutory Authority

This route is created pursuant to village authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

Section III - Routes

The following roads are designated as routes

- A. Clancy Road, beginning at Road 1 and ending at Town Line Road.
- B. Johnsonville Lane in its entirety.
- C. Said routes are further described and identified by the attached map.

Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

- A. All ATV operators shall observe posted roadway speed limits.
- B. All ATV operators shall ride single file.
- C. All ATV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.
- D. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Section VI - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the County/Town/City/Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication.

Passed this 10th Day of January 2010

Dunn Village Clerk

	All-Terrain Vehicle
	of
AN	ORDINANCE DESIGNATING
Section	l - Intent
The	of
adop	ots the following all-terrain vehicle ordinance/route for the operation of all- in vehicles upon the roadways listed in Section III.
oppo aspe	owing due consideration of the recreational value to connect trail ortunities and weighted against possible dangers, public health, liability cts, terrain involved, traffic density and history of automobile traffic, this nance has been created.
Section I	I - Statutory Authority
This	route is created pursuant to
auth Stats	ority under as authorized by 23.33 (8) (b), Wis.
Opti	onal - the provisions of 23.33 are adopted.
Section	III - Routes
The following	ng roads are designates as routes;
A.	
В.	
D.	
C.	Said routes are further described and identified by the attached map.
Section I	V - Conditions
	on for the use of this route, the following conditions shall apply to all nd passengers where applicable);
A.	
В.	Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c
('	Komes must be studed in accordance with INR 64-17- and INR 64-17(7)c

Section	V -	Fnfo	rcem	ent
OCCLIOII	•			

This ordinance shall be enforced by any	law enforcement officer of the
County, Wisconsin.	·

Section VI - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shal	Il be deemed severable and it is expressly
declared that the	would have passed the other
provisions of this ordinance irrespec	ctive of whether or not one or more provisions
may be declared invalid. If any pro	vision of this ordinance or the application to
any person or circumstances is held	invalid, the remainder of the ordinance and
the application of such provisions to	o other persons circumstances shall not be
deemed affected.	

Section VIII - Effective Date

This ordinance becom	es effective upon pass	sage and publication.	
Passed this	Day of	, 20	
			, Clerk

Appendix B ATV ROUTES

A Reference of Statutes and Codes

23.33(1)(c) "All-terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

23.33 (4) Operation on or near highways.

- (d) Operation on roadway. A person may operate an all-terrain vehicle on the roadway portion of any highway only in the following situations:
 - 4. On roadways which are designated as all-terrain vehicle **ROUTES**. Operation of all-terrain vehicles on a roadway which is an all-terrain vehicle **ROUTE** is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- (e) Operation adjacent to roadway. A person may operate an all-terrain vehicle adjacent to a roadway on an all-terrain vehicle **ROUTE** or trail if the person operates the all-terrain vehicle in the following manner:

23.33 (8) ROUTES and trails.

- (a) Department authority. The department shall encourage and supervise a system of all-terrain vehicle ROUTES and trails. The department may establish standards and procedures for certifying the designation of all-terrain vehicle ROUTES and trails.
- (b) **ROUTES**. A town, village, city or county may designate highways as all-terrain vehicle **ROUTES**. No state trunk highway or connecting highway may be designated as an

all-terrain vehicle **ROUTE** unless the department of transportation approves the designation.

- (d) Restrictions. The designating authority may specify effective periods for the use of all-terrain vehicle **ROUTES** and trails and may restrict or prohibit the operation of an all-terrain vehicle during certain periods of the year.
- (e) Signs. The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle **ROUTE** and trail signs and standards.
- (f) Interference with signs and standards prohibited.
 - 1. No person may intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle **ROUTE** or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle **ROUTE** or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
 - 2. No person may possess any uniform all-terrain vehicle **ROUTE** or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle **ROUTE** or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle **ROUTE** or trail sign or standard creates a rebuttable presumption of illegal possession.

23.33 (9) Administration; enforcement; aids.

(b) All-terrain vehicle projects. Any of the following all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid as a nonstate all-

terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu):

- 3. Development of all-terrain vehicle **ROUTES** or all-terrain vehicle trails.
- 4. Development or maintenance of a snowmobile **ROUTE** or trail or an off-the-road motorcycle trail or facility if the **ROUTE**, trail or facility is open for use by all-terrain vehicles.
- 5. Maintenance of all-terrain vehicle **ROUTE** or all-terrain vehicle trails.

23.33 (11) Local ordinances.

- (a) Counties, towns, cities and villages may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails maintained by or on all-terrain vehicle **ROUTES** designated by the county, city, town or village.
- (am) Any county, town, city or village may enact an ordinance which is in strict conformity with this section and rules promulgated by the department under this section, if the ordinance encompasses all aspects encompassed by this section.
- (b) If a county, town, city or village adopts an ordinance regulating all-terrain vehicles, its clerk shall immediately send a copy of the ordinance to the department and to the office of any law enforcement agency of the municipality or county having jurisdiction over any highway designated as an all-terrain vehicle **ROUTE**.

23.33 (13) Penalties.

(f). Restoration or replacement of signs and standards. In addition to any other penalty, the court may order the defendant to restore or replace any uniform all-terrain vehicle **ROUTE** or trail sign or standard that the

defendant removed, damaged, defaced, moved or obstructed.

ANNOT. County forest roads open to vehicular traffic are highways that can be designated as **ROUTES** under sub. (8) (b). 77 Atty. Gen. 52.

RULES AND REGULATIONS

NR 64.12 ROUTES.

(2) "All–terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all–terrain vehicle operators by the governmental agency having jurisdiction.

NR 64.12 ROUTES.

- (1) An all-terrain vehicle **ROUTE** may be established by a town, city, village or county by adopting an ordinance designating a highway as an all-terrain vehicle **ROUTE** and signing the highway in accord with s. 23.33 (8), Stats., and rules of the department.
- (2) A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all–terrain vehicle **ROUTE** if the department of transportation approves the designation.
- (3) A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all–terrain vehicle **ROUTE** with the approval of the department of transportation.
- (4) A town, city, village or county may designate a **ROUTE** as an all–terrain vehicle **ROUTE** during certain periods of the year and prohibit the operation of all–terrain vehicles on that **ROUTE** during other periods of the year.
- (5) All–terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).
- (6) No person may operate an all–terrain vehicle on a restricted all–terrain vehicle **ROUTE** during any period of the year when the operation of all–terrain vehicles is prohibited.

- (7) Signs for all–terrain vehicle **ROUTES** on highways and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33 (8), Stats., shall meet he following requirements:
 - (a) The all–terrain vehicle **ROUTE** sign shall have a reflectorized white symbol, border and message on a reflectorized green background. The standard and minimum size of this sign shall be 24"X18". The sign, including the stylized all–terrain vehicle symbol and the word message "ATV **ROUTE**", shall conform to the standard design on file in the department of transportation.
 - (b) The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12"X9".
 - (c) An all-terrain vehicle **ROUTE** sign with directional arrow, where appropriate, shall be placed at the beginning of an all-terrain vehicle **ROUTE** and at such locations and intervals as necessary to enable all-terrain vehicle operators to follow the **ROUTE**.



ALL TERRAIN VEHICLE **ROUTE** SIGN AND ARROWS (M–7 SERIES) GREEN REFLECTORIZED BACKGROUND WITH WHITE REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

(d) All–terrain vehicle **ROUTE** signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all–terrain vehicle **ROUTE**.

NR 64.14 All-terrain vehicle trail aid.

- (1) DISTRIBUTION. The department shall distribute all—terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes;
 - (a) Maintenance of existing approved all–terrain vehicle areas and trails, including **ROUTES**;
 - (e) Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including **ROUTES**.

(2m) MAINTENANCE OF **ROUTES**. The department may provide state aid up to 100% of the cost of the purchase of all–terrain vehicle **ROUTE** signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all-terrain vehicle operator law. All-terrain vehicle **ROUTES**, whether a part of an approved all-terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. (2).

(6) Development

- (d) The department shall distribute aids for all-terrain vehicle areas and trail development projects, including **ROUTES**, considering the following criteria:
 - 1. All–terrain vehicle **ROUTES**, areas and trails in counties where **ROUTES**, areas, and trails are in short supply in comparison to demand.
 - 2. All–terrain vehicle **ROUTES** and trails that provide connecting loops or origin–destination segments over dead end segments.
 - 3. All–terrain vehicle **ROUTES** or trails that provide connections from one jurisdiction to another.
 - All–terrain vehicle **ROUTES** and trails that have 4. potential for year round use.
 - 5. All–terrain vehicle **ROUTES**, areas and trails to be developed on publicly owned land or land under easements or other agreements for 3 years or greater.

MISCELLANEOUS STATUTES and references

84.02(1) Designation. The system of highways known as the trunk highway system heretofore selected and laid out by the legislature and by the highway commission and by special legislative state trunk highway committees and approved by said highway commission and as revised, altered and changed by and under authority vested by law in the highway commission, is hereby validated and confirmed and designated the state trunk highway system but without prejudice to the exercise of the power given to change such system, and all acts by which parts of said system were heretofore adopted or declared to be trunk highways are confirmed and validated. Section 80.32 (2) does not apply to the state trunk highway system.

84.02(11) Connecting highways. The state trunk highway system shall not include the marked routes thereof over the streets or highways in municipalities which the department has designated as being connecting highways. Those municipal streets or highways so excluded as state trunk highways but marked as such and designated as connecting highways are further described and the aids determined therefor under s. 86.32.

84.29 National system of interstate highways.

86.32(1) The department may designate, or rescind the designation of, certain marked routes of the state trunk highway system over the streets or highways in any municipality for which the municipality will be responsible for maintenance and traffic control and the maintenance and operation of any swing or lift bridge. Such maintenance, operation and traffic control of the connecting highways and swing and lift bridges shall be subject to review and approval by the department. Those marked routes of the state trunk highway system designated as connecting streets prior to July 1, 1977, shall become the connecting highways in municipalities which are eligible for aids payments under this section. The character of travel service provided by a route, uniformity of maintenance, the effect on the maintaining agency, and the municipality's maintenance capability will be considerations by the secretary, in cooperation with the municipalities and counties in making changes in the connecting highways of the state trunk highway system in municipalities. The decision of the secretary to designate or rescind a designation may be appealed to the division of hearings and appeals, which may affirm, reverse or modify the secretary's decision.

340.01 (22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

340.01 (60) "State trunk highway" means any highway designated pursuant to s. 84.02 or 84.29 as part of the state trunk highway system, exclusive of connecting highways.

To view the state truck highway system, see "Official State Trunk Highway System Maps," Wisconsin Dept of Transportation, Division of Transportation Infrastructure Development

State Trunk Highways

"The Department of Transportation's (DOT) state trunk highway program is responsible for the construction, improvement and maintenance of the state's 11,752 mile trunk highway system."

"The responsibility for roads and highways is divided between local governments and the state. The state generally has jurisdiction over arterial roads, which function as corridors for interstate and interregional travel. This network is called the state trunk highway system. Generally, counties are responsible for collector roads, which serve short distance, intraregional traffic or provide connections between arterial roads and local roads. Municipalities are responsible for local roads, such as residential streets and town roads, which provide property access and short distance, local mobility services. Jurisdiction does not always follow this functional classification. For instance, a county road can begin to function as an arterial highway if traffic patterns change. However, current DOT policy is to align jurisdictional responsibilities with functional classifications whenever possible."

"Although state highways comprise only 10.5% of total road mileage, they carry 59.7% of the total traffic volume. Of the 11,752 miles of state highway in the system, about 87% are rural, 8% are urban and 5% are considered connecting highways."

Connecting Highways

"Connecting highways are state trunk highways that lie within the corporate limits of larger municipalities."

"State Trunk highway and Connecting Highways" - Source - John Dyck Wisconsin Legislative Fiscal Bureau, Madison, WI, 2001

Appendix C

City Council Representation on Boards and Committees--2020-202

Advisory Recreation Board

Jack Powalisz Adam Wachowski

Board of Review

John Casavant Bill LeClair Bonnie Shimulunas

Business and Industrial Development Committee/ Community Development Authority

Curt Andrews Darla LeClair

Commission for Equal Opportunities in Housing

Mark Bittner Bonnie Shimulunas

Committee on Aging

Bill LeClair

Community Development Block Grant Housing Committee

Mark Bittner Bill LeClair

Environmental Advisory Board

Jay Remiker

Library Board

John Casavant

Plan Commission

Adam Wachowski

Room Tax Commission

Curt Andrews Mark Bittner Bill LeClair

Branding & Marketing

Curt Andrews Mark Bittner Darla LeClair

Main Street Representative

Darla LeClair

Progress Lakeshore

Darla LeClair

Manitowoc Area Visitor and Convention Bureau

Mark Bittner

Council Committees—appointed by Council President-2020-2021

PERSONNEL/FINANCE COMMITTEE

PUBLIC WORKS COMMITTEE

Mark Bittner, Chairman
Jack Powalisz
Curt Andrews

Darla LeClair, Chairman
Jay Remiker
John Casavant

PUBLIC UTILITIES COMMITTEE

Bill LeClair, Chairman Bonnie Shimulunas Adam Wachowski

Small Business COVID-19 Relief Fund

SMALL BUSINESS COVID-19 RELIEF FUND



The Manitowoc/Two Rivers Small Business COVID-19 Relief Fund (the "Relief Fund") is a public-private grant program through the funding efforts of the City of Manitowoc, City of Two Rivers, Bank First and Investors Community Bank, and in partnership with The Chamber of Manitowoc County. It is designed to benefit locally owned and operated small businesses directly impacted by restrictions imposed on operations during the pandemic of 2020. Chamber membership is not a requirement.

Grant Amounts

The Relief Fund will provide discretionary funds of up to \$2,500 for those employing 1 to 4 FTE (Full-Time Equivalent) and up to \$5,000 with 5-10 FTE in operation prior to March 1, 2020. Funding will be based on the total of 3 month (Jan-March) utilities/rent/mortgage payments.

Eligibility

- 1. Restaurants and retail businesses* affected by the COVID-19 pandemic and the safer-at-home mandates at any employment level beyond a single employee operation.
- 2. Other small for-profit businesses* which employ on average not less than 1 to not more than 10 full time equivalent employees based on 30 hours per week.

FTEs are calculated at 30 hours per week.

* Those not eligible are businesses not serviced by the Manitowoc or Two Rivers Public Utilities or with parcels outside the taxing boundaries of the City of Manitowoc or the City of Two Rivers, service organizations, non-profits, property management companies, businesses beginning operations after March 1, 2020, and businesses that have been subjected to criminal or civil fines and penalties including those from local city code or regulatory violations. Businesses must be current with the State of Wisconsin Department of

Financial Institutions as well as expense payments, taxes, or utilities due prior to March 15, 2020 prior to applying.

Timing

The program application process will be on a first come, first served approach and is open ended until funds are depleted or it is determined there is no longer a need for this recovery support. The funding cooperative is attempting to make the grant application as simple and as quick as possible.

Application Process

The application will be made live in the very near future.

Applicants will need a google account to complete the online form. To create a free google account, <u>click</u> <u>here</u>.

PDF of application will be available for hard copy submission. Please note that because funds are distributed on a first come-first served basis, paper application process could delay submission and approval process. PDF applications should be submitted to: relieffund@chambermanitowoccounty.org or dropped off at The Chamber of Manitowoc County, 1515 Memorial Dr., Manitowoc, WI 54220. Those applying will be required to provide the following information.

Business Summary – Please provide all information required. The review team reserves the right to require an up-to-date business plan, credit reports, or proof of other expenses for all requests. At a minimum, business summaries should include:

- Contact information and physical address of each facility of the applicant
- Authorized majority owner and FEIN or Social Security number
- Date of establishment
- Include the number of full-time employees (based on 30 hours)
- History of the business and demonstration of why the Small Business COVID-19 grant assistance is needed (attach documents as needed)
- Narrative of how the grant will positively impact your business and other factors that should be considered in evaluating this request (e.g., impact on Wisconsin suppliers, national/international sales, and other prospects for future expansions, etc.)
- Required documents including
 - Jan-March 2020 paid utility bills (electricity/gas/water/sewer)
 - Proof of paid rent/mortgage Jan-March 2020
 - Budget of the planned use of the funds requested
- Evidence that you are in good standing with the State of Wisconsin Department of Financial Institution. Forms may be found at: https://www.wdfi.org/apps/CorpSearch/Search.aspx? A screen print will be an acceptable form of documentation. Not applicable to sole proprietors and partnerships.
- Digital signature of the authorized representative of the business applying.

If you have any questions regarding the Small Business Covid -19 Relief Fund please email: relieffund@chambermanitowoccounty.org.

In partnership with:





