

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, June 29, 2020

Council Chambers – City Hall – 6:00PM

Work Session (UPDATED June 26 1:30 PM)

**MEETING TO BE LIVESTREAMED ON TWO RIVERS CITY HALL
FACEBOOK PAGE AND CITY WEBSITE (WWW.TWO-RIVERS.ORG)
AND TELCAST ON SPECTRUM CABLE CHANNEL 993**

1. Call to Order
2. Roll Call
3. Discussion with Representative of Rogers Street Fishing Village, Regarding Agreement of Sale/Redevelopment of Former Rogers Street Motel Property
4. Possible Actions Related to Beer Gardens and Sidewalk Cafes
 - A. Possible Action: Consider Authorizing Staff Approval of Permits for Temporary Outdoor Seating Areas in Response to COVID-19
 - B. Possible Ordinance Amendments to Facilitate Outdoor Beer Gardens and Sidewalk Cafes
5. Consider Second General Fund Budget Amendment for 2020 City Budget
6. Consider Authorizing Inter-Fund Loans from Tax Incremental District No. 7 to Tax Incremental District No. 6 and to Water Utility
7. Ongoing Efforts to Replace Lead Water Service Laterals--Staff to Present Report at Utilities Committee Meeting on July 7 at 5:30 PM
8. Review and Discuss Proposed Code of Conduct for Elected Officials--Recommendation from City Council Finance and Personnel Committee
9. 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

10. Reconvene in Open Session

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

11. 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.



GREAT LAKES COAST GUARD MUSEUM

4-17-2019

City Manager Greg Buckley
City Council Members
P.O. Box 87
Two Rivers, WI 54241

Dear Council Members:

We are requesting a formal extension on our contract with the City of Two Rivers on the purchase of the property located at 2010 Rogers Street, the former "Motel" property, for at least 18 to 24 months. The Board has been working on this but, along with the building we have to figure out creative ways for the funding of a project this large for our museum.

We have already incurred the cost of the removal of the motel and the filling in of the property to make it safe, as you requested, and have improved the walkway along the river's edge. We are in the process of a board decision on the type, size and use of a building to be constructed on that property and also obtaining costs associated with that building. We have been meeting regularly, however this is not a small project for our volunteer board and we have narrowed it down to two or three designs. The board is taking into consideration the best use of the property along with potential income opportunity to keep our mission alive well into the future. The board is also considering ways to obtain funding for both the property and the building so as not to incur debt for the museum.

Our President has met with Elizabeth Runge, Community Development Director for the City of Two Rivers who has provided us guidance, along with speaking with your Zoning Administrator, Vicky Berg with regard to location of the building on the property.

Our Board is being very thorough on their due diligence but this all takes time, that is why we are making this request for the extension. Over the past period of time we have focused on keeping our current buildings in top shape, repairing and painting, adding new features, such as our full size Mackinaw Boat with sails in our exhibit building. This, in itself, devoured a lot of our time, restoring it and getting it exhibit worthy.

We hope you will consider this formal extension and please call me if you have any further questions.

Sincerely,

Charles Hanf, President
920-323-0370

Agreement for Sale/Redevelopment Former Rogers Street Motel Property

This Agreement, dated this 1st day of December, 2014 between the City of Two Rivers, a Wisconsin municipal corporation (hereinafter "City") and Rogers Street Fishing Village, Inc., a Wisconsin non-stock corporation (hereinafter (RSFV), hereinafter collectively referenced as the "Parties."

Whereas, RSFV is a private, not-for-profit corporation dedicated to preserving and promoting the history of Two Rivers' commercial fishing industry, the French Canadian settlers who established that industry, the U.S. Coast Guard in Two Rivers, and the overall relationship of the community of Two Rivers to the waters of Lake Michigan and the East and West Twin Rivers; and

Whereas, the City and RSFV throughout the history of RSFV have cooperated in acquiring the properties that comprise the Historic Rogers Street Fishing Village complex, along the east bank of the East Twin River and along Jackson Street and Rogers Street, and in seeking and acquiring funds for various improvement projects at the Fishing Village; and

Whereas, among these property acquisitions was the purchase of the former Rogers Street Motel property at 2010 Rogers Street, further described as the Resubdivision of Original Blocks 19 & 20, Lot 3, 4 & 5 of Block 2, City of Two Rivers (hereinafter the "Property") by the City, in 2001, for use by RSFV in furtherance of its historic preservation and educational programs, and for use of the docking facilities included with the Property as a source of income for RSFV; and

Whereas, the City in 2001 advanced \$65,000 for the purchase of the property, anticipating that such funds would be reimbursed from a Stewardship Grant awarded by the Wisconsin Department of Natural Resources; and

Whereas, upon review of the land use restrictions associated with that grant, both the City and RSFV determined that it would not be in the best interests of the City nor RSFV to accept said grant funding; and

Whereas, since 2001, the City and RSFV have periodically engaged in discussions regarding the Property, but have not resolved its ownership status; and

Whereas, RSFV wishes to obtain ownership of the Property, in order to proceed with removal of the fire-damaged, blighted former motel building and to pursue further development of the facilities at the Fishing Village; and

Whereas, the City recognizes RSFV as an important cultural and tourism asset for the community, and wishes to encourage further investment in the facilities and programs at Rogers Street Fishing Village, including improvements to the Property;

Now, therefore, the Parties hereby agree to the following terms for the sale of the Property by the City to RSFV:

1. Purchase price for the Property shall be \$65,000, which represents the City's original investment in the Property.
2. RSFV shall pay this amount to the City not later than December 31, 2019, Payment may be made in either of the following manners, or by a combination thereof, totaling at least \$65,000:

A. By direct cash payments to the City.

B. By certain qualified capital investments in the property by RSFV, with one dollar to be credited toward the purchase price of the property for every two dollars in qualified investment. Capital investments that shall qualify as counting toward the purchase price include:

- (1.) The cost of demolishing and removing any of the structures currently located on the Property.
- (2.) The cost of constructing any new buildings on the property
- (3.) The cost of improvements to any existing buildings or structures on the Property.
- (4.) Architectural and engineering professional service charges associated with (2.) and (3.) above.

Provided, however, that in order to be counted toward the purchase price, expenditures for (2.) through (4.) above must be consistent with a redevelopment plan for the Property; such plan must be submitted by RSFV for the City's approval and approved by the City prior to the date such expenses are incurred.

Expenditures for demolition/removal of existing structures on the Property will count toward the purchase price, and may be incurred prior to City approval of a development plan for the Property.

Provided further that RSFV must supply the City with documentation to City's satisfaction of RSFV's expenditures for such capital investments, in order for such expenditures to be credited against the purchase price.

The value of "in-kind" or donated services related to (2.) through (4.) above may be counted as qualified capital investment, provided that City shall be provided with a detailed written record, to its satisfaction, of the time invested and hourly rates attributed to such services, and provided further that total credit against the purchase price for such in-kind or donated services shall not exceed \$25,000.

Provided further that the total credit against the purchase price for architectural or engineering services (whether such services are billed or provided in-kind or donated) shall not exceed \$10,000.

3. The Property will be conveyed from the City to RSFV by warranty deed, "as-is," with no warranties or representations by the City, within 30 days following

receipt and acceptance by the City of payments totaling \$65,000, consistent with the terms of Paragraph 2 above. Title insurance and any other closing costs, with the exception of the cost of preparing the deed, closing statement and transfer return, shall be the responsibility of RSFV.

4. If payments as defined in Paragraph 2 above, totaling at least \$65,000, have not been received from RSFV by the City on or before December 31, 2019, this Agreement shall be null and void, and RSFV shall forfeit any payments made to the City, along with any rights under this Agreement.
5. Any deed conveying the Property to RSFV shall contain a right of first refusal granted to the City, in the event RSFV ever proposes to sell the Property or any portion thereof.
6. As a further condition on the City's conveyance of the Property, RSFV shall execute an easement agreement, granting the City a permanent easement for public access along the Property's East Twin River shoreline, such easement extending 20 feet landward of the seawall along the property (said seawall and easement area shown in Exhibit A to this Agreement) and allowing for the City to construct, repair and maintain facilities for public access within said easement area; further, such easement shall provide a similar public access easement, 20 feet in width, from Rogers Street to the East Twin River shoreline, along the south property line of the Property.
7. The former motel building located on the property shall be demolished in accordance with requirements of the City's Demolition Ordinance, Section 11-1-29 of City Ordinances. Such demolition shall be completed not later than September 30, 2015, or the City may in its sole discretion declare this agreement null and void, and RSFV shall forfeit any payments made to the City, along with any rights under this Agreement.
8. Notice to the Parties shall be provided to the individuals and addresses indicated below, and shall be by certified mail, return receipt requested, or by personal service. Provided, however, that notice may be by facsimile or e-mail if mutually agreed by the Parties.

To the City:


City Manager
City of Two Rivers
1717 East Park Street
Two Rivers, WI 54241

To RSFV:

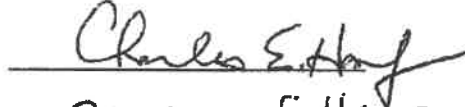
President
Rogers Street Fishing Village, Inc.
2102 Jackson Street
Two Rivers, WI 54241

9. The undersigned hereby represent that they have been duly authorized to execute this Agreement on behalf of the City of Two Rivers and Rogers Street Fishing Village, Inc.

City of Two Rivers


Gregory E. Buckley
City Manager


Kim M. Graves
City Clerk

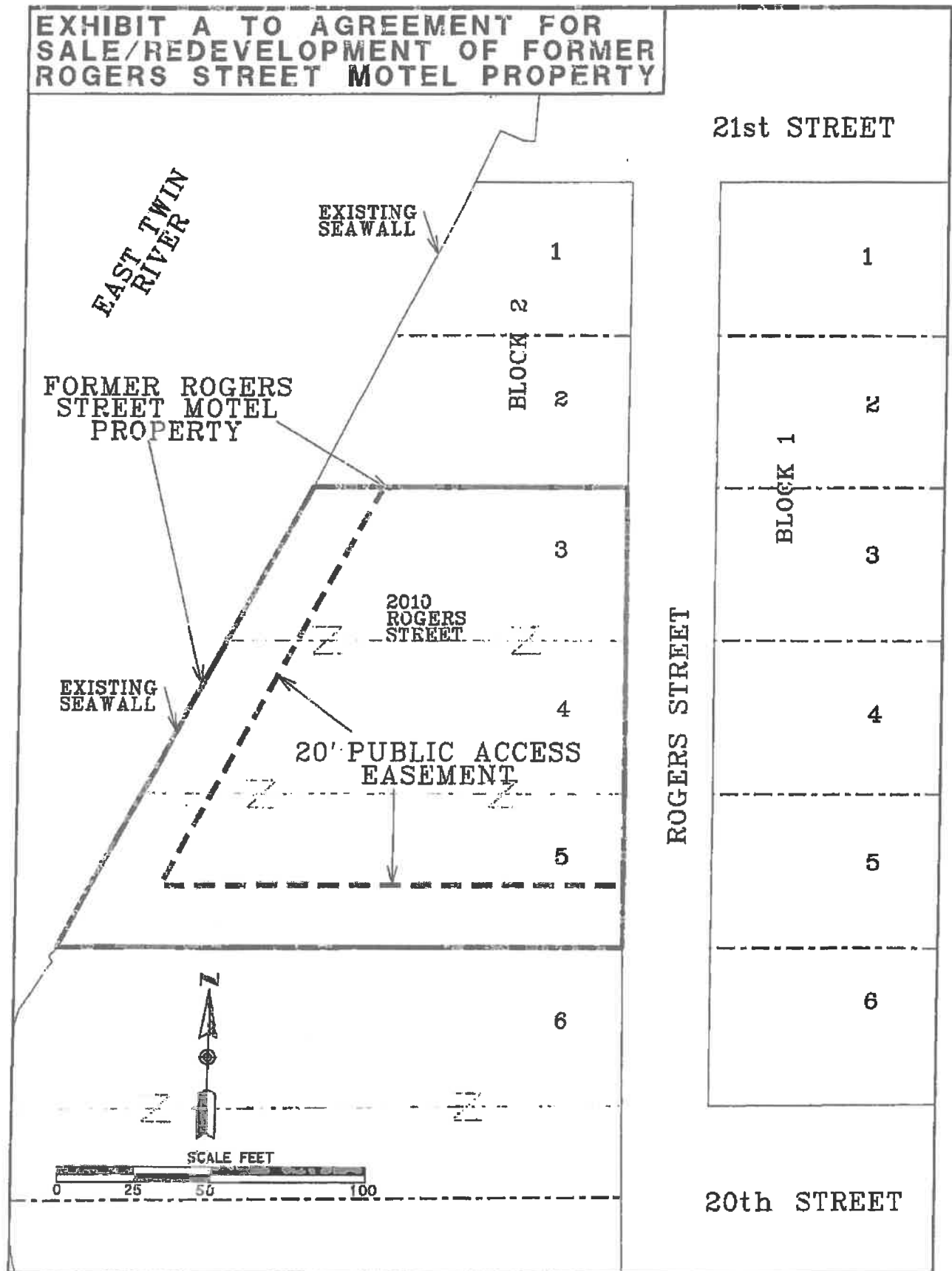
Rogers Street Fishing Village, Inc.

By: CHARLES E. HANF

Its: PRESIDENT
R.S.F.V.

By: BONNIE L. TIMM

Its: TREASURER



City of Two Rivers
Outdoor Dining Areas on Public Property
(Sidewalk Cafes)

(1). Purpose. To enliven downtown and other areas of the city and provide opportunities for social and economic activities, the city council finds and determines:

- (a) That there exists the need for outdoor eating facilities in certain areas of the city to provide a unique environment for relaxation, social interaction, and food consumption.
- (b) That sidewalk cafés will permit enhanced use of the available public rights-of- way, will complement business operations operating from fixed premises, and will promote economic activity in the area.
- (c) That the existence of sidewalk cafés encourages additional pedestrian traffic but may impede the free and safe flow of pedestrians such that a need exists for regulations and standards to ensure safety.
- (d) That the establishment of permit conditions and safety standards for sidewalk cafés is necessary to protect and promote public health, safety and welfare.

(2) Definitions. A “sidewalk café” shall mean an expansion of a restaurant, bistro, coffee shop, bar, or other establishment offering beverages and/or food that provides seating for more than 3 people in the form of a group of tables, chairs, benches, with barriers not less than **four feet** in height, trash containers and suitable decorative devices maintained upon any part of the sidewalk for use on part of the public property that immediately adjoins the licensed premises for the purpose of consuming food or beverages of the patrons of the establishment.

(3) Location.

- (a) No permit shall be issued for a sidewalk café located in a nonresidential district if any part of the sidewalk café is within fifty (50) feet of a residentially zoned parcel.
- (b) No permit shall be issued to an establishment if it is located in a district zoned R-1 through R-4.

(4) Permit Required. Application for a permit to operate a sidewalk café shall be submitted to the City Clerk's Office and shall include at least the following information:

- (a) A layout/drawing accurately depicting the dimensions of the existing sidewalk area or other public property and adjacent private property, the proposed location of the sidewalk café, the size and number of tables, chairs, steps, planters, location of doorways, trees, sign posts, hydrants, sidewalk benches, trash receptacles, heaters, traffic signal poles, light poles and any other obstructions, either existing or proposed.

City of Two Rivers
Outdoor Dining Areas on Public Property
(Sidewalk Cafés)

- (b) A non-refundable permit fee.
 - (c) Permit Fees. A non-refundable payment of \$100.00 must be made with initial application (\$50.00 for renewal) for a sidewalk café permit with an additional non-refundable payment of \$100.00 for applicants requesting to sell alcohol.
 - (d) Each permit shall be effective for one year from July 1 to June 30th.
 - (e) The permit issued hereunder is not transferable by Owner to any other restaurant or any subsequent owner of the premises.
 - (f) The Public Works Committee shall not have jurisdiction in matters of sidewalk cafés.
 - (g) Liability and insurance. No person shall obtain a sidewalk café permit unless the applicant procures commercial liability insurance.
 - (f) The permittee agrees to insurance in the amount of \$1,000,000 per occurrence and name the City of Two Rivers as additional insured showing how the coverage extends to the area used for the sidewalk café, insured. The permittee shall provide the City with a certificate of insurance and shall execute an indemnification agreement, approved by the City Attorney, prior to operation of the sidewalk café.
 - (g) If the applicant intends to sell or serve alcoholic beverages to patrons of the sidewalk café, the applicant shall obtain the appropriate alcohol beverage license describing and including the outdoor area where alcoholic beverages will be sold, served or consumed.
- (6) Appeals. Any person denied a sidewalk café permit may appeal the denial. An appeal shall be made in writing to City Clerk, who shall forward the request to the City Manager and City Council. The City Council will convene within 30 days of the appeal being filed with the Clerk to hear from the Chief of Police and the affected business. After deliberation, the City Council shall act on the appeal. A written copy of the decision shall be provided to the affected business
- (7) Sidewalk Café Standards.
- (a) No portion of any sidewalk café may encroach on the sidewalk adjacent to any other property other than the property that is licensed in this chapter.
 - (b) The permittee shall maintain approximately a four-foot-wide unencumbered, open and accessible portion of the sidewalk for pedestrian traffic safety at all times. The permittee shall comply with all applicable requirements of the Americans with Disabilities Act, 42 USC 12101 to 12213, and all applicable Federal, State and local laws.

City of Two Rivers
Outdoor Dining Areas on Public Property
(Sidewalk Cafes)

(c) Sidewalk café shall remain closed to the public between the hours of 11:00 PM and 6:00AM.

(d) The permittee shall provide for the removal of garbage and be responsible for the cleanliness of the outdoor area.

(e) The use of a portion of the public property as a sidewalk café shall not be an exclusive use not have any vested rights. All public improvements, including but not limited to, trees, light poles, traffic signals, manholes or any public initiated maintenance procedures shall take precedence over said use at all times. The City Manager, Chief of Police, or his/her designees may temporarily order the termination of sidewalk cafes for the following reasons, but not limited to, special events, including but not limited to, construction, parades, sponsored runs or walks, or for any reason to maintain the health, safety, and welfare of the public.

(g) Furnishings. All furniture, furnishings, and equipment shall be of safe, sturdy construction and shall be maintained in good repair. All umbrellas shall be anchored in such a way that a sudden burst of wind will not lift them out of their holders or blow them over. No public property, including, but not limited to, light poles, utility poles, flower planters, trees or other amenities, may be used as a point of attachment for anything, including, but not limited to, ropes, posters or signs.

(h) The permittee shall remove all furniture, furnishings, equipment, portable barriers and all visible evidence of the sidewalk café, any time that the sidewalk café is closed, service is prohibited, or service is not being offered to the public at the sidewalk café.

(8) Alcohol Licensing and Serving of Alcohol Beverages. The City of Two Rivers allows permittees to serve alcoholic beverages in outdoor cafes; provided, that the permittee complies with all the requirements for obtaining an alcoholic beverage license, and the sidewalk café is listed on the alcohol beverage license application as being an extension of the licensed premises. Alcohol may be served at sidewalk café if:

1. The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.
2. No alcoholic beverages may be served at any time if the restaurant has not received Council approval for the enlargement of the premises under its liquor license that includes the area of the public sidewalk where the sidewalk café is located. Further, the liquor license shall be automatically conditioned at the time of the enlargement of premises to allow for the consumption of alcoholic beverages within the sidewalk café area only. Approval of the enlargement of premise area (sidewalk café) shall not grant any permittee or licensed premise any vested rights and such approval may be suspended or revoked or non-renewed without cause being shown.

City of Two Rivers
Outdoor Dining Areas on Public Property
(Sidewalk Cafes)

3. The outdoor area utilized for service and consumption of food and beverage shall be visible from the restaurant establishment.
4. Alcoholic beverages must be sold and served by the permittee or permittee's employees who have operator's licenses and sold, served and *consumed by patrons seated at tables in the sidewalk café*. (Reference Wisconsin Statutes sections 125.32(2) and 125.68(2).
5. Alcoholic beverages may only be served at the sidewalk café when food service is available through the licensed establishment.
6. The permittee shall be responsible for complying with the approved sidewalk café plan as submitted in the initial permit application.
7. The permittee shall not allow patrons of the sidewalk café to bring alcohol beverages into the sidewalk café, nor to carry open containers of alcohol beverages about in the sidewalk café area, nor to carry open containers of alcohol beverages served in the sidewalk café outside the sidewalk café area.
8. The permittee shall display signage indicating alcohol may only be consumed by patrons seated at tables in the sidewalk café.
9. The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk café area.
10. Permittee shall be responsible for the acts of all employees, patrons and agents of the business. A violation of any provision of this section, any City ordinance or Wis. Stat. Ch. [125](#), by a patron, agent or employee of the permittee, shall constitute a violation by the permittee.

(9) Lighting. The permittee shall keep the sidewalk café area sufficiently illuminated so as to prevent injury to persons using the same. Any lighting of the outdoor area shall be shielded so as not to shine directly onto adjoining property or create a glare which is distracting to adjoining property or vehicles traveling in the public right-of-way.

(10) Music/Noise. Noise from any source that is emitted from the outdoor area shall not exceed the standards contained in Section 9-2-5 Loud and Unnecessary Noises Prohibited under Noise Limits sub-section (c).

(11) Penalty. In addition to any other penalty available, any person in violation of this ordinance shall be subject to a forfeiture of \$50.00, plus costs. Provided, however, that such persons shall be subject to a forfeiture of \$100.00, plus costs, for a second offense not arising out of the same incident and occurring within any twelve-month period; and \$200.00, plus costs, for a third and any subsequent offenses not

City of Two Rivers
Outdoor Dining Areas on Public Property
(Sidewalk Cafes)

arising out of the same incident and occurring within any twelve-month period. If any person shall violate this ordinance on three or more occasions, in any twelve-month period, and such violations involve the same incident, the City may order the revocation of the sidewalk café permit and the permittee shall be liable for all court costs incurred in pursuing the order.

DRAFT

COVID-19 Temporary Outdoor Seating Area Permit Application City of Two Rivers, Wisconsin

Introduction

The City Council has authorized the appropriate city staff to assist local businesses to obtain necessary approvals to temporarily expand their outdoor seating areas. These areas may be needed to assist businesses to comply with social distancing guidelines as the local economy attempts to safely re-open and successfully recover from the COVID-19 health emergency during the summer and fall months of 2020. If the seating area is desired for permanent or long-term use the established municipal code standards are in development.

A review Committee will process each application. The committee includes personnel from the Community Development Department, Public Works, Police Department, Fire Department, City Clerk's office, and City Manager. If all necessary information is provided at the time of application the goal will be to process the applications in 2 to 3 business days.

Temporary Use Permit Review Process/Procedure

Completed applications and submittals need to be directed via email to City Clerk's office.

Applications may be denied or put on hold if all required information is not submitted. Upon submittal of all required information, the project will be reviewed by the committee identified above. The review process will either approve, approve conditionally, or deny the submission in writing. If any department representative denies the permit the permit shall be denied in total. The applicant/owner will be informed in writing of the approval, conditional approval, or denial of the permit request.

Each application will need the following in order to be processed and reviewed:

1. A Completed Application.
2. A detailed site plan (drawn by hand or drawn electronically) illustrating the following:
 - a. The location and dimensions of the proposed outdoor seating area in relationship to the building
 - b. Dimensions of any adjacent public right-of way proposed for use
 - c. The location of property lines and the outdoor seating area
 - d. Parking lot and driveway locations as well as impact on parking spaces
 - e. The number of tables/seats and the distances between them.
3. Additional pictures, attachments and/or renderings that will help the committee best understand the proposal in greater detail.
4. Acknowledgement this is a temporary approval for the remaining outdoor seating timeframe (to November 30, 2020).
5. Acknowledgement that if the temporary seating area does not comply with the required standards, the approval may be revoked.

Restrictions for Temporary Outdoor Seating Permits

Location of Outdoor Seating Areas

1. Temporary Outdoor Seating Permits may be issued for areas on private property or in the public right-of-way (such as on municipal sidewalks). The City has a personal property on public right of way ordinance (Section 4-1-10 (f)(1)) if you have questions about that permit/ordinance.

Hours of Use for Outdoor Seating Areas

2. Temporary Outdoor Seating Areas shall remain closed to the public between 11:00 PM and 6:00AM.
3. Amplified sound or music is not permitted after 9:00 PM. Noise from any source that is emitted from the outdoor area shall not exceed the standards contained in Section 9-2-5 Loud and Unnecessary Noises Prohibited under Noise Limits sub-section (c).

Capacity of Outdoor Seating Areas:

4. The issuance of a Temporary Outdoor Seating Permit does not alter your capacity. The capacity for the licensed premises' building shall remain the same even with the addition of a temporary outdoor seating area. The intent of this permit is to expand outdoor seating that has been displaced inside businesses by physical distancing recommendations. If you have a question about your business' capacity, please contact the Fire Department. (insert)
5. Businesses shall practice physical distancing by placing tables at least 6 feet apart. Tables shall seat no more than 6 patrons. Provide social distancing signs. These distancing requirements apply to existing outdoor seating and new outdoor seating if this permit is applied for.

Revocability of Permit:

6. Businesses that fail to comply with the restrictions of this permit (hours of use, amplified music, social distancing, capacity, etc.) are subject to revocation of their Temporary Outdoor Seating Permit. Revocation of permits will be decided by the review committee, composed of City of Kaukauna staff from the departments noted on the application.

Health and Safety Guidelines:

7. Businesses licensed to prepare and serve food are responsible to follow guidelines of the Manitowoc County Health Department.

ADDITIONAL RESTRICTIONS FOR TEMPORARY OUTDOOR SEATING AREAS

Restrictions for Businesses that that do Not Serve Alcohol

1. The Temporary Outdoor Seating Area does not need to be enclosed by a fence.

Restrictions for that Businesses that do Serve Alcohol

1. The Temporary Outdoor Seating Area *must have a barrier* that is four feet in height.
2. Businesses holding a liquor license must seek approval through the clerk's office to amend the license. The review process described on page will determine the permit approval.
2. Access to the Temporary Outdoor Seating Area should be, where possible, from the main entrance of the building, rather than from the outside.
3. If accessing Temporary Outdoor Seating Area is only possible directly from the outside, patrons are not to carry their own alcoholic beverages. Rather, beverages should be brought directly to patrons' tables by a bartender or member of waitstaff.
4. The Temporary Outdoor Seating Area shall have an emergency exit that meets applicable fire codes.
5. Tables shall be separated by at least 6 feet and should be set for groups no larger than groups of six. For bar seating, physical distancing shall be followed by separating customers in the small group by two bar stools.
6. The Temporary Outdoor Seating Area shall be actively monitored by a licensed bartender at all times that it is open for operation.

COVID TEMPORARY OUTDOOR SEATING AREA PERMIT APPLICATION

ESTABLISHMENT AND OWNER INFORMATION

Business Name _____
 Business Address _____
 Name of Business Owner _____
 Phone Number _____
 Email _____

Name of Property Owner (if different than above) _____
 Phone Number _____
 Email _____

Does this business currently hold a City of Two Rivers liquor license?

If yes, answer question below. If no, skip to Site/Project Description section. If YES answered above, please specify how you want to amend the license for temporary outdoor seating: (Example: "Add outside seating out the back door to include 4 parking stalls with only 1 entrance and exit.")

SITE/PROJECT DESCRIPTION

Please describe the proposed outdoor seating area details below.

Number of tables in proposed outdoor seating area: _____

Number of seats in proposed outdoor seating area: _____

Existing inside seating capacity: _____

Your existing building capacity will apply across ALL seating areas through the use of this permit. Please see the General Restrictions for Temporary Outdoor Seating Areas.

Number of bathroom fixtures: _____

Proposed Days and Hours of Use: _____

Number of onsite parking spaces for your business currently: _____

Would new temporary outdoor seating area reduce the number of onsite parking spaces?

If YES answered above, please specify how many parking spaces would be eliminated: _____

Total Current Employees: _____

Employees that are estimated to be added by Expansion: _____

PERMIT FEES

There are no fees for this temporary application.

APPLICANT SIGNATURE

I hereby make an application for a Temporary Outdoor Seating Area Permit as detailed above. I agree to abide by the requirements of all City ordinances and State laws. I understand that the approval of a Temporary Outdoor Seating Area Permit is conditional and that the permit can be revoked or suspended at any time. I agree apply for any and all building permits that may be needed in the construction of this Temporary Outdoor Seating Area.

☐ Signature _____

Date _____

Signature may be typed if completing electronically

DRAFT in Progress (4)

6/2020

Section 6-1-19 Beer Gardens Regulated

Text in Black is Current Ordinance
Red is Additions to the Ordinance

Definitions.

As used in this section:

1. Alcohol beverages shall mean a statutory term that includes beer, wine, and liquor.
2. Licensed premises shall mean the enclosed building premises in addition to any permitted outdoor premises/beer garden.
3. Outdoor area shall mean an area, whether or not enclosed by a roof, which is open to the elements, and which is constructed for the use of outdoor service.
4. Beer garden/ outdoor premises shall mean an outdoor area for the purpose of conducting outdoor sales and consumption of food and alcohol beverages, said outdoor area being directly attached to the licensed building, and used daily or on a seasonal basis as part of the normal operations of the licensed premises.
5. Outdoor service shall mean the permitted sale and consumption of food and alcohol beverages from an outdoor area, namely a beer garden/ outdoor premises.

(a) Permit for Outdoor Consumption**~~REQUIRED FOR OUTDOOR CONSUMPTION.~~**

No license shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the City Council. The permits are a privilege in which no rights vest; and therefore, may be revoked by the City Council at its pleasure at any time, or shall otherwise expire on June 30th of each year.

No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid beer garden permit. It is the purpose of **barriers surrounding fencing** in the beer garden area to facilitate compliance with **all provisions of Chapter 125, Wis. Stats., regulating the sale, consumption, permitting of alcoholic beverages.** ~~and prohibit or significantly restrict the ease in which alcoholic beverages may be passed from within the beer garden area to anyone outside the beer garden area.~~

(b) Appeals.

Any person denied a beer garden permit may appeal the denial.

An appeal shall be made in writing to City Clerk, who shall forward the request to the City Manager and the Chief of Police. The Chief of Police shall the appeal request to the City Council. The City Council will convene within 30 days of the appeal being filed with the Clerk to hear from the Chief of Police and the affected business. After deliberation, the City Council shall act on the recommendation. A written copy of the decision shall be provided to the affected business

c (b) LIMITATIONS ON ISSUANCE OF BEER GARDEN PERMITS.

No permit shall be issued for a beer garden located in a nonresidential district if any part of the beer garden is within fifty (50) feet of a **residentially zoned parcel** ~~structure used for residential purposes~~

~~except residential uses located in the same structure as the licensed premises or a residence which is owned by the same person who owns the licensed premises.~~

No permit shall be issued to a licensed premise located in a district zoned R-I through R-4.

~~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 premises.~~

The beer garden shall be on the same parcel as the main licensed premises.

Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of **the barriers** ~~fencing~~ or other measures intended to provide control over the operation of the beer garden. Every beer garden **shall have a perimeter established surrounding eighty percent of the beer garden area** ~~be completely enclosed with a fence or wall with a barrier~~ not less than ~~five (5) feet~~ **four feet** in height above the ground of the area ~~immediately outside of the enclosed fenced area~~ of the beer garden, except as otherwise provided herein.

When a portion of the beer garden's perimeter lies along the shoreline of the East or West Twin River, there shall be no requirement for a **barrier fence** along such river frontage; provided, however, that the fence or wall enclosing the balance of the beer garden's perimeter shall extend to points as close to the water as practicable, subject to the review and recommendation of the Police Department. ~~The City reserves the right to require such fence to extend toward the water to the maximum extent allowed by law (i.e., to the ordinary high water mark or the bulkhead line, if a bulkhead exists).~~

(d) Hours of Operation

Amplified sound or music is not permitted after 9:00 PM. There shall be a licensed operator within the beer garden when alcohol beverages are dispensed in the beer garden. The beer garden shall remain closed to the public between 11:00 PM and ~~8:00~~ 6:00AM.

(e) Noise from any source that is emitted from the outdoor area shall not exceed the standards contained in Section 9-2-5 Loud and Unnecessary Noises Prohibited under Noise Limits sub-section (c).

(f) All beer gardens shall be sufficiently lighted to ensure the safety of patrons at all times when any patrons shall be therein, and at all times when the beer garden is open to the public. Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.

(g) Notification of adjoining property owners of pending applications.

Notice of pending application for a beer gardens shall be published as a Class 1 notice in the official city newspaper prior to the city council meeting at which such application may be acted upon.

~~(c)~~ **STATE STATUTES ENFORCED WITHIN BEER GARDEN.** Every permittee under this section shall comply with and enforce all provisions of Chapter 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats., shall be grounds for immediate revocation of the beer garden permit by the City Council.

~~(d)~~ **LICENSE FEES.** Fees for a beer garden permit shall be Fifty (\$50.00) Dollars per year.

(e) PENALTY. Any person who shall violate any provisions of this Chapter or any order, rule or regulation made or adopted hereunder shall be subject to the general provisions penalty of this Code.

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CITY OF TWO RIVERS

Resolution Amending the General Fund and Community Development Fund Budgets for the City of Two Rivers, Wisconsin Fiscal Year Ending, December 31, 2020

WHEREAS, the global COVID-19 pandemic and related actions taken to help “flatten the curve” and reduce the spread of the disease have had significant negative impacts on the global, national and state economies; and

WHEREAS, the resulting unprecedented slowdown in business activity and rise in unemployment is already having a significant impact on state and local revenues and the full extent of that impact is not yet known; and

WHEREAS, it is appropriate, in light of potentially significant reductions in local sources revenue (sources such as building permits, special assessment revenues, room tax proceeds, etc.) and State Shared Revenues, for the City to take actions to reduce spending in the current year budget and to anticipate an even more difficult situation in 2021; and

WHEREAS, the 2020 General Fund Budget was previously amended, on May 18, to reduce various operating budgets by a total of \$358,742, to move \$258,742 to budgeted Contingency, and to provide \$100,000 in funding for a COVID-19 Emergency Grant Program for local small businesses; and

WHEREAS, given concerns about the national and state economies and the State Budget, it is appropriate to continuously monitor the 2020 Budget and to identify opportunities for further reductions in operating expenditures; and

WHEREAS, the opportunity for \$25,000 in additional expenditure reductions has been identified, consisting of \$20,000 from the Police budget and \$5,000 from the Parks and Recreation budget; and

WHEREAS, the Council's Personnel and Finance Committee and the City Manager recommend the following:

-- \$15,000 of this amount be made available for securing the contractual services of a communications coordinator, to assist in implementation of the City's branding initiative and to otherwise assist the City's communications activities related to economic development and communications with the general public, such funding to be transferred from the General Fund and added to the contractual services line item of the City's Community Development Fund Budget; and

--\$10,000 of this amount be added to budgeted Contingency;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Two Rivers, that the following amendments to the 2020 General Fund Budget And Community Development Fund Budget are hereby adopted:.

Attachment: Budget Resolution No. 2 06.29.2020 (2786 : 2020 City Budget)

100 GENERAL FUND

EXPENDITURE CATEGORY	CURRENT BUDGET		AMENDED BUDGET		NET CHANGE
GENERAL GOVERNMENT	\$	1,195,260	\$	1,195,260	\$ -
PUBLIC SAFETY	\$	5,648,405	\$	5,628,405	\$ (20,000)
PUBLIC WORKS	\$	1,569,784	\$	1,569,784	\$ -
HEALTH AND HUMAN SERVICES	\$	369,542	\$	369,542	\$ -
CULTURE, REC. & EDUCATION	\$	1,020,307	\$	1,015,307	\$ (5,000)
TOTAL EXPENDITURE REDUCTIONS					\$ -
OTHER FINANCING USES/ CONTINGENCIES	\$	773,982	\$	798,982	\$ 25,000
					\$ -
TOTAL GENERAL FUND	\$	10,577,280	\$	10,577,280	\$ -

291 COMMUNITY DEV FUND**Revenues**

291-49210 Transfer from General	\$	-	\$	15,000	\$ 15,000
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Expenditures

(funds to be added to line item

291-56700-2100, Professional Serv.)

	\$	140,115	\$	155,115	\$ 15,000
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BE IT FURTHER RESOLVED, that notice of this Budget Amendment shall be published in the City's Official Newspaper, the Herald-Times Reporter, in compliance with the provisions of Wisconsin Statutes Section 65.90 (5)(a),

Adopted: June 29, 2020

Curt Andrews, Council President

Gregory E. Buckley, City Manager

Attachment: Budget Resolution No. 2 06.29.2020 (2786 : 2020 City Budget)

Inter-Fund Loan, Fund 236 (TID 7) to Funds 235 (TID 6) and 650 (Water)

TID 7 (Old Hospital TID) has a current cash balance of about \$714,000; has annual revenue of \$158,000, annual debt service expense of \$72,200 (transfer to Water and Sewer Funds for debt service on Lincoln Avenue utilities).

Loan to TID 6: \$210,000 to cover entire amount of that fund's negative fund balance, @ 3% annual interest, to be repaid over the remaining 8 years of that TID (through 2028)

Loan to Water Fund: \$500,000 to cover a portion of that fund's \$2,700,000 negative fund balance, @ 3% annual interest, to be repaid over the next 6 years; interest payments in 2021-23, principal and interest payments for 2024-26. (Note: Water Utility debt service requirements drop by about \$300,000 per year in 2024)



CODE OF CONDUCT FOR
ELECTED OFFICIALS

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CODE OF CONDUCT FOR ELECTED OFFICIALS

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This Code of Conduct is adopted pursuant to authority granted to the Council under Wis. Stat. §62.11(3)(a) and (e), applicable to the Council under Wis. Stat. §64.07(1), and Wis. Stat. §19.59(1m) and (4). The applicable provisions of Wis. Stat. §19.59, the statutory Code of Ethics for Local Government Officials, Employees and Candidates, and Wis. Stat. §946.13, prohibiting private interest in public contracts, are incorporated by reference in this Code.

This Code of Conduct shall apply to the Standing Committees of the Council described in Section 2-2-4 of the Municipal Code of the City, and their members.

SECTION 1: The City of Two Rivers Code of Conduct

It is the policy of the City of Two Rivers to uphold, promote, and demand the highest standards of ethics from its elected officials. Accordingly, members of the City Councilmembers shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or authority improperly or for personal gain.

The City of Two Rivers and its elected officials share a commitment to ethical conduct and service to the City of Two Rivers. This Code has been created to ensure that

all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Two Rivers, and with all other private and governmental entities.

SECTION 2: Elected Official Conduct with One Another

The City Councilmembers (hereinafter the “Council”) have a responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial while others are destructive. The Council has the responsibility to take the high road on Intra-Council conduct and to treat other Councilmembers as they would like to be treated.

The Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and the Council must recognize that certain behavior is counterproductive, while other behavior will lead to success.

A. Use Formal Titles

The Council shall try to refer to one another formally during public meetings as Council President or Councilmember followed by the individual’s last name. First name basis?

B. Use Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every Councilmember has the right to an individual opinion, which should be respected by the other Councilmembers. Councilmembers shall not be hostile, degrading, or defamatory when debating a contentious issue. Councilmembers should assume the other members of the Council have the appropriate motives and interest of the public in mind and should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.

However, this does not allow Councilmembers to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. Shouting or physical actions that could be construed as threatening or demeaning will not be accepted. If a Councilmember is personally offended by the remarks of another Councilmember, the offended member should make a note of the actual words used and call for a “point of personal privilege” that challenges the other Council member to justify or apologize for the language used.

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the President of the Council, to keep the comments of Councilmembers on track during Council meetings. Councilmembers should honor efforts by the President to focus discussion on current agenda items. If there is disagreement about the agenda, those objections should be voiced politely and with reason, following parliamentary procedure. Likewise, the same responsibilities for Council meetings, are vested in the Committee Chair for Committee meetings.

D. Responsibility to Devote Full Attention to Council and Committee Proceedings.

It is the policy of the Council that Council Meetings should be devoted exclusively to the conduct of public business. Council Members should provide their full attention to matters on the agenda, or which otherwise relate to matters within the Council's jurisdiction and authority, and not engage in private discussions or transact private business during meetings. Electronic devices may be used during meetings as an alternative to printed materials before the Council, to look up information relevant to matters being considered by the Council, or similarly in a manner which contributes to the Council's considerations and decisions concerning agenda items and can be shared with the Council.

Such devices should not be used during meetings for private entertainment or to transact private business. Electronic communications (e.g. by text, email or instant messaging) sent or received by Council Members during a meeting may create public records subject to disclosure under Wisconsin's Public Records Law, and may be attributed to the City and the Council. Therefore, if they relate to matters being addressed by the Council, they should be shared with the Council as a whole. If the need to make a private communication arises, Council Members should step out of the meeting room to communicate.

SECTION 3: Elected Official Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials who set policy and the City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

A. Treat all Staff as Professionals

Councilmembers should treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.

Disrespectful behavior toward staff is not acceptable. Councilmembers should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Councilmembers shall never demean or personally attack an employee regarding the employee's job performance in public, including media or social media statements.

C. Employee Performance Issues

All Council member concerns regarding any employee performance issues shall be forwarded to the City Manager (or to the Council President in the case of the City Manager) through private correspondence or conversation.

D. Do not Supersede Administrative Authority

Neither the Council, nor any of its members, shall attempt to supersede the administration's powers and duties. Neither the Council nor any member thereof shall give orders to the City Manager, Department Heads or any subordinate staff, either publicly or privately.

Councilmembers shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, the granting of City licenses and permits, or other matters. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the City Manager and Department Heads anything pertaining to City affairs or the interests of the City.

Outside of Council meetings, any City Council member who requests information from City staff relative to matters that may come before the Council or its committees shall either direct such request to the City Manager or send that request in the form of an e-mail to a department head, with copy to the City Manager. The purpose of this paragraph is to both recognize the City Manager's role as the appointed chief executive officer of the City and to assure that all Council members are provided with the same background information on matters that may come before the Council or its committees. In such instances, the City Manager shall provide the requested information to all Council members.

D. Do not Solicit Political Support from Staff

Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff on duty or in the workplace. City staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed City employees shall not be used in political ads.

SECTION 4: Elected Official Conduct Towards the Public

In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort

should be made to be fair and impartial in listening to public testimony. The Councilmembers are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Councilmembers should convey to the public their respect and appreciation for the public's participation, input, and opinions.

A. Be welcoming to Speakers and Treat them with Care and Respect

For many citizens, speaking in front of Council is a new and difficult experience. Under such circumstances, many are nervous. Councilmembers are expected to treat citizens with care and respect during public hearings. Councilmembers should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Council President will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes, with applicants and appellants or their designated representative allowed more time. If many speakers are anticipated, the Council President may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no additional public testimony will be accepted unless the Council reopens the public hearing for a limited and specific purpose.

C. Ask for Clarification, but Avoid Debate and Argument with the Public

Only the Council President, not other Councilmembers, may interrupt a speaker during a presentation. However, other Councilmembers may ask the Council President for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing. Questions directed by Councilmembers to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

D. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Council President or Committee Chair, subject to the appeal of the full Council or Committee per Roberts Rules of Order.

Outside of Public Meetings

E. Make no Promise on Behalf of the City or Council in Unofficial Settings.

Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific Council action or promises that City staff will take some specific actions shall be avoided.

Councilmembers must ensure that in expressing their own opinions they do not mislead any listener into believing that their individual opinion is that of the entire Council, unless the Council has taken a vote on that issue and the Councilmember's opinion is the same as the decision made by the Council. Likewise, no Councilmember should state in writing that Councilmember's position in a way that implies it is the position of the entire City Council. A Councilmember has the right to state a personal opinion, and has the right to indicate that he/she is stating such as a member of the Council, but must always clarify that he/she is not speaking on behalf of the City or the Council unless authorized by the Council to do so.

E. Defer to the Council on Matters Directed to the Council as a Body

It is the policy of the City and the Council that questions, suggestions, demands and claims made to the Council as a body, including those made generally to each Council Member, should be responded to by the Council as a body. This requires that a response be made by action of the Council. Individual Council Members may respond if they wish to do so, but in that case they should make it clear in the response that they do not do so on behalf of the Council, speak only for themselves, and that any response by the Council is to be made by Council action.

SECTION 5: Elected Official Conduct with Public Agencies

A. Be Clear about Representing the City or Personal Interests

If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether his or her statement reflects personal opinion or is the official stance of the City.

Councilmembers must inform the Council of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual Councilmember publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Councilmember must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a Councilmember upon any action that has bearing upon the conflicting issue.

B. Representation of the City on Intergovernmental Commissions and Other Outside Entities

C. Councilmembers serving on committees or boards as a City representative for outside entities or agencies shall properly communicate with other Councilmembers on issues pertinent to the City.

SECTION 6: Elected Official Conduct with Boards and Commissions

A. Limit Contact with Board and Commission Members to Questions of Clarification

Councilmembers shall not contact a Board or Commission member to lobby on behalf of an individual, business, developer or organization. Councilmembers may contact Board or Commission members in order to clarify a position taken by the Board or Commission or a member thereof. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

Attendance at Board or Commission Meetings

Councilmembers may attend any Board or Commission meeting, which are open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, developer or organization. which could be perceived as unfairly affecting the process.

B. Be Respectful of Diverse Opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful to all citizens serving on Boards and Commissions.

SECTION 7: Elected Official Conduct with the Media or Social Media

A. Expression of Positions on Issue

When communicating with the media or in social media, Councilmembers should clearly differentiate between personal opinions and the official position of the City. Each Council member represents one vote of nine and until a vote on any issue is taken, Council members' positions are merely their own.

B. Discussions Regarding City Staff

Councilmembers should not discuss personnel issues or other matters regarding individual City staff in the media. Any issues pertaining to City staff should only be addressed directly to the City Manager.

C. Discussions Regarding Closed Session Matters

Council Members of Council should hold in strict confidence all information concerning matters dealt with in Closed Session. Closed Sessions may involve confidential or privileged information in litigation, records the release of which is prohibited by the Public Records Law or any other statutory or common law limitation on the release of records, information significant to the competitive or bargaining position of the City in various matters, or privacy and reputational interests of individuals. A Council member shall not, either directly or indirectly release, make public, or in any way divulge any such information, or any aspect of the closed session deliberations to anyone, unless expressly authorized by Council or required

by law to do so, or unless such information has already been made public or the reasons for holding closed session no longer apply.

D. Shall not deliberately mischaracterize pending or past actions of the Council

SECTION 8: Enforcement of this Code of Conduct

A. Filing of Complaints

Any person who believes an Elected official, in his/her official capacity, has violated a requirement, prohibition, or guideline set out herein may file a sworn complaint with the City Clerk identifying (1) the complainant's name, address and contact information; (2) the name and position of the City official who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of the Code allegedly violated, and (4) a statement of facts constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

Attached to the complaint the person making the complaint shall provide all documents or other materials in the complainant's possession that are relevant to the allegation, a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and a list of witnesses, what they may know, and information to contact those witnesses.

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Code." If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. The notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the City Council. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency.

B. Time for Filing

A complaint under the Code must be filed no later than 30 days from the date of discovery of the alleged violation. Provided, however, such time limit shall be 30 days following the alleged violation of this Code, if such alleged violation occurred in open

session during a public meeting. However, anyone having information on which a complaint is based is encouraged to file the complaint as soon as the information is obtained so that immediate action may be taken by the Council or the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

C. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing a complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury. Council member is in violation of this Code if he/she files such a complaint? A City official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

D. Complaint Procedure

- (1) Hearing on Complaint- If the City Clerk determines that the complaint is complete he/she shall forward it to the City Council to set a hearing to investigate the allegations within 30 days after filing of the complaint. The City Council shall issue a summons signed by the City Clerk, commanding the individual so complained of to appear before the City Council on a day and at a place named in such summons and show cause as to why the individual should not be subject to penalties and sanctions. Such summons shall be served at least seven days before the time in which such person is commanded to appear, and shall include the complaint and any supporting documentation.
- (2) Failure to Respond to Summons- If the individual charged does not appear as required by the summons, the Ethics Board may consider such failure to appear in its recommendation to Council. The Council may subsequently consider such failure to appear in its decision to issue penalties or sanctions.
- (3) Parties Counsel- If the person charged appears as required by the summons and denies the complaint; both the complainant and the person charged may produce witnesses, cross-examine witnesses, and be represented by counsel. The person charged shall be provided a written transcript of the hearing at his or her expense.
- (4) Recommendations- At the conclusion of the evidentiary hearing, the Ethics Board, following deliberation in open or executive session, shall submit a report to the Council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the Council should take into account with respect to the individual charged. The Ethics Board shall provide the complainant and the individual charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Council.

(5) Council Action- The Council shall determine whether the arguments shall be presented orally, in writing, or both. The Council shall consider and take action on the recommendation of the Ethics Board within 60 days after the Ethics Board adjourns the hearing. Upon review of the report and following a discussion, if the Council, by motion, concludes that there is a violation of the Code, the Council may impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation made by the Ethics Board. In resolving the complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.

(6) Penalties and Sanctions Policy - It is the intent of the Council to educate and, when necessary, discipline Councilmembers who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that the progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

(7) Possible Penalties and Sanctions- Possible sanctions may include:

- a. An informal censure by the Council, which would only be made as part of a motion in a public meeting.
- b. A formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper
- c. Removal as provided in WI Stats. 62.11
- e. Any other sanction available by law.

Imposition of an informal or formal censure shall require a majority vote of the Council. Removal shall require an affirmative vote of $\frac{3}{4}$ of the Council (i.e., at least seven of the nine members). Failure to comply with this Code may constitute grounds for removal from office under Wisconsin Statute §17.12(1)(a).

(8) Notice- The City Clerk shall give notice of the Council's decision to the person charged.