

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
REGULAR MEETING
Monday, January 20, 2020 – 6:00 PM
Council Chambers – City Hall
MINUTES**

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

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL BY CITY CLERK**

Attendee Name	Title	Status	Arrived
Jay Remiker	Councilmember	Present	
Bill LeClair	Councilmember	Present	
Bonnie Shimulunas	Councilmember	Absent	
Curt Andrews	Vice-President	Present	
David England	Councilmember	Present	
Erin Gonnerman	Councilmember	Absent	
Jack Powalisz	Councilmember	Absent	
Mark Bittner	Councilmember	Present	
Patrick Gagnon	President	Absent	

Also present were Jeff Dawson, Lester Library Director; Kevin Boehm, Parks and Recreation Director; Jim McDonald, Public Works Director; Steve Denzien, Fire Chief; Joe Collins, Police Chief; Brian Kohlmeier, Asst. Police Chief; Ross Blaha, Water Director; Elizabeth Runge, Economic Development Director/City Planner; Rick Powell, EDP Supervisor; Jack Bruce, City Attorney and Greg Buckley, City Manager.

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

None.

5. **PUBLIC HEARING**

None.

6. **INPUT FROM THE PUBLIC**

Dorothy Tinkham Delo, 2100 Garfield Street, stated concern that her dog is ill from pancreatitis, which she attributes to pollution from the rock salt on streets and the use of chemicals on lawns. She asked for the Council to act on an ordinance to get rid of pollution from lawn chemicals

7. **COUNCIL COMMUNICATIONS**

Letters and other communications from citizens

Councilmember England stated that he received communication that the sidewalk of the gas station on Washington Street was not shoveled after the last snow fall.

Councilmember Remiker stated that he received a call about City sidewalks and corner property not being shoveled. He noted that owners need to be reminded to clear the corners. He also reminded citizens of the 24 hour rule to remove snow and ice from sidewalks.

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

None.

9. CITY MANAGER'S REPORT

A. Invited Guests

B. Status/Update Reports

1. Proposed Wisconsin-Lake Michigan National Marine Sanctuary

Mr. Buckley reported that the State expects word shortly from the National Oceanic and Atmospheric Administration (NOAA) in response to Governors Tony Evers' November 1 announcement that the State of Wisconsin wishes to re-activate the Sanctuary designation process.

He also stated the City Face book page now features a link to a 10-minute mini documentary on Michigan's Thunder Bay National Marine Sanctuary, currently the only National Marine Sanctuary on the Great Lakes. The documentary was produced by the National Manufacturers Association, and debuts this month at the Chicago Boat show.

2. 606 Parkway Boulevard, Paragon Property

Mr. Buckley reported the City Council met jointly with the Business and Industrial Development Committee on October 28 to address 606 Parkway Boulevard property. A five member committee with representatives from the two committee bodies has been established to work with staff on issues related to the property.

The City has issued a Request for Proposals for purchase/re-use of the property.

The City's goals are to recover funds owed to the City as the result of the Paragon Partners loan default and to return the long-idled property to productive use.

Mr. Buckley reported new heating units were installed in Section A of the building, by Schaus Roofing and Mechanical in December 2019. The December 2019 heating bill, for a period with more heating degree days than December 2020, showed about a 50 percent reduction in natural gas usage. Schaus Roofing and Mechanical has completed repairs to the roof over Section A of the building.

He also reported McMahon Associates has been engaged to file the necessary reports with WDNR to affirm City's eligibility for Lendor Liability Exemption.

3. Memorial Drive Property Transfer

Mr. Buckley reported the County provided deeds for its parcels to City on June 27. City and County discussed the need for revisions to the deeds in late November and December. He had expected all parcels to transfer to City ownership by end of the year.

Mr. Buckley stated he has been in contact with WisDOT, seeking assurances that any issues with STH 42 repairs related to the shoreline erosion along Lake Michigan will be a DOT responsibility. The assurance is sought prior to finalizing the land transfer.

The language for the deeds will be reviewed with City Council during the closed session on tonight's agenda.

4. Community Branding Project

Councilmember Andrews gave an update on the upcoming Civic Brand visit on February 3-5, 2020.

5. Shoreline Protection Measures--Wastewater Treatment Plan Area

Mr. Buckley reported the City has placed stone riprap as an emergency measure to protect the site of the City's wastewater treatment plant an incurred cost of \$49,900. About 300 feet of the shoreline still needs to be done, from the Wastewater Treatment Plant along the sludge storage barns to the South Breakwater Trail with an estimated cost of \$45,000. At the lake end of the new South Breakwater Trail emergence placement of stone riprap has already been installed to protect the shoreline and trail with an incurred cost of \$22,940. Other areas where stone has been placed include Neshotah Stormwater Pond at a cost of \$22,000 and the Southernmost small wayside on Memorial Drive at a cost of \$6,100. The City Manager recommended that this work be funded proposed through additional borrowing by the storm water utility.

6. Upcoming Events

Mr. Buckley reported on the Newcomers Social on January 23, 2020 at 6:00 PM in the Behringer Room in the Community Center to meet, get to know each other and share information.

Mr. Buckley stated the Chamber of Manitowoc County Awards of Distinction Annual Dinner is Tuesday, February 11, 2020 at the Capital Civic Centre.

Mr. Buckley reported that a fundraiser SnowFest "Family Winter Fun Day" is Saturday, January 25, 2020 at the Community House.

7. Other

Mr. Buckley made note of the ordinance requirement on clearing snow and ice from sidewalks within 24 hours following the end of a snow or ice event.

Mr. Buckley reported the Spring Primary Election is on February 18, 2020. City Hall will be the only polling location for this Election as there is only one contest-Justice of Supreme Court-on the ballot and to save costs to the City.

Mr. Buckley reported In Person Absentee Voting for the February 18, 2020 Spring Primary Election, will be available from Tuesday, January 28 through Friday, February 14 at City Hall between the hours of 8:00 AM and 4:30 PM; Friday, February 14, 8:00 AM - 5:00 PM.

C. Legislative/Intergovernmental Update

10. CONSENT AGENDA

A. Presentation of Minutes

1. **2020-011** Regular City Council Minutes January 6, 2020; Special Meeting January 16, 2020 and Work Session November 25, 2019

Recommended Action:

Motion to waive reading and adopt the minutes

B. Applications and Petitions

1. Applications for Operator's License – Recommended for Approval

- a. Kristin M. Kracaw, 1721 30th Street
- b. Robert E. Levy, 2113 41st Street, Two Rivers
- c. Lori M. Miller, 1025 35th Place, Two Rivers
- d. Kristin R. Snyder, 3703 Parkway Boulevard, Apt A, Two Rivers
- e. Tina Wohlgrmuth, 1800 Monroe Street, Two Rivers

Recommended Action:

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

C. Reports

1. **2020-012** Minutes of Meetings

- a. Business and Industrial Development Committee and Community Development Authority, November 26, 2019
- b. Advisory Recreation Board, December 10, 2019
- c. Lester Library Board, December 10, 2019
- d. Personnel and Finance Committee, December 30, 2019
- e. Public Works, January 6, 2020
- f. Public Utilities, January 7, 2020

Recommended Action:

Motion to receive and place on file

2. **2020-013** Department Reports for December 2019

- a. Electric
- b. Inspections
- d. Lester Public Library
- e. Parks and Recreation
- f. Public Works/Wastewater
- g. Safety Program
- h. Water

Recommended Action:

Motion to receive and file

3. **2020-014** Summary of Verified Bills for the Month of December 2019 for \$2,735,666.79

Recommended Action:

Motion to receive and place on file

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: David England, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

11. CITY COUNCIL - FORMAL ITEMS

- A. Reports from City Manager and City Attorney About Possible Ordinance Regulating the Depositing of Free Newspapers on Private and Public Properties

Mr. Buckley suggested creating an ordinance regulating depositing free newspapers on private/public property. The ordinance should include the way it is delivered into a mailbox versus being thrown in the driveway. Brandon Reid is the Herald Times Reporter contact person for concerned residents with delivery issues. The delivery person is responsible where to put the Chronicle paper.

Councilmember Bittner suggested inviting Brandon Reid to a future Council meeting.

Motion to develop draft language for the ordinance and bring back to the Council.

RESULT: APPROVED VOICE VOTE [UNANIMOUS]
MOVER: David England, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- B. Report from Police Department Regarding Noise Complaints from the Residential Neighborhood Across the East Twin River from Whisky D's Bar and Grill

Mr. Buckley reported the Police Department is working to mitigate the problem. Lt. Reimer met with the owner of Whisky D's and made suggestions for repositioning and adjusting of sound equipment for the reduction of the bass noise and vibration. The meeting with the owner of Whisky D's and neighbors that was discussed at the January 6 Council meeting did not take place, but several residents did come for a meeting to discuss the proposed ordinance.

The City Manager also noted that the business was issued a citation was issued for vibration this past weekend.

- C. **2020-015** Ordinance Amending Section 9-2-5 of the Municipal Code, "Loud and Unnecessary Noise Prohibited"

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: David England, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- D. Ordinance to Amend Section 9-6-(b) of the Municipal Code, Regarding Public Nuisances Affecting Health, Specifically Unburied Animal Carcasses

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: FAILED FOR LACK OF FIVE VOTES-MAJORITY OF THE COUNCIL MEMBERSHIP [UNANIMOUS]
MOVER: Bill LeClair, Councilmember
SECONDER: David England, Councilmember
AYES: LeClair, Andrews, England, Bittner
NEYS: Remiker
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- E. **2020-016** Resolution Upon Retirement for Mark Jacquette, who Retired on January 10, 2020 as City Hall Maintenance Person

Recommended Action:

Motion to read and adopt the resolution

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: David England, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- F. **2020-017** City Manager's Appointment to Zoning Board of Appeals, Steve Sonntag

Recommend Action:

Motion to approve the appointment to a term expiring May 1, 2020, as recommended by the City Manager

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- G. **2020-018** An Ordinance to Amend Section 6-5-14 of the Municipal Code, Regarding Harboring Vicious Animals, as Recommended by the Police Department

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Bill LeClair, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- H. **2020-019** Ordinance to Create Section 9-2-15 of the Municipal Code, Regarding Worthless Checks, as Recommended by the Police Department

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Jay Remiker, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- I. **2020-020** Ordinance to Create Section 9-1-4 of the Municipal Code, Regarding Disorderly Conduct, as Recommended by the Police Department

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: Jay Remiker, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- J. **2020-021** Ordinance to Amend Section 6-5-23(3)(j) of the Municipal Code, Regarding Signage for the Keeping of Honey Bees

Recommended Action:

Motion to waive reading and adopt the Ordinance

RESULT: APPROVED WITH ROLL CALL [UNANIMOUS]
MOVER: David England, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- K. **2020-022** Project Acceptance Certifications for 2018 Utility Improvements (Adams and 37th Street; 27th Street) DNR Plan and Specification Approval Number W-2017-0558 Financed Through the Safe Drinking Water Loan Program Loan 4920-21

Recommended Action:

Motion to approve the project acceptance certifications and authorize signature by the City Manager and City Clerk

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: David England, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- L. Advisory Recreation Board Recommendation to Adopt an Ordinance Amendment Banning Smoking "at or within 50 feet of any Youth Sporting Event, or within any Park or Playground Structure Area (referred from staff report at December 16, 2019 Council meeting)

Recommended Action:

Staff recommends either adopting a total ban on smoking in City parks or maintaining status quo of no smoking restrictions in City parks.
 Motion to direct staff to develop a draft ordinance to ban smoking during events.

RESULT: TABLED [UNANIMOUS] **Next: 1/27/2020 6:00 PM**
MOVER: David England, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- M. Concession Contract for Neshotah Beach and Veterans Park-- 2019 Concession Operator has Notified the City of Intent Not to Renew the Agreement for the 2020 Season

Recommended Action:

Motion to direct staff to solicit proposal for a concession operator for the 2020 season

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: Jay Remiker, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

RECOMMENDATIONS FROM THE PLAN COMMISSION MEETING OF JANUARY 13, 2020

- N. TID No. 13 Creation

Recommended Action:

Motion to refer this matter to the February 3, 2020 City Council Meeting for Action

RESULT: APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER: Mark Bittner, Councilmember
SECONDER: David England, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- O. **2020-023** Resolution Adopting Amendment No. 2 to the Project Plan for Tax Increment District No. 8

Recommended Action:

Motion to waive reading and adopt the Resolution

RESULT: **APPROVED WITH ROLL CALL [UNANIMOUS]**
MOVER: Bill LeClair, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- P. Ordinance to Amend Section 2-5-2 of the Municipal Code, Entitled "Board of Appeals" to Allow the Zoning Board of Appeals to Specify the Time Period Within Which a Building Activity or Use That is the Subject of a Zoning Variance Must be Commenced

Recommended Action:

Plan Commission: Adopt an ordinance amendment that sets a three-year maximum for such period

City Manager: Adopt an ordinance amendment that does not set a maximum length for such period--allow greater discretion to the Zoning Board of Appeals

Motion to table. Next meeting Feb 24

RESULT: **TABLED [UNANIMOUS]**
MOVER: Mark Bittner, Councilmember
SECONDER: David England, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

- Q. Schedule a Public Hearing to Change Zoning from R-3 Single and Double Family Residence District to B-1 Business District for the Parcels Known as 1511, 1515 and 1519 22nd Street, Requested by Aaron Abt (contract purchaser/developer)

Recommended Action:

Motion to set Public Hearing for Monday, February 3, 2020 at 6:00 PM

RESULT: **APPROVED WITH VOICE VOTE [UNANIMOUS]**
MOVER: Jay Remiker, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

RECOMMENDATION FROM THE PERSONNEL & FINANCE COMMITTEE OF JANUARY 16, 2020

- R. Authorize Release of City Second Mortgages on Four Apartment Buildings at the Washington Highlands/TID 8 Development--Properties Owned by Abbey Ridge II, LLC

Recommended Action:

Motion to authorize the City Manager to execute releases of these mortgages, as requested by the Developer and as recommended by the Personnel and Finance Committee

RESULT:	APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER:	Jay Remiker, Councilmember
SECONDER:	Bill LeClair, Councilmember
AYES:	Remiker, LeClair, Andrews, England, Bittner
ABSENT:	Shimulunas, Gonnerman, Powalysz, Gagnon

12. FOR INFORMATION ONLY

- A. Newcomers Social, January 23, 2020, 6:00 PM, Behringer Room Community House
- B. SnowFest Family Winter Fun Day, January 25, 2020, 1:00 - 4:00 PM, Community House
- C. City Council Work Session, Monday, February 24, 2020, 6:00 PM
- D. Personnel and Finance Committee, Thursday, January 30, 2020 at 6:00 PM
- E. In Person Absentee Voting for the February 18, 2020 Spring Primary Election, now through February 14 at City Hall between the hours of 8:00 AM and 4:30 PM; Friday, February 14, 8:00 AM - 5:00 PM
- F. Candlelight Night Trail, Woodland Dunes Nature Center and Preserve, Saturday, February 1, 2020, 6:30-8:30 PM
- G. Annual Two Rivers Kiwanis Pancake Breakfast, Sunday, February 2, 2020, 8:00 AM - 12:30 PM, Machut's Supper Club
- H. City Council Regular Meeting, Monday, March 2, 2020, 6:00 PM
- I. The Chamber of Manitowoc County Awards of Distinction Annual Dinner, Tuesday, February 11, 2020, 5:00 PM, Capital Civic Centre. RSVP to City Managers Office.
- J. Woodland Dunes Nature Center and Preserve Tropical Blast 2020, Saturday, February 22, 2020, 5-9 PM, at Sepia Chapel
- K. Spring Primary Election on February 18, 2020. City Hall will be the only polling location open for this Election as there is one contest-Justice of Supreme Court and to save costs to the city, the other three polling locations will not be utilized for just this Election

13. CLOSED SESSION

At 8:15 PM, a motion to enter into Closed Session, per Wisc. Stats 1985(1)(e) deliberating or negotiating the purchasing of public properties, the investment of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session; discuss possible city assistance to economic development projects: Riverside Foods expansion; proposed Culver's; other: discuss possible property acquisition--2023 Washington Street through assignment of tax foreclosure by Manitowoc County. Discuss status of negotiations regarding former Hamilton Property.

And per Wisc. 19.85(1)(g), conferring with legal counsel for the governmental

body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: confer with legal counsel regarding property acquisition matters likely to be the subject of litigation: former Hamilton property. confer with legal counsel on matters pertaining to outstanding City Loan and City TIF grant to Michael and Rebecca Schwarz, Anchors Away, LLC and Windella, LLC for restaurant property at 1509 Washington Street.

RESULT: APPROVED ROLL CALL [UNANIMOUS]
MOVER: David England, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

14. RECONVENE IN OPEN SESSION

At 8:55 PM, a motion to reconvene in open session to consider possible actions in follow-up to closed session discussions.

RESULT: APPROVED VOICE VOTE [UNANIMOUS]
MOVER: David England, Councilmember
SECONDER: Bill LeClair, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

15. ADJOURNMENT

At 8:55 PM, a motion to dispense with the reading of the minutes of the meeting and adjourn.

RESULT: APPROVED VOICE VOTE [UNANIMOUS]
MOVER: Jay Remiker, Councilmember
SECONDER: Mark Bittner, Councilmember
AYES: Remiker, LeClair, Andrews, England, Bittner
ABSENT: Shimulunas, Gonnerman, Powalysz, Gagnon

Kim M. Graves
City Clerk