



CITY COUNCIL MEETING

Monday, August 15, 2022 at 6:00 PM

Council Chambers - City Hall, 3rd Floor
1717 E. Park Street, Two Rivers, WI 54241

MINUTES

1. CALL TO ORDER

The meeting was called to order by Council President Wachowski at 6:00 PM.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL BY CITY CLERK

Councilmembers: Jeff Dahlke, Tracey Koach, Bill LeClair, Darla LeClair, Tim Petri, Jason Ring, Bonnie Shimulunas, Scott Stechmesser, Adam Wachowski

ALSO PRESENT: Brian Dellemann, Electric Utility Director; Steve Denzien, Fire Chief; Brian Kohlmeier, Police Chief; Lisa Kuehn, Deputy City Clerk/Assistant to the City Manager, Mike Mathis, Parks & Recreation Director; Jim McDonald, Public Works Director; Ben Meinnert, Assistant Police Chief; Rick Powell, IT Supervisor; Elizabeth Runge, Community Development Director/City Planner; Andrew Sukowaty, Water Utility Director; Greg Buckley, City Manager; and Jack Bruce, City Attorney.

FIRE DEPARTMENT PERSONNEL PRESENT: Joe Ewert, Eric Isselmann, Travis Gunderson, Chad Kakes, Clay Kautzer, Louis Kumbalek, Dave Murack, Paul Reiser, Brad Scherer, Andrew Taddy

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

Motion to allow remote participation by Councilmember D. LeClair.

Motion carried with a roll call vote.

Motion made by Koach, Seconded by Stechmesser.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser, Wachowski

5. INVITED GUESTS

- A. Bill Kiel, Domažlice Sister City Committee, Regarding City Acceptance of "Friendship Table" Sculpture by Czech Artist and Placement at City Park

Recommended Action:

Motion to read and adopt the resolution

Bill Kiel, representing the Domažlice Sister City Committee, reported on the Friendship Table sculpture being created by a Czech artist to be donated to the City of Two Rivers for placement in a City park. The project is being funded through private contributions and public funds from the Mayor and Common Council of Domažlice. There is no direct cost to the Two Rivers, but officials in Domažlice are seeking a resolution accepting the gift soon due to an upcoming election and a possible change in the makeup of their Common Council. The location for placement of the friendship table has been referred to the Advisory Recreation Board input, in consultation with the Sister Cities Committee and the artist.

The resolution was read by City Manager Buckley.

Motion carried with a roll call vote.

Motion made by B. LeClair, Seconded by Koach.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser, Wachowski

B. Louis Kumbalek, Firefighter/Paramedic

Fire Chief Steve Denzien introduced Louis Kumbalek, Firefighter/Paramedic, who has just completed his one-year probationary period. Louis's wife Lisa pinned his badge and he was welcomed by the City staff and the Council.

6. PUBLIC HEARING

Individuals present at the meeting will be allowed up to 3 minutes to voice their opinions

A. Consider Public Input Regarding Possible Ordinance Amendment to Allow Operation of ATV's and UTV's on Streets Highways Within the City

Recommended Action:

Following public input, provide direction for any next steps regarding this matter

Council President Wachowski opened the public hearing and made the first call for public input.

Kay Puls - 4102 Martin Lane - Ms. Puls expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that an ordinance revision has been brought before Council in the past and if this were to pass now it will be an nightmare for insurance companies. She questioned how it would get claimed on a person's insurance if there is an accident, if the Police Department is going to have a DNR official on staff, and if the City budgeted for signage for the necessary. She also noted that seat belts are also not required.

William Otto - 1800 Jefferson Street - Mr. Otto expressed his support of allowing operation of ATVs and UTVs in the City by stating that having an ATV or UTV is a personal choice and the person that drives them assumes any risks.

John Vogt - 350 23rd Street - Mr. Vogt expressed his opposition to allowing operation of ATVs and UTVs in the City by stating his largest concern is the noise. He also stated that there is also no way to get from the beach into the City without going on a County Road. He has a ATV in his neighborhood that is already disruptive to the neighborhood. They are made for trails and private property.

Peter Becker - 2123 36th Street - Mr. Becker questioned what streets and highways in the City limits ATVs and UTVs would be allowed to drive on, especially since some highways have City property on one side and Town of Two Rivers property on the other. He also stated that he doesn't know if the Town of Two Rivers allows the use of ATVs and UTVs and if they do not, there may be some issues with accessing City streets.

Mr. Buckley reported that he consulted with Bonnie Timm, the Two Rivers Town Clerk, and the Town of Two Rivers currently does not allow ATVs and UTVs on town roads.

Jana Karl - 1816 Lincoln Street - Ms. Karl expressed her support of allowing operation of ATVs and UTVs in the City by stating that a UTV is a lot safer than a golf cart. UTVs do not go over a certain speed in the rider is not wearing a seat belts, they are equipped with safety features, and the people of Two Rivers need to be trusted. If UTVs are deemed not safe, golf carts should also be.

Pamela J Stephens - 3411 Parkway Boulevard - Ms. Stephens expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that she was at the meeting on June 6th when the Council discussed the pros and cons. She left the Council meeting wondering what other people thought and found out that many residents in her neighborhood were very much opposed to the idea. During the meeting on June 6th, one Councilmember indicated that he heard from a lot of people in favor, but no one came forward to speak. Due to her curiosity, she reported that she got a petition together and when she began obtaining signatures, others also took copies of the petition to circulate. To ensure that the petitions are valid, the individuals that took copies to circulate signed the bottom of the petition. She presented the City Clerk with the petition which she stated included 156 signatures of people opposed to ATVs and UTVs being allowed in the City.

Chris Eggert-Rosenthal - 2816 35th Street - Ms. Eggert-Rosenthal expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that her primary concern is safety, particularly the safety of children. She thinks ATVs and UTVs are great in the right environment. She has seen young people driving around her neighborhood at high speeds and is concerned with the lack of regulations surrounding ATVs and UTVs and the strain that will be put on the Police Department. Many riders do not wear helmets and the risk to the driver of an ATV or UTV in a vehicle vs. ATV/UTV crash is far greater than if it were a vehicle vs. vehicle collision.

Timothy Schrimpf - 1308 Hawthorne Avenue - Mr. Schrimpf expressed his support of allowing operation of ATVs and UTVs in the City by stating that he has witnessed many safety issues with golf carts and motorcycles in the past few weeks. He spends a lot of time up north and it is common to commute via ATV or UTV. He indicated that he thinks most of the people in the community are responsible people who drive safely and protect their neighbors.

Edwin Knutson - 2214 Jefferson Street - Mr. Knutson expressed his support of allowing operation of ATVs and UTVs in the City by stating that if Wisconsin Dells can allow it, why can't Two Rivers.

Richard Casey - 2403 Pine Tree Drive - Mr. Casey expressed his opposition to allowing operation of ATVs and UTVs in the City by stating that the noise level will be above the decibel limit. He stated that damage to a person's ears begins at 70 decibels. All residents would have to obtain uninsured motorists' coverage on their insurance policies and the two-cycle engines on ATVs and UTVs cause 30-50 times more pollution. Two Rivers is a beautiful, natural area and letting ATVs and UTVs into the City would take away from the beauty.

Bill Rexses - 3717 Berringer Road - Mr. Rexses indicated that he does not reside in the City of Two Rivers but requested to also provide input. The Council President allowed his input. Mr. Rexses expressed his support of allowing operation of ATVs and UTVs in the City by stating that since the use of ATVs and UTVs have started to be allowed throughout Manitowoc County there has been only one complaint of loud exhaust. He stated that the machines can be allowed on City and County roads as long as the speed limit is under 35 mph. He reported that UTV manufacturers are now designing their models to be more street friendly since more municipalities are allowing them and indicated that 50% or more of County highways in Wisconsin are allowing ATV/UTV usage.

Janice Van Drisse - 1829 31st Street - Ms. Van Drisse expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that a person with a suspended or revoked drivers license can still operate a ATV or UTV. She also stated that most ATV trails are in one direction and that two-way streets have a lot more distractions than a one-way trail. She is concerned about their use at night because they will be more difficult to see, and who is going to tend to the complaints if their use is not under the direction of the local Police Department.

Jayne Rulseh - 1409 24th Street - Ms. Rulseh expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that her concern is the noise. She manages two vacation rentals in Two Rivers and the reviews frequently state that the visitors come to Two Rivers because it is quiet, safe, and has great beaches. ATVs and UTVs belong on trails, not the City streets.

Brian Schroeder - 1316 Hawthorne Avenue - Mr. Schroeder expressed his support of allowing operation of ATVs and UTVs in the City by stating that he keeps hearing about the potential for noise, but he lives six blocks from the river and there is a screaming boat on the river that is louder than an ATV or UTV. There is also an electric bicycle in his neighborhood that breaks 100 decibels. He sees no problem with allowing ATV and UTV use in the City and suggested that the City impose time restrictions for their use.

Ryan Welnetz - 2023 Jackson Street - Mr. Welnetz expressed his support of allowing operation of ATVs and UTVs in the City by stating that the noise is a huge misconception, and the machines are required to meet a decibel limit of 96 decibels. Motorcycles average 95 decibels and semi-trucks average 100 decibels. As for the signs needed, he counted 7 locations at the City's entrances that the signs would need to be placed at. He would be willing to donate towards the cost of the signs and he thinks others would too. With the cost of a new ATV or UTV, he does not think anyone would operate one without insurance. He questioned if there was a lot of added workload for the Police Department with the addition of golf carts.

Mary Jo Albee - 2001 Emmet Street - Ms. Albee expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that people move to a residential neighborhood with a certain expectation that it's going to be fairly quiet. She has nothing against ATVs and UTVs, but thinks they have a specific purpose and a specific place to be used, which is not in residential areas. She questioned if the City really want to open that "can of worms" and asked that people be mindful and respectful of one another.

Dean LaRose - 1629 Hawthorne Avenue - Mr. LaRose expressed his support of allowing operation of ATVs and UTVs in the City by stating that since Two Rivers is trying so hard to embrace tourism, allowing ATV and UTV use in the City is the perfect opportunity to bring people to the City year-round.

Kathryn Dahlke - 3727 Adams Street - Ms. Dahlke expressed her support of allowing operation of ATVs and UTVs in the City by stating that if it were 100 years ago, the conversation would be about whether or not to allow motorized vehicles. She's heard comments during this public hearing about using ATVs and UTVs to obtain greater accessibility and increase tourism. She indicated that she lives on the river and hears jet skis all hours of the day and night. This is the opportunity to expand the City's horizons and treat all residents equally.

Emma Terrien - 2802 Forest Ave - Ms. Terrien expressed her support of allowing operation of ATVs and UTVs in the City by stating that she could look out the window from the Council Chambers and see a dirt bike that was turned street legal. If that's allowed, why can't ATVs and UTVs be given a shot.

Mark Bittner - 3311 Monroe Street - Mr. Bittner expressed his opposition to allowing operation of ATVs and UTVs in the City by stating that he sat on City Council for 4 years and this is the 5th time this topic is being brought up. He still does not think it should be allowed. This isn't about progressive change and not trusting people, its about common sense and keeping people safe. He is all for economic development, but this isn't economic development because there are not trails in the area to support this type of activity. It will be a nightmare for the Police Department and he is concerned about parking in the City. If people can't drive an ATV or UTV into town, they are going to have to trailer them in and their trailers will take up more parking space. This doesn't make sense for the community and will only causes challenges.

Kay Koach - 2411 34th Street - Ms. Koach expressed her opposition to allowing operation of ATVs and UTVs in the City by stating that she also sat on Council for 12 years and this topic has been to Council more than one time. If representatives from the DNR and Police Department are telling the Council why they are not in support of ATV and UTV use in cities, why is the Council not listening to them. The Council's job is to see that the staff of the City is safe.

Kyle Shillcox - 3418 Tannery Road - Mr. Shillcox expressed his support of allowing operation of ATVs and UTVs in the City by stating that he has owned them for 5 or 6 years. He stated he plows snow with both types of vehicles in the winter all times of the day and night and half the time the property owners don't even know he is there.

Jay Remiker - 2113 Lincoln Street - Mr. Remiker expressed his support of allowing operation of ATVs and UTVs in the City by stating that he also served on Council and he owns a four wheeler and a golf cart. He goes up north four wheeling and a lot of the trails go through woods, but they also end up on roads and while there is currently no way to get into the City of Two Rivers from the outside, the surrounding municipalities are allowing ATV and UTV use or looking at allowing it. If the people want something, the City needs to embrace it.

Council President Wachowski closed the 1st call for input.

Council President Wachowski made a 2nd call for public input and there was no one wishing to comment. The 2nd call for public input was closed.

Council President Wachowski made a 3rd call for public input.

Paula Petri - 2220 Jefferson Street - Ms. Petri expressed her support of allowing operation of ATVs and UTVs in the City by stating that all of the comments and voices she heard at the hearing are great. There is so much fear surrounding ATV and UTV use, but nobody is looking at the positives. This would open up the City to another demographic to increase revenue. If this is the 5th time this topic is being discussed and it is not approved, it is going to just keep being brought up. Does the Council want to be the last City on board? Also, in regards to noise, she indicated that she rides a motorcycle and she wants it to be loud for her safety so she can be identified more easily.

Chris Eggert Rosenthal - 2816 35th Street - Ms. Eggert-Rosenthal provided input earlier in the public hearing but wanted to state that she came to the hearing opposed to ATV and UTV use in the City and she is still opposed to it. The job of the City Council at this point is to determine what the whole City wants and not just what those that spoke up want. The discussion may have swayed her decision a little bit, but she still has concerns.

Council President Wachowski closed the 3rd and final call for input.

Council President Wachowski recommended the following action:

Motion to authorize ATV and UTV use in the City with a two year trial period with the opportunity to change city ordinances on ATV and UTV usage on roadways after year one. No one will be permitted to get a permit if they do not own a ATV or UTV before this date, August 15, 2022. The Police Department shall come up with ordinances governing the usage as voted on by the Council to include revocation of the license permanently with some violations, such as drinking and driving. The time of usage shall be 9:00 am to 9:00 pm. The City is to place signs at every entrance to the City with half of the cost raised by citizens and the other half paid by the City.

Motion made by Dahlke, Seconded by Petri.

The Council President authorized discussion amongst the Council and input from Staff.

Mr. Buckley pointed out that the public had also been invited to provide input to the City Council by sending emails to the City Clerk, to be shared with the Council. The tally for such emails going into the meeting was 81 opposed, 7 in favor, and 4 in favor with some limitations, as communicated to the City Clerk in the weeks leading up to the meeting as called for in the public hearing notice. The public hearing input heard immediately prior included 24 comments from the public. The recommendation of City staff including the City Manager's office, the Police Department, and Community Development is to not proceed with a revision to the ordinance.

Councilmembers weighed in.

Councilmember Dahlke stated that he did a Facebook poll on the Two Rivers News and Information Facebook page and there were 77 yes votes and 11 no votes. Out of the yes votes, he said 4 could not be verified as residents of the City and 2 no votes could not be verified as residents of the City.

Councilmember Shimulunas stated she will vote no when it comes to a vote due to the number of people who are against it.

Councilmember Stechmesser requested clarification that ATVs and UTVs go hand in hand and the City cannot chose one or the other. He said he is okay with UTVs but he has concerns with the safety of ATVs. He wanted to make sure people are understanding that they go hand in hand and both must be allowed. Police Chief Kohlmeier confirmed that the Council must authorize both or none at all.

Councilmember Petri stated that he thought the City could chose one or the other.

Councilmember Dahlke stated that he heard comments about emissions and two-cycle engines during the hearing and two-cycle engines aren't even used anymore. He thinks the data on injuries is skewed because those injuries are reported at speeds over 35 mph and the majority of Two Rivers' streets are 25 mph. This will never go away until it gets passed. It will come up every year unless it gets passed. Other communities are doing it and Two Rivers needs to lead, follow, or get out of the way.

Councilmember Ring expressed concerns surrounding both ATVs and UTVs. He stated that for issues like this, he looks to City staff who are experts in their areas and suggests that the Council trust them. Allowing ATVs and UTVs would change the whole image of Two Rivers and he questioned if that is something the Council really wants. He looks to constituents for their input, and he has heard from them, he spoke to a lot of people at Rogers Street Days, and incorporating the communications directly from the City, the overwhelming response to the survey is opposition.

Councilmember Dahlke questioned whether the City gets to use UTVs in the course of business. He questioned that they're also allowed for snow removal, construction, and agricultural use. When confirmed by the City Manager he suggested that if Council doesn't pass it that residents that have ATVs or UTVs put a shovel on the back and say they are using it for agricultural use if questioned.

Councilmember Petri questioned whether there have been any incidents in the winter.

Councilmember Koach stated that her concern is risk management and liability. City Attorney Bruce indicated that a lawyer can always sue the City, its just a matter of whether or not they could win. He indicated that adopting an ordinance is a legislative act and typically the City is immune from any liability when it comes to a legislative act. He stated that he thinks the law would back that up.

Councilmember Ring questioned whether the Council could limit who is allowed to own an ATV or UTV? City Attorney Bruce reported that he would have concerns about discrimination and equality if the Council chose to limit the use to only those who own a ATV or UTV as of today's date.

City Attorney Bruce also indicated that the City cannot enact an ordinance that is more restrictive than state law. Where the state statutes do not dictate, the City could impose its own rules.

Councilmember Petri questioned if the City comes up with a set of ordinances, does it need to be approved by the state? City Attorney Bruce responded that the ordinance needs to be provided to the DNR, but they do not have approval oversight.

Councilmember D. LeClair thanked everyone in the audience who voiced their opinions. She is pleased with the community input. When you look at what was received through the City Clerk as formal responses there is an overwhelming response against this. She said the things that bother her are that state law doesn't require helmets over age 18, operating while having a revoked drivers license is allowed, and described it as a situation begging to be abused. She indicated she lives near Vietnam Veteran's Park and reported that there are already people using ATVs and abusing property.

Councilmember Dahlke requested to take the requirement to have a UTV or ATV by today's date out of the motion. He also suggested that if anyone is trailering an ATV or UTV into the City, they must park their trailer in a public lot at a City Park.

Councilmember B. LeClair stated that the greatest chance of an ATV trail in the area would be in the area of Point Beach State Forest. He said that he inquired and the Park Ranger stated that master plan for Point Beach State Park does not include any possibility for trails. That plan is not scheduled to be updated for the next 10 years.

Councilmember Petri questioned if the ordinance adopted by Wisconsin Dells can be shared with the Council. He stated that he thinks their ordinance is well written.

Councilmember Dahlke stated that the picture and information provided along with the public hearing notice were the worst of the worst. He shared his opinion that the Council cherry picks when to trust and not to trust people.

Councilmember Stechmesser shared his opinion that if someone thinks they read something that they don't think is true they can research the topic themselves to form their own opinions. The only reason he is on Council is because he told people he would support what they want, within reason.

Council President Wachowski reported that he thinks the City is neglecting people who camp with their UTVs and ATVs. They are driving right through Two Rivers to get to Door County when they could be stopping here. This creates an opportunity to bring more people into the City. He urged the Council to be more open minded and suggested maybe they have to vote and not do what they think is best for every constituent. Sometimes Council needs to vote and do what they think is going to encourage growth. If the motion passes, it will pass because the Council thinks it is best for the community and people will have to be able to adjust.

Police Chief Kohlmeier and Assistant Chief Meinnert came forward and indicated that their opinion and the recommendation of the Police Department doesn't discredit any community member or the Councilmembers' opinions. A lot of the times, the Police Department is forced to make unpopular recommendations. By their estimates, approximately 250 people have expressed their opposition to ATVs and UTVs and approximately 80 have expressed their desire to move forward with allowing ATVs and UTVs. He acknowledged that the

communication put out by the City contain more unfavorable information, but that is because in their opinion, there are more thing unfavorable than favorable. In regard to the laws, Chief Kohlmeier reiterated that the City cannot enact ordinances that are more restrictive or not in conformity with State Statutes. For example, open intoxicants are allowed on ATVs and UTVs and the City cannot restrict that. There have been many ordinances passed statewide that impose restrictions in excess of what is provided for in State Statutes, but he indicated that those ordinances would not stand in court. The Police Department's primary concerns are the differences between motor vehicle laws and ATV/UTV laws. If someone gets caught operating while intoxicated on an ATV or UTV the penalty is only a small fine and there are no consequences to the individual's drivers license. He thinks people without valid drivers licenses will use ATVs and UTVs to skirt around the need for a drivers license. It is irresponsible to say that because someone spends \$8,000-\$30,000 on an ATV or UTV that they should automatically be considered responsible. There are fatalities and injuries on record dealing with ATVs and UTVs. Their recommendation is based on what the Police Department thinks is the right thing to do at the time.

Mr. Buckley noted that that, as stated in his written recommendation to the City Council, there are many Wisconsin cities the size of Two Rivers or larger that do not allow ATVs/UTVs on city streets and are not pursuing such local ordinances. He cited conversations with local officials in Sturgeon Bay, Manitowoc, Sheboygan, and Port Washington.

Motion amended to remove the requirement that an ATV or UTV must be owned before August 15, 2022 in order to be permitted to operate in the City.

Motion failed, 3 to 6, upon a roll call vote.

Motion made by Dahlke, Seconded by Petri. Voting Yea: Dahlke, Petri, Wachowski
Voting Nay: B. LeClair, D. LeClair, Koach, Ring, Shimulunas, Stechmesser

7. INPUT FROM THE PUBLIC

Pamela J Stephens - 3411 Parkway Blvd - Ms. Stephens reported that the last time she attended a Council meeting on June 6th she witnessed an act of quid pro quo by Council President Wachowski when he told the Police Chief that he would take care of the snow in his driveway in exchange for a change in the Police Department's opinion on ATV and UTV use in the City. Chief Kohlmeier spoke in regards to the matter and indicated that he and Council President Wachowski had made a joke and apologized if there was a misunderstanding in regards to their back and forth comments during the meeting. He confirmed that he interpreted it as a joke and did not misconstrue their banter as any sort of solicitation. Councilmember Ring also commented and confirmed he interpreted the banter exactly as Chief Kohlmeier had described.

Ms. Stephens returned to the podium and requested that the City Attorney and City Manager review the video from the June 6th meeting and provide a response.

Janice Van Drisse - 1829 31st Street - Ms. Van Drisse asked that the Council review the fees for ambulance services at a future meeting. She reported that she had to request an ambulance and although she was not transported to the hospital she received a bill of \$900. The bill was for "advanced life support", but she indicated that she did not receive any transportation, medication, IV, or CPR. She did however receive an EKG and she would not consider an EKG advanced life support. Chief Denzien reported that he has had a conversation with Ms. Van Drisse and that Council adopted changes to the rate schedule earlier in 2022. Ms. Van Drisse acknowledged that it is her bill to pay, but asked that the Council take another look at the rates being billed. She also indicated that Medicare will not cover charges if the person is not transported to a hospital.

Edwin Knutson - 2214 Jefferson Street - Mr. Knutson asked if the ATV and UTV issue could be placed on a ballot as a referendum.

8. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Councilmember Koach reported that she received several complaints about golf carts and asked if the City Council could revisit that ordinance and discuss the problems that are being reported.

Councilmember B. LeClair reported on complaints received about the speed of electric bikes on Mariners Trail. Chief Kohlmeier indicated that the ordinance allows for 15 mph on a bicycle on Mariners Trail and that the Police Department can only enforce that limit if they can catch a violation in process.

Councilmember Stechmesser commented that it would be helpful to get the rules for golf cart owners out to those who do not operate them, but only observe them in operation. Chief Kohlmeier indicated that information can be shared on the Police Department's Facebook page and Mr. Buckley suggested that it might also be able to be added to a future utility billing insert. Chief Kohlmeier added that there had been a recent mailing to the owners of registered golf carts about the rules applicable to their operation.

Councilmember Ring commented that he saw several councilmembers at Rogers Street Days over the weekend.

Jeff Dahlke reported on the following:

- He received complaints about the new utility bill format. Residents expressed frustration that they can no longer see what the dollar amount per day was like the old bill showed and he questioned what the City is trying to hide. Electric Utility Director Brian Dellemann reported that the City of Two Rivers was the 41st of 50 WPPI customers to sign up for the InfoSend program that mails utility bills due to the significant cost savings the City is realizing with the switch. He will evaluate with the Customer Service staff if there is any flexibility in what gets printed on the bills. Mr. Buckley suggested that this matter could be further reviewed at the Utilities Committee.
- Someone questioned, if the Council just approved a \$2.00 sewer rate increase, why did their bill increase by \$4.00?
- Another resident complained that they deal with dogs barking all day long. Chief Kohlmeier indicated that he is aware of the property in question and that the only complaint the Police Department received was in July 2021.

Councilmember Shimulunas reported that someone told her the City Council is doing a good job.

Councilmember Petri reported on a call he received about the Council meetings being put back on cable and the frustration by the caller that the City is wasting money.

Councilmember Koach participated in National Night Out and also heard comments from a few people that the City is doing a good job.

Councilmember Wachowski received a complaint that the cheap housing in the City is bringing problems to the City.

9. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember D. LeClair reported that the Environmental Advisory Board meeting for August had to be cancelled and the Committee is still waiting to line up guest speakers for their winter educational series. She also gave a kudos to Two Rivers Main Street's new Executive Director

Jason Ring, for hitting the ground running. She thinks that he will improve the service Two Rivers Main Street provides.

Councilmember Koach reported that at a recent Library Board meeting, the Director's Report included a story about a welfare check that was called in by staff when a patron stopped showing up at the library.

Council President Wachowski reported that the Advisory Recreation Board met last week for the first time in several months. Topics on the agenda included revamping the Parks and Recreation Department's mission statement and a West Foundation grant opportunity. They are also looking at plans to update the play equipment at Neshotah Park and discussed lighting in areas that need improvement.

10. CITY MANAGER'S REPORT

A. Status Update/Reports

Mr. Buckley reported on the outstanding press the City received on a photo of Neshotah Beach by Cory Johnson of Christian DeKok's work in grooming Neshotah Beach.

1. Staffing Updates

Mr. Buckley reported that interviews are underway for the Public Works Director/City Engineer position and the Two Rivers Senior Center is recruiting for a Program and Events Coordinator.

Upcoming retirements include Jim McDonald, Public Works Director/City Engineer, Vicky Berg, Zoning Administrator/Inspections Assistant, and Dan Glaser, Certified Meter Technician.

Recruitments will be posted soon for a Certified Meter Technician and Zoning Administrator/Inspections Assistant to backfill these upcoming vacancies being created by the pending retirements.

2. 17th Street Reconstruction Project

Mr. Buckley reported that the construction of the water main on 17th Street is expected to be mostly completed by the middle of August. The replacement of sewer and water service laterals began the week of August 15th and the storm sewer construction will commence in early September, upon completion of lateral replacement.

Essential Sewer & Water began work on public and private lateral replacements on August 1. Currently 6 of the proposed 50 scattered site service laterals have been replaced. Work on these lateral replacements is expected to continue through early October.

3. Central Park West 365 Project

Mr. Buckley reported that pledges and donations for the Central Park West 365 Project are just over \$660,000, 83.5% of the \$800,000 fundraising goal. He also announced a \$15,000 donation by Schwartz Manufacturing and encouraged community members to mark their calendars for the Rockin' for the Park fundraiser being held at Sepia Chapel on Thursday, October 27.

4. Mural at Neshotah Park

Mr. Buckley reported that a mural at Neshotah Park was recently completed by Austin Ohm, a Wisconsin native. The vibrant colors represent the highlights of Wisconsin's best beach.

5. Aurora Medical Center National Award for Sustainability
Mr. Buckley reported that Aurora Medical Center earned a national award for sustainability after partnering with utility companies, WPPI Energy and Two Rivers Water & Light.
6. Room Tax Revenues
Mr. Buckley reported that room tax revenues collected through June 2022 totaled \$112,494, running 24% ahead of 2021's record pace which was \$90,888 through June.
7. Update on Litigation Involving Manitowoc Area Visitor Convention Bureau and the City of Manitowoc
Mr. Buckley reported that the City of Two Rivers' Room Tax Commission has been removed from the litigation involving the City of Manitowoc and the Manitowoc Area Visitor Convention Bureau. Attorney Bruce provided further comments on the matter.
8. Other
Mr. Buckley reported an increase in the City's equalized valuation from 2021 to 2022. Per the Wisconsin Department of Revenue, the equalized taxable valuation of the City rose by 18 percent, comparable to the County and the City of Manitowoc, which rose by 19 percent and 17 percent, respectively. Most of the increase in Two Rivers was appreciation in the value of existing residential real estate, which grew by 21 percent. Net new construction was just under one percent.
9. Upcoming Events:
Mr. Buckley reported on the following upcoming events:
 - a. Concert in Central Park: Clipper City Chordsmen, Thursday, August 18, 6:00-8:00 PM
 - b. Movie at the Beach, Jurassic Park, Friday, August 19, 8:30 PM, Neshotah Beach
 - c. Band on Neshotah Beach: Breakwater Rocks, Sunday, August 21, 2:00-6:00 PM
 - d. Concert in Central Park: Out of the Blue, Thursday, August 25, 6:00-8:00 PM
 - e. Band on Neshotah Beach: Running Blind, Saturday, August 27, 5:00-9:00 PM
 - f. 17th Annual Kites Over Lake Michigan, September 3-4, Two Rivers High School

Mr. Buckley also reported that www.exploretworivers.com is the most accurate and up-to-date source for events in the City of Two Rivers.

- B. Legislative/Intergovernmental Update
None.

11. CONSENT AGENDA

- A. Presentation of Minutes
 1. City Council Meeting - August 1, 2022
Recommended Action:
Motion to waive reading and adopt the minutes
- B. Minutes of Meetings
 1. Lester Public Library, July 12, 2022
 2. Plan Commission, August 8, 2022
 3. Architectural Control Committee, July 27, 2022

4. Environmental Advisory Board, July 19, 2022

Recommended Action:
Motion to receive and file

C. Department Reports, July 2022

1. City Clerk
2. Community Development
3. Electric
4. Fire
5. Inspections
6. Library
7. Parks & Recreation
8. Police
9. Public Works
10. Safety
11. Water

Recommended Action:
Motion to receive and file

D. Applications and Petitions

1. Application for New Combination Class "B" Beer/"Class B" Liquor License Application to be effective from date of closing to June 30, 2023 for Choppers Tap, LLC, 1822 Adams Street - Aaron Bernas, Agent (Property is currently licensed to Donna Prausa, dba Dick's Wonder Bar)

Recommended Action:

Motion to approve the application and authorize issuance of the license upon closing of property sale

2. Application for Operator License - Recommended for Denial by Police Chief - Adam Gauthier

Recommended Action:

Motion to deny the application, based on the recommendation of the Police Chief

E. Summary of Verified Bills for the Month of July for \$1,781,720.19

Recommended Action:

Motion to receive and file

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

Motion made by B. LeClair, Seconded by Ring.

Adam Gauthier, the subject of Consent Agenda item D.2. requested to speak. Council President Wachowski allowed Mr. Gauthier to speak with no objection from the Council. Mr. Gauthier stated that he would like to change the establishment listed on his application from Phil and Michelle's to Berserkers. Police Chief Kohlmeier addressed the Council and Mr. Gauthier and let him know that a change in the establishment would not allow for his operator's license to be approved at this meeting since the reason for denial is based on his conviction record. He instead suggested that they have further discussion so that he could provide Mr. Gauthier with options of what he might be able to provide for substantial evidence of rehabilitation in order for his license application to be approved.

Motion amended to approve the Consent Agenda with the various actions recommended with the removal of any action on Consent Agenda item D.2.

Motion carried with a voice vote.

Motion made by B. LeClair, Seconded by Ring.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser, Wachowski

12. CITY COUNCIL - FORMAL ITEMS

- A. Resolution Authorizing Inter-Fund Loan to Fund \$28,000 Equipment/Technology Purchase - for Airing Council Meetings "Live" on Spectrum Cable

Recommended Action:

Motion to waive reading and adopt the resolution as presented

Mr. Buckley provided a brief report of the limited capabilities that this \$28,000 equipment purchase will provide reporting that it will allow for live meetings held in the Council Chambers to be broadcast on Spectrum and that there may also be the potential to play a looped information slide show. He also reported that it may be six months before the system is operational. Upon further question about additional capabilities Rick Powell, IT Supervisor, confirmed that additional equipment and/or software would need to be explored in order to provide more options and the costs will likely increase significantly.

Motion to waive reading and adopt the resolution as presented and request that City staff obtain pricing for an equipment upgrade that would offer more flexibility and the ability to playback a larger variety of video and informational materials via the public access channel.

Motion carried upon a roll call vote.

Motion made by Dahlke, Seconded by Stechmesser.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Shimulunas, Stechmesser, Wachowski

Voting Nay: Ring

- B. City Manager's Appointments to the Business Improvement District Board Library Board

Recommended Action:

Appointment of Joanne Kouba, to Business Improvement District Board, to a term expiring May 1, 2024 filling the vacancy created by the resignation of Chong Chow; and Katie Stone to the Lester Library Board of Directors, to a term expiring May 1, 2024 filling the vacancy created by the resignation of Thomas Van Horn

Motion carried upon a voice vote.

Motion made by Koach, Seconded by Shimulunas.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser, Wachowski

- C. Ordinance Adopting and Enacting a New Code for the City of Two Rivers, Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty For the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective (Implementing Change to Municode from General Code)

Recommended Action:

Motion to waive reading and adopt the ordinance

This item was tabled to a future meeting so the City Attorney can confirm the wording that is required prior to adoption of the ordinance.

D. Authorization to Order Stage Structure for the Central Park West 365 Project

Recommended Action:

Motion to authorize purchase of the stage from Porter Corporation of Holland, MI, in the amount of \$204,700 from funds budgeted in the capital projects fund for this project

Mr. Buckley reported that due to the extended lead time on the stage structure and the opportunity the City has to separate out the north end of the park from the rest of the project in order to have the stage portion ready for events in Summer 2023 he is requesting that the Council authorize purchase of the stage structure. Mr. Buckley also reported that the City needs to show some progress of the project moving forward due to the project being the recipient of a grant from the West Foundation.

Council President Wachowski and Councilmember Dahlke expressed their desire to hold off on any expenditures until 100% of the funds for the project are raised. Mr. Buckley cited other major city projects where the City has begun implantation of the project while fundraising was being finalized.

Motion carried upon a roll call vote.

Motion made by Stechmesser, Seconded by B. LeClair.

Voting Yea: B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser

Voting Nay: Dahlke, Wachowski

E. Wisconsin Wildlife Damage Abatement and Claim Program Application from Randy Meyer--to Allow Shooting of Geese on Undeveloped Industrial Park Property Owned by City, Leased by Randy Meyer

Recommended Action:

Motion to authorize City Manager to sign on behalf of the City as landowner

Motion carried upon a voice vote.

Motion made by Dahlke, Seconded by Petri.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser, Wachowski

F. Approval of Development Agreement with Wine Not, LLC Addressing Terms for \$250,000 WEDC Community Development Investment Grant Assistance to be Funded Through the City--Assistance to Cool City Brewing Company Project at 1718 West Park Street

Recommended Action:

Motion to authorize City Manager and City Clerk to sign agreement on behalf of the City

Motion carried upon a roll call vote.

Mr. Buckley stated that the Council had approved the related grant agreement with the WEDC in June. This agreement is to address conditions for disbursement of the funding to the Developer, and to provide the City with protection in the event there is a default during the project period and WEDC requires that some or all of its funds be refunded. He noted that protection is in the form of an indemnification and hold harmless of the City by Wine Not, LLC and its four individual members, with further security in the form of a second mortgage on the business property.

Councilmember Dahlke indicated that he is abstaining from the vote since the members of Wine Not, LLC are his neighbors.

Motion made by Koach, Seconded by Ring.

Voting Yea: B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser,

Wachowski
Voting Abstaining: Dahlke

13. FOR INFORMATION ONLY

- A. Personnel and Finance Committee Meeting, Monday, August 22, 2022, 6:00 PM
- B. City Council Work Session Meeting, Monday, August 29, 2022, 6:00 PM
- C. City Council Regular Meeting, Tuesday, September 6, 2022, 6:00 PM

14. CLOSED 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 investment of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session: Discuss possible property purchase

Mr. Buckley reported that there was no need for a closed session.

15. RECONVENE IN OPEN SESSION

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

None.

16. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn the meeting at 10:05 PM.

Motion carried upon a voice vote.

Motion made by Dahlke, Seconded by Stechmesser.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Koach, Petri, Ring, Shimulunas, Stechmesser, Wachowski

Respectfully Submitted,

Jamie Jackson
City Clerk