



CITY COUNCIL MEETING

Monday, November 06, 2023 at 6:00 PM

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

MINUTES

1. CALL TO ORDER

Council President Wachowski called the meeting to order at 6:00 PM.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL BY CITY CLERK

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

ALSO PRESENT: Andrew Sukowaty, Water Utility Director; Matthew Heckenlaible, Director of Public Works; Mike Mathis, Parks & Recreation Director; Dave Murack, Fire Chief; Jeff Dawson, Library Director; Brian Dellemann, Electric Utility Director; Dave Buss, Finance Director; Ben Meinnert, Police Chief; Elizabeth Runge, Community Development Director/City Planner; Dave Dassey, IT Technician; and Greg Buckley, City Manager

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

None.

5. INPUT FROM THE PUBLIC

None.

6. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Councilmember B. LeClair stated that he received a large number of letters in support of the 8% increase in City property tax support for the library. Councilmember Koach stated she has also received phone calls in support of the increase.

Council President Wachowski stated that a website submission was received regarding a parking issue in front of a neighbor's property. The submission was forwarded to the Police Department.

Councilmember Dahlke had the following communications:

- He received a question on the status of the broadcasting issue with Spectrum. City Manager Greg Buckley stated the City is checking on the status and is contemplating asking for a refund if the issue is not resolved quickly. Councilmember D. LeClair proposed requesting a refund and using the funds to start a small hometown newspaper. She added although it would not help with live council meetings, it would be a way for citizens to receive local information. Council President Wachowski proposed the idea of working with a local radio station to stream the City Council meetings live.

- He stated he received a concern regarding the signs placed on the sidewalk. City Manager Greg Buckley stated the issue is being addressed at the Plan Commission meeting scheduled on Monday, November 13th. At this time, there is nothing in the Municipal Code addressing such signage in the public right-of-way.

Councilmember Stechmesser stated he received compliments about the new playground at Neshotah Park.

7. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember D. LeClair reported on the following boards:

-- Public Utilities Committee: 2024 construction projects are being reviewed. The new sludge screw press at the wastewater treatment plant is not operating at this time, they are waiting on parts to complete the project. The Electric Department provided an update on the Columbus Street Sub Station, stated tree trimming notices have been sent to people in the central part of the city, and there is currently a position posted for hiring an apprentice line worker. The Water Department stated the tower painting has been completed and the 2023 PFAS testing is looking good. Stormwater stated the northeast lakeshore TMDL is still in process and hoping to receive information soon. There is an upcoming meeting with Manitowoc Disposal regarding solid waste pickup.

-- Main Street: The Hamilton Wood Type Museum hosted the 15th Annual Wayzgoose event bringing in wood type fans from around the world, the event was successful and well attended. The Two Rivers High School will be performing Bye Bye Birdie. The deadline to sign up for the Two Rivers Hometown Parade of Lights is quickly approaching. Two Rivers Shop Hometown is scheduled for November 25th. Currently there is a food drive to benefit the Two Rivers Ecumenical Pantry, customers can drop off donations at City Hall Customer service or the Electric Department. The Two Rivers Historical Society announced their extended hours in December, they will be open from 12 PM – 5 PM, Friday through Sunday.

-- Environmental Advisory Board: The board recently modified their mission statement and objectives but is keeping their current name. An updated ordinance will be acted on by the City Council in the future. The Winter Educational Series is going strong, Parks and Recreation Director Mike Mathis recently presented on creating resilient parks, the next presentation will be on January 4th about invasive species.

Councilmember Stechmesser reported for the Public Works Committee, stating that crews are working to pick up leaves throughout the city. Citizens can visit the city website for the current location of leaf pickup.

Councilmember Dahlke reported for the Finance Committee, stating they are close to finalizing review of the budget for 2024. They are still waiting on a few recommendations and there is roughly a 3% increase in wages.

8. CITY MANAGER'S REPORT

A. Invited Guests

1. VFW Post Representative Pamela Stephens, to Announce Veterans Day Programs
Pam Stephens from American Legion spoke about the events happening for Veterans Day. She invited all City Councilmembers to attend breakfast at Two Rivers Highschool from 8:30 AM – 9 AM on Friday, November 10th. She invited all veterans in Two Rivers to join the ceremonies at the schools throughout the city. On November 11 the Honor Guard will be in Central Park.

2. New Employees:

a. Rhonda Deehr, Police Secretary/Evidence Clerk
Police Chief Ben Meinnert introduced Rhonda Deehr.

b. Laura Hooper, Recreation Clerk
Parks and Recreation Director Mike Mathis introduced Laura Hooper.

c. AJ Lorrigan, Part-Time Community House Receptionist
Parks and Recreation Director Mike Mathis stated AJ was not able to make the meeting and will be introduced at a future meeting.

B. Bryan Grunewald from Clifton Larson Allen LLP, Presentation of the 2022 Audited Financial Statements

Recommended Action:

Motion to receive and place on file

Motion carried with a roll call vote.

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

C. Overview of Proposed 2024 City Budget

Mr. Buckley provided an overview of the Proposed 2024 City Budget.

D. Status Update/Reports

1. Staffing Updates

Mr. Buckley reported on the ongoing recruitments: Building Inspector – accepting applications; Apprentice Line Worker – accepting applications. Recent Hires: Police Secretary/Evidence Custodian – Rhonda Deehr; Part-Time Community House Receptionist – AJ Lorrigan; Recreation Clerk – Laura Hooper.

2. Leaf Collection Continues Through November

Mr. Buckley reported leaf collection is continuing through November. Crews are working through the City on an area by area basis. Areas will be selected based upon quantity of leaves and area updates will be posted on the City website and social media.

3. Participation in 2023 Spring Tree Grant Program

Mr. Buckley reported the City pre-approved 18 applications and had 12 participants in the program. The City rebates totaled \$1,216.32 and the WPPI/TRU rebate was \$1,216.32 totaling \$2,432.64 in rebates offered to participants.

4. Upcoming Events

- a. Two Rivers Utilities Annual Food Drive, November 6-10, Donate Food Items and Receive Lights
- b. Washington House is Extending Its Season, the Museum and Visitor Center is Open Noon-5:00 PM, Fridays-Sundays Through December 16
- c. Creepy Crawly Typey Letterpress Workshop, November 17-18, Hamilton Wood Type & Printing Museum, Registration Required
- d. Community Thanksgiving Meal, Thursday, November 23, 11:30 AM-2:30 PM, Senior Center
- e. Main Street Shop Hometown Downtown Two Rivers, Saturday, November 25
- f. Hometown Christmas Parade, Saturday, November 25, 5:30 PM, Downtown
- g. Cool City Christmas, Saturday, December 16, Noon -6:00 PM

5. Other

E. Legislative/Intergovernmental Update

1. Resolution Opposing Senate Bill 455, Which Would Subject Local Storm Water Utilities to

Regulations by the State Public Service Commission

Recommended Action:

Motion to read and adopt the resolution

Mr. Buckley stated that he would forward the resolution to State Representative Shae Sortwell and State Senator Andre Jacque, as well as Governor Tony Evers.

Motion carried with a roll call vote.

Motion made by Koach, Seconded by Shimulunas.

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

9. CONSENT AGENDA

A. Presentation of Minutes

1. City Council, October 16, 2023

Recommended Action:

Motion to waive reading and adopt the minutes

B. Minutes of Meetings

1. Personnel & Finance, October 12, 19, 26 and November 2, 2023

2. Environmental Advisory Board, October 17, 2023

3. Joint Meeting Explore Two Rivers with Room Tax Commission, October 24, 2023

4. Business Improvement District Board, October 26, 2023

Recommended Action:

Motion to receive and file

C. Summary of Verified Bills for the Month of October for \$1,825,702.83

Recommended Action:

Motion to receive and file

D. Set Public Hearing on Proposed 2023 City Budget

Recommended Action:

Motion to set Public Hearing for November 27, 2023 at 6:00 PM

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

Motion carried with a voice vote.

Motion made by Dahlke, Seconded by D. LeClair.

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

10. CITY COUNCIL - FORMAL ITEMS

A. Amending Ordinance 9-8-8 Separation of Adult Entertainment Businesses

Recommended Action:

Motion to waive reading and adopt the ordinance

Motion carried with a roll call vote.

Motion made by Koach, Seconded by Dahlke.

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

- B. Ordinance Amending Section 9-2-5 of the Municipal Code, Entitled "Loud and Unnecessary Noises"

Recommended Action:

Motion to waive reading and adopt the ordinance

Motion carried with a roll call vote.

Motion made by Dahlke, Seconded by Petri.

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

- C. Ordinance Amending Section 6-1-19 of the Municipal Code, entitles "Beer Gardens Regulated," to Modify Hours When Amplified Music or Sound is Permitted, to Make Consistent With Provisions of Noise Ordinance (Section 9-2-5)

Recommended Action:

Motion to waive reading and adopt the ordinance

Motion carried with a roll call vote.

Motion made by Stechmesser, Seconded by Koach.

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

- D. Ordinance Amending Section 6-10-5 of the Municipal Code, Entitled Sidewalk Cafe Permits

Recommended Action:

Motion to waive reading and adopt the ordinance

Motion carried with a roll call vote.

Motion made by B. LeClair, Seconded by Dahlke.

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

- E. Ordinance for Direct Annexation Request for Property Located at 2423 County Road 0, Town of Two Rivers, submitted by Edward Zimmeth (owner)

Recommended Action:

Motion to waive reading and adopt the ordinance

Motion carried with a roll call vote.

Motion made by Stechmesser, Seconded by Petri to waive the reading and adopt the ordinance with an interim zoning of R-1.

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

- F. Request for R-1 Zoning for Direct Annexation Property Located at 2423 County Road 0, Town of Two Rivers, Submitted by Edward Zimmeth (owner)

Recommended Action:

Motion to set a public hearing for Monday, December 4, 2023 at 6:00 PM

Motion carried with a voice vote.

Motion made by Dahlke, Seconded by Petri.

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

- G. Waiver of Ordinances 7-1-5 (Parking in Parks), 7-1-6 (Park Closing Hours), to Allow Overnight Camping in Neshotah Park for Carnival Owners/Operators for Beach Bash, June 25-30, 2024
Recommended Action:

Motion to authorize overnight parking for three campers on the dates requested, in parking areas to be designated by the Park and Recreation Director

Motion carried with a voice vote.

Motion made by Dahlke, Seconded by Petri.

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

- H. Consideration of Whether to Participate in or "Opt Out" of Class Action Settlements Related to PFAS in Drinking Water Sources From Aqueous Film Forming Foams; Report from City Attorney
--Settlement Involving DuPont de Nemours, Inc. and Others
--Settlement Involving 3M Company

The City Attorney provided information to the Council about the status of the Class Action Settlement and the different between participating or "Opting Out" of the settlement. This matter will appear again on the November 20 City Council agenda.

- I. Consideration of Tax Incremental Financing, Cash Grant and Developer's Performance Agreement Pertaining to West River Lofts, LLC Residential Development Project (To Replace Agreement Approved July 5, 2023)

City Manager Buckley reviewed the history of this Development Agreement, noting that the original agreement was approved by the City Council in June 2023 and then amended in July to include provisions related to an easement granted to the City and a payment in lieu of taxes, should the property become tax-exempt. He noted that the changes in the revised agreement now presented for Council action were summarized in his memo that accompanied this agenda item.

Community Development Director Elizabeth Runge then reviewed the West River Lofts Redevelopment Project. She pointed out that the revised development agreement now in front of the Council provides for the City to acquire a triangular piece of land from the developer for no charge, at the west end of the CN railroad bridge. The City recently secured a letter from WDNR, affirming that this parcel qualifies for the "Local Governmental Unit (LGU) Exemption," as it relates to environmental liability.

Ms. Runge also reported that the estimated construction cost for the project has increased, and now stands at \$16.7 million. City assistance per the development agreement remains at \$600,000 (\$500,000 TID funding, \$100,000 Affordable Housing Grant).

Ms. Runge also pointed out that the developer is requesting a couple of additional changes, not reflected in the document that was distributed in the agenda packet: changing the Project Commencement Deadline to December 22, 2023 (vs. December 1, 2023) and adding a definition for the term "Tax Increment."

Mr. Buckley then addressed a slide that listed conditions proposed by staff for the approval of this revised Development Agreement by the City Council:

--Authorization for a "Collateral Assignment of Development Agreement," which will permit collateral assignment of the Development Agreement to a Lender that is "bridging" the TIF payments, because the City is not providing the TIF assistance "up front." Attorney Bruce noted that he has reviewed a preliminary draft of this proposed assignment.

--Authorization for City staff to review and approve changes to the final certified survey maps that will be exhibits to the Development Agreement, in a form consistent with provisions of the Development Agreement

The City Manager also requested that the Council's motion approving the revised Development Agreement include "authorize additional changes to the Development Agreement as are deemed appropriate and not contrary to the City's best interests, by both the City Manager and City Attorney."

Recommended Action:

Motion to authorize the City Manager and City Clerk to sign the agreement on behalf of the City, with changes identified by staff and subject to conditions and authorizations recommended by the City Manager.

Motion carried with a roll call vote.

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

- J. Consideration of Easement Agreements Related to Public Shoreline Access and Shoreline and Public Trail Improvements in Conjunction With West River Lofts Residential Redevelopment Project
- (1) Agreement With West River Lofts, LLC
 - (2) Agreement With Scott Crawford Financial, Inc.

Recommended Action:

Motion to authorize the City Manager and City Clerk to sign the agreements on behalf of the City, subject to City staff approval of the final certified survey maps that will serve as exhibits to the agreements, and subject to further modifications to the easement agreements that are deemed not contrary to the City's best interests by both the City Manager and the City Attorney.

Motion carried with a roll call vote.

Motion made by B. LeClair, Seconded by D. LeClair to authorize additional changes to the development agreement as are deemed appropriate and not contrary to the City's best interested by both the City Attorney and the City Manager and authorize the City Manager and City Clerk to sign the final agreements on behalf of the City.
Voting Yea: Koach, B. LeClair, D. LeClair, Petri, Stechmesser
Voting Nay: Dahlke, Shimulunas, Wachowski

11. FOR INFORMATION ONLY

- A. City Council Regular Meeting, Monday, November 20, 2023, 6:00 PM
- B. City Hall Closed Thursday, November 23 and Friday, November 24
- C. Lester Public Library Closed Thursday, November 23

D. City Council Work Session Meeting, Monday, November 27, 6:00 PM

E. No December Work Session Meeting

12. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn this meeting at 8:56 PM.

Motion carried with a voice vote.

Motion made by Dahlke, Seconded by Petri.

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

Respectfully submitted,

Amanda Baryenbruch
City Clerk