



CITY COUNCIL MEETING

Monday, February 05, 2024 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. There is one vacancy on the Council at this time.

ALSO PRESENT: Andrew Raatz, Police Captain; Jeff Dawson, Library Director; Elizabeth Runge, Community Development Director/City Planner; Matthew Heckenlaible, Public Works Director; Dave Murach, Fire Chief; Dave Buss, Finance Director; Brian Dellemann, Electric Utility Director; Joe Metzen, Tourism Director; Dave Dassy, IT Assistant; and Greg Buckley, City Manager

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

None.

At this point in the meeting, the Council President requested that the City Council consider Agenda Item 6 out of order. There being no objections, the Council proceeded to Item 6. See Clerk's note on this Agenda Item.

6. INPUT FROM THE PUBLIC

None.

5. PUBLIC HEARING

- A. Conditional Use Permit for Self-Storage Units on the Property Located Between the End of 15th Street, Just West of Washington Street, and the West Twin River (Parcel 053-000-076015.03), Submitted by Alliance Construction and Design on Behalf of Eric Burrows, Owner
Recommended Action:

Following the public hearing, motion to table action on this application, pending further City Council review of the Plan Commission's bases for denial, possible conditions that might be attached to a conditional use permit, and City ordinance and State statutory provisions pertaining to conditional uses

Recommended for denial by Plan Commission at its December 11, 2023 meeting

City Manager Greg Buckley provided background on the conditional use permit.

The first call of the public hearing for public input was opened by Council President Wachowski and he reviewed the six opposing email submissions that were sent to the Council and/or City staff prior to the meeting.

Susan Robitaille, 2313 Jefferson Street, expressed her family's opposition to allowing the Conditional Use Permit. This property is a priority site on the City's comprehensive plan. She recommended that, based on that plan, the Council deny the permit and require the zoning code ordinances be updated to reflect the changes in State law regarding zoning conditional use permits implemented by Act 67.

Mark Bittner, 3311 Monroe Street, stated that he is aware of concerns from residents regarding this type of development in the heart of downtown. He suggested delaying the permit to allow consideration of a better use of the property.

Gary Stolp, 1400 Washington Street, Subway property owner, expressed his opposition based on the South lot lines that do not match his records, the placement of storm water is not in the plan, and he suggested working with owner to clean up the property and not cover up what may be an environmental problem.

Larry Veldre, VP Investments, 1448 Terrace Court, stated he is an owner of storage units that are 100% full. He questioned why the Plan Commission recommended denial. Council President Wachowski stated it was denied on the bases of lack of storm water management plans, hours of operations and to tight access for emergency vehicles. Mr. Veldre stated that he does not like outside influences to tell him what to do with his properties.

David VanGinkel, 1422 Washington Street, stated that he has owned the adjacent property for ten years and has had problems with the property in question with long grass, nesting geese, trees growing into the power lines and along the fence. He expressed concern about an individual who was living in a pickup truck and on the property two years ago. He also stated that he has called the owner of the property with an offer to purchase the property with no reply on that offer.

Dawn Boppre, 1421 25th Street, expressed her opposition based on the area being better suited for a different use.

The second call of the public hearing for public input was opened by Council President Wachowski.

Olivia Vander Heiden, Alliance Construction & Design, 1050 Broadway Street Wrightstown WI 54180 stated she is the designer of the project with the intent to develop the property to make it better. They are working with Stantec Engineering and alterations still can be added. The owner is willing to work with the City and is flexible. They understand that there will be the need for a stormwater plan, landscaping plan and other details regarding the development, but understand that those matters are typically considered when the Plan Commission does site plan review.

John Vogt, 350 23rd Street, stated he was against the Conditional Use Permit based on the City's Comprehensive Plan.

The third and final call of the public hearing for public input was opened by Council President Wachowski. No one addressed the Council and the public hearing was closed.

Motion made by B. LeClair, seconded by Dahlke to deny the Conditional Use Permit for Self-Storage Units on the Property Located Between the End of 15th Street, Just West of Washington Street, and the West Twin River (Parcel 053-000-076015.03).
Motion carried with a roll call vote.

Discussion took place regarding the proposed denial being based on reasons cited by the Plan Commission that included lack of storage, hours of operation, too tight of space for emergency vehicles, landscaping issues and lack of a storm water plan.

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

6. INPUT FROM THE PUBLIC

Clerk's Note: Item 6 moved to after item 4.

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Councilmember Dahlke stated that he had the following communications:

- He received a question on why redesigned Lincoln Avenue does not get windrowed after a snowstorm. Mr. Buckley stated that the street was narrowed as the result of the reconstruction project several years ago, and in the course of approving that design, the Council and the public were advised that plans were to no longer windrow snow, but instead to plow it to the sides.
- He received complaints about broken trash and recycling bins from Manitowoc Disposal.
- He received a comment from a resident that pays over \$5,000 in property taxes stating that they shouldn't have to pay for garbage stickers. The City Manager noted that garbage stickers are the primary funding source for the City's Solid Waste Utility, which like other utilities is supported by user fee revenue.
- He was talking with residents asking for a transparent dialog with the City and LB Clarke school regarding residents' concerns and transferring their children out of the school.

Councilmember Wachowski stated that he had the following communications:

- He received residents expressing appreciation on the flexibility of parking ban.
- He received comments expressing appreciation of the ice rink.

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember D. LeClair reported on the following boards:

--Environmental Advisory Board will have three upcoming presentations regarding stormwater, climate change and recycling.

--Main Street upcoming events are Sweet Street Saturday, Saturday, February 10, 2024, 10:00 AM to 2:00 PM, Downtown and the Great Trivia Contest on Friday, March 3, 6:00 to 9:30 PM in the J.E. Hamilton Community House Gym.

Councilmember B. LeClair reported from Committee on Aging on the Senior Center accomplishments for 2023 and announced that the City received the 2023 Park Design Award for Central Park West from the Wisconsin Park & Recreation Association.

9. CITY MANAGER'S REPORT

A. Invited Guests

1. Representatives from Omaha-based Tenaska, which proposes to develop a battery energy storage system facility (BESS) in the Two Rivers Woodland Industrial Park, were introduced to provide a presentation on the proposed facility. The City Manager noted that this project will be on the agenda for the February 12 Plan Commission Meeting; that body will consider a recommendation to the City Council on a zoning conditional use permit for that project.

Mr. Buckley introduced Tenaska representatives. Spokesman for the project, Jarrod Pitts, noted that Tenaska, a major developer of electrical generation and storage facilities, is proposing to construct a 150-megawatt battery energy storage system (BESS) facility on an approximately 9.4 acre site at the City's Woodland Industrial Park.

In the presentation, Mr. Pitts further reported that the planned BESS--identified as the Hawk Energy Storage Project--would be capable of storing up to 600 megawatt hours of electrical energy, enough to supply the power needs of 100,000 homes for four hours.

He further stated that Tenaska's planned capital investment in the project is \$250 million. In addition to improving the resiliency of the regional electrical grid, the project would provide significant tax revenues to Two Rivers.

Next step for the project is review by the City's Plan Commission on February 12. That body will make a recommendation to the City Council regarding a zoning conditional use permit (CUP) for the facility. The Council will then hold a public hearing and take action on the CUP in March.

B. Question and Answer Session: Discussion Between City Council Members and Tenaska Project Representatives

Council member B. LeClair asked if there was a contract or agreement with the City's energy supplier, WPPI Energy. Mr. Pitts responded at this time there have been no discussions about contracting with WPPI.

Council member Shimulunas asked how long the batteries last. Mr. Pitts responded that this is a 20-year project.

Council member Wachowski asked what will happen to the plant after the 20 years. Mr. Pitts responded that the plant will possibly be decommissioned; a decommissioning plan with a financial surety in place would assure that all elements of the BESS are removed and the site restored.

C. 2023 State of the City Report by City Manager Gregory Buckley. Highlights:

- **2023 Infrastructure Investments**

Infrastructure work included:

Asphalt resurfacing of portions of Zlatnik Dr. and 18th Street, near the beach

Reconstruction of Lincoln Street, 17th to 22nd

Construction of a portion of the new, off-street segment of Mariners Trail along East Street

Investment in utility infrastructure included continued efforts to "get the lead out" of our water system (about 1,500 lead service laterals, out of just over 5,000 total services, remain) and installation of a new screw press at the wastewater treatment plant, a \$2 million project.

- **Investing in Community Quality of Life AND a Vital, Active Downtown**

Central Park West 365 was the year that the community brought to fruition a dream born in early 2021. What started out as discussion of where to place a new splash pad and a new outdoor skating rink soon became an ambitious plan for redeveloping Two Rivers premiere outdoor gathering space into an active, year-round venue for outdoor events and activities in the heart of downtown. Project price tag was initially put at \$1.6 million and two-thirds of the ultimate cost of \$1.7 million came from community donations and grants.

2023 also saw completion of a new destination playground at Neshotah Park, constructed at a cost of \$400,000. This is the first of many improvements planned at the park, following a new Master Plan developed and adopted in 2023.

- **Tourism Development**

Tourism continued to grow in importance to the local economy in 2023. Room tax revenues totaled \$320,000, up more than 150 percent from just 4 years ago. Explore Two Rivers, Inc. was established as our local 501(c)6 tourism entity. Joe Metzen came on board January 15, 2024 as Two Rivers' new Tourism Director.

- **New Single-Family Residential**

Six new homes were constructed in 2023 at the City-developed Sandy Bay Highlands conservation subdivision. There are currently two spec homes available: one recently completed, the other under construction. The City hopes to construct Phase 3, opening up 13-15 more homesites, in 2024. New construction in Two Rivers totaled a modest \$2.36 million.

- **Public Art**

The appearance of downtown Two Rivers was enhanced through the cooperative efforts of Two Rivers Main Street, the City and volunteers, including local artists whose works were featured on downtown banners and a legion of "Yarn Bombers".

Courtesy of our local Sister Cities group and supporters, new public art commemorating Two Rivers' friendship with the town of Domazlice, Czech Republic, was added to downtown with a mural and friendship table.

- **New Developments to Look Forward to in 2024**

Braun to Build New Truss Plant at Two Rivers Industrial Park. The company will be investing about \$2.1 million in a new, 28,000 SF facility. Construction will begin in the Spring of 2024, with completion and occupancy by early 2025.

Proposed Battery Energy Storage System (BESS) Project by Tenaska at Woodland Industrial Park—Proceeding With the Planning Process in 2024, for Possible Construction Start in 2025

Starbucks Coming to 1509 Washington Street. Plans received approval in November 2023. Demolition of the former Schwarz's Pub/The Dock building slated for Spring 2024, followed by construction of a new 2,448 SF building with drive-through entering and exiting from 15th Street. Development is proceeding with no City financial assistance.

Phase 3 of the Sandy Bay Highlands conservation subdivision with 13 to 15 more homesites.

West River Lofts, a 54-unit affordable family housing development proposed for vacant land near the former Eggers West plant on the West Twin River, is moving closer to reality. The \$14 million project is being assisted with various State and Federal tax credits and grants. City Tax Incremental District No. 17 was created in 2022 to further address project funding needs with a \$500,000 pay-as-you go grant and \$400,000 in funding for shoreline improvements, including an improved public walkway. The project has recently experienced a delay related to determining the responsible party for addressing PFAS contamination on the site.

The Confluence, a \$17 million, 71-unit market rate apartment building is proposed for construction on the City-owned former Eggers downtown plant site. City Tax Incremental District No. 16 was created to assist this project. Proposed TIF assistance is \$1.8 million, half borrowed by the City, the other half "pay as you go," from TIF revenues created by the development. A representative of developer CR Structures is scheduled to attend the February 19 City Council meeting, to provide an update on the project.

2024 will see active discussion of plans to re-develop the historic Water Department “High Lift Building” as a trailhead and visitor information center, in tandem with efforts of Explore Two Rivers and the Shipwreck Coast National Marine Sanctuary.

- **2024 Infrastructure Investment**

Roosevelt Avenue Reconstruction, 6th Street to 12th Street, Including All Utilities

- \$5 million project; bid award targeted for March 2024
- Design includes eliminating parking on one side of the street, with parking lanes alternating sides over the length of the project—intended to encourage traffic calming, introduce more greenspace along this major collector street. Includes replacement of approx. 50 lead water service laterals

Lead Water Service Lateral Replacement—Scattered Sites

- Investment of About \$1.5 mm in City and County American Rescue Plan Act funds
- Anticipate replacing about 200 lead services

Bike/Pedestrian Safety Project, Washington Street Bridge

- \$450,000 investment of local funds, from TID 12, Cobblestone Hotel TID
- Will create a 10-foot wide bike/ped facility on the McDonalds side of the bridge, in place of the existing sidewalk, with crash barrier separating it from vehicular traffic
- To be completed by City in advance of 2025 project by WisDOT that includes resurfacing all of Memorial Drive and re-decking the Washington Street bridge

Phase 3 street and utility infrastructure for Sandy Bay Highlands Subdivision, 13-15 lots--\$1 million

Extension of Brown’s Drive at the Woodland Industrial Park, to serve a new building to be built in 2024 by Athens Development, the truss division of Braun Building Center--\$200,000

Concrete pavement replacement, scattered, including downtown crosswalks-- \$135,000
Replacement of defective sidewalks, scattered locations--\$50,000

Continued improvements at Neshotah Park, consistent with the park master plan approved in 2023--\$240,000 (\$120,000 City funded)

Replacement of two 2007 DPW dump/plow trucks, funding split 2023/2024--\$500,000 total

Replacement of the City’s 2013 street sweeper, borrowing to be repaid from the storm water utility--\$275,000

Replacement of two Police Department patrol vehicles with new hybrid vehicles

Automated Beach Condition Warning System

D. Status Update/Reports

1. Staffing Updates

Mr. Buckley reported Tyler Duessing was promoted from Electrician/Electrical Inspector to Line Worker Apprentice, Steven Gretz was promoted from Meter Technician to Electrician/Electrical Inspector and there is ongoing recruitment for a meter technician. Finance Director Dave Buss will be retiring June 21.

2. Full Summer of Events Planned for 2024

Mr. Buckley reported on a full lineup of Concerts in the Park and Bands on the Beach.

3. Two Rivers/Manitowoc Visitor Guide

Mr. Buckley reported the Two Rivers Manitowoc Visitor Guide has launched for 2024. The visitor guide is one of the largest marketing pieces created and distributed by destination marketing organizations annually to showcase points of interest and information about a particular destination for visitors. To request visitor guides, please contact Explore Two Rivers at tourism@two-rivers.org

4. "World on the Move" Exhibit at Lester Public Library, March 18 to April 24

Mr. Buckley reported the Lester Public Library is one of 15 libraries in the U.S. to host an exhibition that aims to help people appreciate migration histories.

5. \$3.00 Garbage Stickers Now on Sale: Use Required as of March 4

Mr. Buckley reminded residents the \$3.00 garbage stickers are now available and the \$2.50 stickers can be redeemed at face value at City Hall.

6. Status Report on Sandy Bay Highlands Conservation Subdivision, Phase 3

Mr. Buckley reported the Preliminary Plat was approved by City Council in December 2023. McMahon Associates has since submitted applications to Wisconsin Department of Natural Resources (WDNR) and US Army Corp of Engineers (USACOE) for permission to fill wetlands. WDNR's initial response is that they believe that the development can avoid wetlands and is awaiting further alternative analysis. USACOE's initial verbal response is that they have no jurisdiction of these wetlands (not connected) and have sent a preliminary review to EPA for their concurrence. McMahon is stating that with USACOE's lack of jurisdiction will put these wetlands into a different category of coverage by WDNR which should allow the City to fill up to 10,000 SF of wetlands. The wetlands that are proposed to be filled are within a proposed cul-de-sac street. Anticipating receiving wetland permit information in the middle of February. City Engineering Staff along with McMahon are continuing with the infrastructure (sewer, water, roadway) and stormwater design and plans.

7. Upcoming Events:

- a. Sweet Street Saturday, Saturday, February 10, 2024, 10:00 AM to 2:00 PM, Downtown
- b. Manitowoc County 35th Annual Winter Derby, February 10, 10:00 AM to 6:00 PM, Shoto Conservation Club
- c. TRBA FUNdraising Night, Saturday, February 10, 6:00 PM, Hamilton Wood Type & Printing Museum
- d. Big Wood Type Letterpress Workshop, Saturday, February 17, 9:00 AM, Hamilton Wood Type & Printing Museum
- e. Tropical Blast Fundraiser, Woodland Dunes, Saturday, February 24, 5:00 PM, Sepia Chapel
- f. Pro-Wrestling Classic, Saturday, February 17, 6:00 PM, JE Hamilton, Community House Gym

8. Other

Mr. Buckley reported on the status of a possible ordinance change to allow business signage applied to the public sidewalks which will be on the February 12, 2024 Plan Commission agenda for its recommendations, as directed by the City Council. Then on the City Council agenda on February 19, 2024 and a Public Hearing on the ordinance amendment by City Council in March.

E. Legislative/Intergovernmental Update

10. CONSENT AGENDA

- A. Presentation of Minutes
 - 1. Regular City Council, January 15, 2024
 - 2. Work Session City Council, January 29, 2024

Recommended Action:
Motion to waive reading and adopt the minutes

 - B. Minutes of Meetings
 - 1. Business and Industrial Development Committee/Community Development Authority, January 30, 2024

Recommended Action:
Motion to receive and file

 - C. Applications and Petitions
 - 1. Temporary Class "B" / "Class B" Retailer's License for Roncalli Athletic Association, TRCCS Volleyball Tournament, JE Hamilton House Gym and Lobby, March 2-3, 2024, 7:30 AM to 11:30 PM
 - 2. Temporary Class "B" / "Class B" Retailer's License for Two Rivers Youth Sports, Price is Right Game Show, JE Hamilton House Gym and Lobby, February 24, 2024, Noon to 11:00 PM
 - 3. Temporary Class "B" / "Class B" Retailer's License for Manitowoc County Mariners Football LLC, Wrestling, JE Hamilton House Gym and Lobby, February 17, 2024, 2:00 PM to 11:00 PM

Recommended Action:
Motion to approve the applications and authorize issuance of the licenses

 - D. Finance Reports, November 2023
 - 1. Debt Service
 - 2. General Fund
 - 3. Lester Library
 - 4. Utilities Report

Recommended Action:
Motion to receive and file

 - E. Summary of Verified Bills for the Month of January, 2024 for \$5,312,236.58
- Recommended Action:
Motion to receive and file

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 D. LeClair, seconded by Koach.

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

11. CITY COUNCIL - FORMAL ITEMS

- A. Ordinance Amending Municipal Code Section 2-5-5 Entitled Environmental Advisory Board to Repeal and Replace Section 2-5-5(E), "Duties"

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.

- B. Ordinance to Amend Municipal Code Section 1-2-1 entitled License, Permit and Other Fees Established to Remove the Fee Listed for Storage Canopies

Recommended Action:

Motion to waive reading and adopt the ordinance

Motion carried with a roll call vote.

Motion made by B. LeClair, seconded by Koach.

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

- C. Ordinance to Amend Section 6-5-7 of the Municipal Code, Entitled "Restrictions on Keeping Dogs, Cats, and Other Animals" to Address Certain Restricted Species

Recommended Action:

Motion to waive reading and adopt the ordinance, as requested by the Police Department

Motion carried with a roll call vote.

Motion made by Stechmesser, seconded by Dahlke to table the ordinance.

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

- D. Resolution Pertaining to Community Pool Facilities

Recommended Action:

Motion to read and adopt the resolution

Motion carried with a roll call vote.

Motion made by Dahlke, seconded by D. LeClair.

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

- E. Resolution Proclaiming February 11, 2024 as 2-1-1 Day

Recommended Action:

Motion to read and adopt the resolution

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.

12. FOR INFORMATION ONLY

1. City Council Regular Meeting, February 19, 2024, 6:00 PM
2. City Council Work Session Meeting, February 26, 2024, 6:00 PM

Mr. Buckley stated he will not be available for the Monday, February 26 Work Session due to being at the APPA Legislative Conference in Washington DC. An email will be sent to re-schedule the meeting to a later day in the week.

3. Personnel & Finance Committee February 8, 2024, 6:00 PM—The City Manager noted that this meeting will be rescheduled.

4. Plan Commission, February 12, 2024, 6:00 PM

13. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn this meeting at 8:00 PM.

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.

Respectfully submitted,

Lisa Kuehn, Deputy City Clerk