



**TWO  
RIVERS**  
WISCONSIN

## CITY COUNCIL SPECIAL MEETING

December 9, 2024 at 6:15 PM

--Immediately Following Separately-Posted 5:30 PM

Joint Meeting With Plan Commission

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

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### MINUTES

#### 1. CALL TO ORDER

President Stechmesser called the meeting to order at 6:15 PM

#### 2. ROLL CALL BY DEPUTY CITY CLERK

Councilmembers: Mark Bittner, Bill LeClair, Darla LeClair, Tim Petri, Bonnie Shimulunas, Scott Stechmesser, Adam Wachowski.

Absent and excused: Doug Brandt, Shannon Derby

Also Present: Matt Heckenlaible, Public Works Director; Andrew Sukowaty, Water Director; Kasandra Paider, Finance Director; Greg Buckley, City Manager  
Participating by conference call, City Attorney Sean Griffin

#### 3. Reconsideration of Previous Decision to Opt Out of Class Action Lawsuit Settlement Involving PFAS-Related Claims Against Tyco Fire Products, LP ("Tyco"), as well as against BASF Corporation ("BASF"), Based on the Court's Extension to December 13, 2024 of the Deadline for Revoking Previously-Filed "Requests for Exclusion" from the Settlement

(Note: City Council voted to "opt out" of these settlements on September 16, 2024)

Recommended Action: Council discretion, following discussion with City Attorney

Attorney Sean Griffin gave a recap of the Class Action Lawsuit Settlement involving PFAS related claims. He reported that the judge in the case has allowed for a one-month period, ending on December 13, 2024, during which communities that have previously opted out of the settlements can "opt in." He further reported that, based on reported concentrations of PFAS compounds in Two Rivers drinking water the volumes of water produced by the utility, the City might expect a settlement in the totaling in the range of \$40,000 to \$60,000 if it "opts in" on these settlements.

Council members noted that, if the City opts to participate in the settlements, it will be precluded from pursuing future PFAS-related claims against these companies. Attorney Griffin acknowledge that is the case, but that it could easily cost the City from \$500,000 to \$1 million to engage in such future litigation, and it would be necessary to identify the specific producer of the PFAS compounds in question if there is such litigation. There is also a three-year statute of limitations for initiating a claim after discovering that the City has been injured due to PFAS in its water.

Per Water Director, Andrew Sukowaty, there are PFAS guidelines providing that a level over 1.0 is hazardous and under 1.0 is safe. Two Rivers water was tested and the PFAS level was 0.68. Per Public Works Director, Matt Heckenlaible, PFAS is an issue for both the water utility and the sewer utility. The DNR is making the city put together a sludge management plan to monitor PFAS in its sewage sludge.

Mr. Buckley noted that the Council had previously opted out of potentially larger settlements with 3M and Dupont, citing a desire to reserve the City's rights to initiate future litigation. Several Council members expressed support for maintaining that position on this class action settlement.

Following discussion:

Motion to "opt out" carried with a roll call vote.

Motion made by Wachowski, seconded by B. LeClair  
Voting Yea: B. LeClair, Petri, Shimulunas, Stechmesser, Wachowski, D. LeClair  
Voting Nay: Bittner

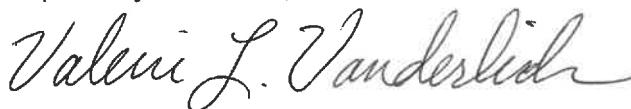
#### 4. **ADJOURNMENT**

Motion to dispense with the reading of the minutes of this meeting and adjourn the meeting at 6:47 PM.

Motion carried by a voice vote.

Motion made by Petri, seconded by Wachowski  
Voting Yea: Bittner, B. LeClair, Stechmesser, Petri, Shimulunas, Wachowski, D. LeClair

Respectfully submitted,



Valerie L. Vanderlinden  
Deputy City Clerk