



# CITY COUNCIL MEETING

Monday, July 15, 2024 at 6:00 PM

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

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## MINUTES

### 1. CALL TO ORDER

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

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL BY CITY CLERK

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

**ALSO PRESENT:** Kassie Paider, Finance Director; Jeff Dawson, Library Director; Ben Meinnert, Police Chief; Dave Murack, Fire Chief; Rick Powell, IT Supervisor; Andrew Sukowaty, Water Director; Brian Dellemann, Electric Utility Director; Matt Heckenlaible, Public Works Director, Joe Metzen, Tourism Director and Greg Buckley, City Manager.

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

Motion carried by a roll call vote.

Motion made by Bittner, seconded by Brandt to approve D. LeClair to participate in the meeting from a remote location.

Voting Yea: Bittner, Brandt, Derby, B. LeClair, Petri, Shimulunas, Stechmesser, Wachowski.

### 5. PUBLIC HEARING

- A. Public Hearing Regarding Conditional Use Permit for a Tattoo Parlor at 2004/2006 – 14th Street, submitted by Dale Eslinger (owner) and Adrian Calderon (tenant)

Recommended Action:

Motion to approve the conditional use permit, as recommended by the Plan Commission

Mr. Buckley provided information about the conditional use permit, noted that several community concerns were received and recommended adding conditions 6 and 7 as follows:

6. This Tattoo Parlor must at all times hold a valid tattoo/body piercing establishment permit issued by the State of Wisconsin Department of Safety and Professional Services (DSPS) or the Manitowoc County Health Department as agent for the DSPS.

Failure to do so may result in revocation of this permit, as well as other enforcement actions available to the City.

7. Any individual applying tattoos or doing body piercing at this location must hold a valid practitioner's license issued by the Wisconsin Department of Safety and Professional Services.

The first call of the public hearing for public input was opened by Council President Stechmesser.

- Andre Robitalille (2313 Jefferson Street) stated to the council that it seems that this owner has been operating in Milwaukee illegally for the last six years and commented as to how the permit be will checked after this conditional use permit is approved.
- Susan Robitalille (2313 Jefferson Street) stated to the council that she is the poster child of tattoo regret and the word on the street is that this individual tattoos underage people and this is the type of person she would have found when she was underage. She wants to make sure his license and permit is kept up to date.

The second call of the public hearing for public input was opened by Council President Stechmesser. No one addressed the Council.

The third and final call of the public hearing for public input was opened by Council President Stechmesser. No one addressed the Council. Council President Stechmesser closed the public hearing and looked for a motion from the council as is or to add the stipulation of proof positive of the licensee and premise.

Motion to approve the conditional use permit, as recommended by the Plan Commission with adding items 6 and 7 submitted by Mr. Buckley. Motion carried with a roll call vote.

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

B. Public Hearing Regarding Proposed Main Street and Waterfront Corridor Overlay District  
Recommended Action:

Motion to approve the Zoning Overlay District, as recommended by the Plan Commission

Mr. Buckley provided information about the proposed Main Street and Waterfront Corridor Overlay District. The intent of this overlay district is to strengthen the City's central business district and the surrounding areas by identifying certain uses that are prohibited within its boundaries, even if such uses are permitted or conditional uses in the underlying zoning districts and setting building design standards for new construction and building additions with the overlay district.

The first call of the public hearing was opened by Council President Stechmesser.

Mark Gordon, 3708 Bellevue Place, addressed the council regarding page 2, 4. Prohibited Uses. d. Parking lot as a principal use, excluding municipal parking.

Bill Kiel, Carron Net Company, 2112 43<sup>rd</sup> Street, addressed the council regarding the BID boundaries as the zoning area for the Waterfront Corridor Overlay District. He stated that the map area would not be logical to follow because it excludes significant amounts of the waterfront. He would strongly suggest that the map be redone to capture more of the waterfront and to table this item to make sensible and logical decisions. In response to this comment, Mr. Buckley suggested that the Council could approve the district boundaries as presented, as nearly 150 property owners have received notice of this proposed change, and then request that the Plan Commission consider the addition of more properties. The owners of those properties would then need to be notified of a hearing to expand the district boundaries.

The second call of the public hearing was opened by Council President Stechmesser. No one addressed the Council.

The third and final call of the public hearing was opened by Council President Stechmesser.

Andre Robitalille (2313 Jefferson Street) stated to the council there are massive gaps in the City's Zoning that don't match the Comprehensive Plan.

Amy Polkhoff, (1708 Jackson Street) address the council stating she is concerned about outdoor storage.

Mr. Buckley stated a letter in objection was received and distributed to council members from Circle B Bison Ranch, LLC, Robert Burrows on the proposed Main Street and Waterfront Corridor Overlay District notice.

Jason Ring, Main Street Director, stated the Main Street dedicated time at several meetings to discussion about the Waterfront Corridor Overlay District and would like the parking to be addressed and to change to outdoor storage. He stated that Main Street is in support of the Waterfront Corridor Overlay District, but this is a city-initiated project.

Council President Stechmesser closed the public hearing.

Motion to amend by Bittner, seconded by Brandt approve the Zoning Overlay District, as recommended by the Plan Commission with the modifications of striking out the prohibition on new parking lots, including language on building standards and outdoor storage and directing the Plan Commission to look at expanding the boundaries of the Zoning Overlay District.

Motion failed with a roll call vote. Voting Yea: Bittner, Brandt. Voting no: Derby, B. LeClair, D. LeClair, Petri, Shimulunas, Stechmesser, Wachowski. Motion failed.

Motion by Wachowski, seconded by Deby to approve the Zoning Overlay District, as recommended by the Plan Commission, with the modifications of striking out the parking lot provision, striking out exterior design standards and including outdoor storage, and directing the Plan Commission to look at expanding the boundaries of the Zoning Overlay District.

Motion carried with a roll call vote.

Voting Yea: Bittner, Brandt, Derby, B. LeClair, D. LeClair, Petri, Shimulunas, Stechmesser, Wachowski. Motion carried.

## **6. INPUT FROM THE PUBLIC**

Ed Knutson Jr., 2214 Jefferson Street, addressed the Council regarding the letter he received about the parking issue on Jefferson Street and wanted to know why residents were not notified earlier about the Public Work's Committees' consideration of restricting parking in their block.

Andre Robitalille, 2313 Jefferson Street, addressed the Council regarding the Plan Commission's recommendation regarding a Conditional Use Permit for a storage building for Rogers Fishing Village that will be using gravel, but the remaining surface not replaced has the potential for run off to the river. Also, the plans to not use full cut off lighting. He also addressed the proposed Jefferson parking restriction, noting that there is a speeding issue, and it is hard to get a large vehicle through the street.

## **7. COUNCIL COMMUNICATIONS**

Letters and other communications from citizens

Councilmember Wachowski reported that he received communication regarding Tattoo Parlor, Waterfront Corridor Overlay District and the parking restrictions on Jefferson Street.

Councilmember Bittner stated that he received comments regarding a great past weekend with the Jazz Festival and Bands on the Beach. He also received information from a citizen who did extensive research on lighting restrictions and found other communities' ordinances and invited him to the planning commission meeting.

Council President Stechmesser reported that he received communication regarding lake pollution, the proposed CUP for the Tattoo Parlor, Waterfront Corridor Overlay District and the parking restrictions on Jefferson Street.

## **8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES**

Councilmember Shimulunas asked Water Director Sukowaty about the Public Utilities Committee's discussion, reported in its July 1, 2024 minutes, regarding water testing.

Councilmember D. LeClair reported on the following Boards:

-- Main Street: Brian Lee Day very successful.

--Environmental Advisory Board just finished and will be posting the latest video in its Educational Speaker Series—"You've Got the Power - Two Rivers Electric Utility" on the City's website.

## **9. CITY MANAGER'S REPORT**

### **A. Invited Guests**

1. Mike Stafford, NRC Senior Resident Inspector - Point Beach, US Nuclear Regulatory Commission

Mr. Buckley introduced Mike Stafford. Mike Stafford NRC Senior Resident Inspector and John Masse, Resident Inspector, who explained the Nuclear Regulatory Commission oversight process and discussed the Point Beach Nuclear Plant's performance in 2023. The NRC licenses and regulates the nation's civilian use of radioactive material to achieve safety and security. The Point Beach 2023 Annual Assessment operated safely.

### **B. Status Update/Reports**

#### **1. Staffing Update**

Mr. Buckley reported on the ongoing recruitments for 3 Police Officers Full Time – Application Deadline 7/19/2024 and a City Planner/Community Development Director-Applications being accepted through July 15. He also welcomed attorneys Sean Griffin and Andrew Adams from West & Dunn, assigned to provide general counsel to the City, following the retirement of long-time City Attorney Jack Bruce on June 30.

#### **2. Roosevelt Street Reconstruction Project**

Mr. Buckley reported the installation of sanitary sewer main (12th Street to Lowell Street) has been completed, installation continues on the water main from 9<sup>th</sup> Street to Lowell Street and on the sanitary and water services south/west of 9th Street. Installation of storm sewer main continues as weather allows.

#### **3. New Life Rings at Neshotah Beach--Donation by IAFF Local 423, in Cooperation with the Two Rivers Fire Department and Parks and Recreation Department**

Mr. Buckley thanked IAFF Local 423, Two Rivers Fire Department and Parks and Recreation Department. The Life Rings are 24" rings with 100' of floating rope attached. Each Life Ring is in a red cabinet with reflective letters.

#### **4. Upcoming Events:**

- a. Concerts in the Park: TR Community Band Plays Sinatra, Thursday, July 18, 6:30 - 8:00 PM, Central Park West
- b. Friday Night Live: Glo & Joe, Friday, July 19, 7:00 - 9:00 PM, Central Park West

- c. 45th Annual Kiwanis Fish Derby & Festival, July 20 - 21, 2024, Walsh Field
- d. Concerts in the Park: Lakeshore Wind Ensemble, Sunday, July 21, 6:00 PM, Central Park West
- e. Concerts in the Park: Manitowoc Marine Band, Thursday, July 25, 6:30 PM, Central Park West
- f. Snowfest, July 26 - 28, Neshotah Park; Snowfest Parade, Saturday, July 27, 11:00 AM, Columbus Avenue
- g. Optimist Club Great Bike Give-Away, Wednesday, August 31, 6:00 PM, Walsh Field

5. Other

Mr. Buckley reported on the 2nd Annual Back to School Carnival. Two Rivers Senior Center is collecting new school supplies from June 1st to August 23 with monetary donations being accepted.

- C. Legislative/Intergovernmental Update  
None.

**10. CONSENT AGENDA**

- A. Presentation of Minutes
  - 1. City Council Meeting - July 1, 2024  
Recommended Action:  
Motion to waive reading and adopt the minutes
- B. Minutes of Meetings
  - 1. Advisory Recreation Board, June 12, 2024
  - 2. Environmental Advisory Board, June 18, 2024
  - 3. Public Utilities, July 1, 2024
  - 4. Public Works, July 3, 2024
  - 5. Plan Commission, July 8, 2024  
Recommended Action:  
Motion to receive and file
- C. Department Reports, June 2024
  - 1. City Clerk
  - 2. Electric
  - 3. Fire
  - 4. Inspections
  - 5. Library
  - 6. Parks & Recreation
  - 7. Public Works
  - 8. Safety
  - 9. Water  
Recommended Action:  
Motion to receive and file
- D. Applications and Petitions
  - 1. Temporary Class "B" Retailer's License from Rogers Street Fishing Village for Rogers Street Days Annual Fundraiser, August 9 & 10, 2024, at Rogers Street Fishing Village
  - 2. Temporary Class "B" Retailer's License from Two Rivers Historical Society for "The Accidental Hero" Live Performance, July 27, 2024 at 1622 Jefferson Street  
Recommended Action:  
Motion to approve the application and authorize issuance of the license

- E. Noise Ordinance Waiver for Snowfest 2024, July 26-28, until 12:00 AM at Neshotah Park- Waive the Provisions of Sections 9-2-5B(2)(b) Regarding Noise Audible Within an Enclosed Structure Used for Residential Purposes and Section 9-2-5D, Pertaining to Vibration and Snowfest Parade Road Closure of Columbus Street Between Memorial Drive/STH 42 and Highway 310, Saturday July 27, 2024, 8:00 AM-1:00 PM  
Recommended Action:  
Motion to approve the request as submitted
  
- F. Noise Ordinance Waiver for Rogers Street Days, August 9th and 10th, 2024 until 11:30 PM at 2102 Jackson Street--Waive the Provisions of Sections 9-2-5B(2)(b) Regarding Noise Audible Within an Enclosed Structure Used for Residential Purposes and Section 9-2-5D, Pertaining to Vibration  
Recommended Action:  
Motion to approve the noise ordinance waiver
  
- G. Summary of Verified Bills for the Month of June 2024 for \$2,075,656.05  
Recommended Action:  
Motion to receive and file
  
- H. Finance Reports, May 2024
  - 1. Debt Service
  - 2. General Fund
  - 3. Utilities ReportRecommended Action:  
Motion to receive and file
  
- I. Recommendation from Plan Commission Meeting of July 8, 2024
  - 1. Set Public Hearing Regarding Conditional Use Permit as a Museum Storage Building use for Rogers St Fishing Village, located at 2010 Rogers Street, Submitted by ACE Building Service (applicant) and Bonnie Timm (on behalf of owner, Rogers Street Fishing Village)  
Recommended Action:  
Motion to set public hearing on August 19, 2024 at 6:00 PM
  
  - 2. Set Public Hearing Regarding Conditional Use Permit for a Gas Station Located at 1706 – 16th Street, in the B-1 Business District, submitted by Quasius Construction, Inc (applicant) and Jalapa Marketing LLC (owner)  
Recommended Action:  
Motion to set public hearing on August 19, 2024 at 6:00 PM
  
  - 3. Set Public Hearing Regarding Conditional Use Permit for a Gas Station Proposed for 2200 Forest Avenue (details from July PC agenda)—recommended for denial by Plan Commission  
Recommended Action:  
Motion to set public hearing on August 19, 2024 at 6:00 PM  
(If applicant decides to withdraw their CUP application, we will report that at the meeting and ask Council to remove from Consent Agenda)

**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 B. LeClair, seconded by Petri. Voting Yea: Bittner, Brandt, Derby, B. LeClair, D. LeClair, Petri, Shimulunas, Stechmesser, Wachowski.

## 11. CITY COUNCIL - FORMAL ITEMS

- A. Proclamation for "National Night Out," August 6, 2024

Recommended Action:

Motion to read and adopt the proclamation

Motion carried with a roll call vote.

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

- B. Consider Proposed Parking Restriction: No Parking Along the East Side of the 2200 Block of Jefferson Street

Recommended Action:

Motion to eliminate parking on the east side of Jefferson Street from 22nd Street to 23rd Street, as recommended by the Public Works Committee

Motion carried with a roll call vote.

Motion made by Brandt, seconded by Bittner. Voting Yea: Brandt, Derby, B. LeClair, D. LeClair, Stechmesser. Voting No: Wachowski, Bittner, Shimulunas. Abstaining: Petri.

- C. Award of Bid for Sandy Bay Highlands Subdivision Phase 3 Infrastructure

Recommended Action:

Motion to award the bid to Advance Construction of Green Bay, WI, based on its low bid (NOTE: Staff still evaluating whether to recommend award of base bid or base bid plus an alternate bid for an expanded project scope—recommendation to be presented at Monday night's meeting). Project budgeted at \$1,000,000 in City' 2024 Capital Budget.

Motion made by Wachowski, seconded by B. LeClair to table item and bring back to Council at the July 29 Work Session. Motion carried with a voice vote.

- D. Amended Resolution Regarding Ad Hoc Aquatics Committee Report and Setting Conditions for Possible Placement of a Referendum Question Seeking Voter Approval to Exceed the City's Levy Limit to Help Fund Operation of a Community Pool

Recommended Action:

Motion to waive reading and adopt the resolution

Motion carried with a roll call vote.

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

- E. Update Regarding Funding for 2024-25 Lead Water Service Laterals Replacement Project

Recommended Action:

For information and discussion only; no action required

Mr. Buckley reported there is an upcoming meeting with Manitowoc County representatives on the use of County ARPA matching funds, to address how those funds will be utilized in the recently-approved contracts.

- F. Update on Proposed Development Project: The Confluence Project on City-Owned Former Eggers Industries Downtown Site

Recommended Action:

For information and discussion only; no action required

Mr. Buckley gave an update on the June 3 Council decision to authorize a three-month extension to The Confluence Project with an expiration date of July 31 for \$30,000 non-refundable fee. After providing a re-draft of the agreement the developers and their attorneys have indicated that they will not meet that timeframe and will not be executing the agreement.

The City Manager further reported that Mr. Golden of the development group indicates that they are still interested in the site, but they are proceeding with a market study and attribute the delay due to high interest rates.

G. Update on Proposed Development Project: West River Lofts on Former Eggers West Site

Recommended Action:

For information and discussion only; no action required

Mr. Buckley gave an update that communication has continued with developer Scott Crawford Company about moving forward to a possible closing on project financing and the developer's purchase of the development site by the end of August. Based on those discussions, he anticipates bringing back a modified development agreement for consideration by the City Council. The developer is requesting \$200,000 in additional City TIF assistance on top of the \$500,000 provided for in the original development agreement.

H. Approval of Appointment of Staff Representative to the Architectural Control Committee for Sandy Bay Subdivision

Recommended Action:

Motion to approve the appointment of Zoning Administrator Adam Taylor, as recommended by the City Manager

Motion carried with a voice vote.

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

**12. FOR INFORMATION ONLY**

A. City Council Work Session Meeting, Monday, July 29, 2024, 6:00 PM

B. City Council Regular Meeting, Monday, August 5, 2024, 6:00 PM

**13. CLOSED SESSION**

None.

**14. RECONVENE IN OPEN SESSION**

None.

**15. ADJOURNMENT**

Motion to dispense with the reading of the minutes of this meeting and adjourn this meeting at 9:13 PM.

Motion carried with a voice vote.

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

Respectfully submitted,





Lisa Kuehn, Deputy City Clerk