



CITY COUNCIL MEETING

Monday, April 04, 2022 at 6:00 PM

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

AGENDA

NOTICE: Arrangements for Addressing the City Council by Telephone, During Public Hearings or Input from the Public can be made by Contacting the City Manager's Office at 920-793-5532 or City Clerk's Office at 920-793-5526 by 4:00 p.m. on the day of the meeting

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL BY CITY CLERK

Councilmembers: Mark Bittner, Jeff Dahlke, Tracey Koach, Bill LeClair, Darla LeClair, Jay Remiker, Bonnie Shimulunias, Larry Thomas, Adam Wachowski

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

5. PUBLIC HEARING

A. Public Hearing Regarding Ordinance to Amend the District Map Section 10-1-3(a)(1) Zoning from B-1 Business District to R-3 Single and Double Family Residence District for 2910 Lincoln Avenue
Recommended Action:
Motion to waive reading and adopt the ordinance

B. Public Hearing Regarding Ordinance to Amend Municipal Code Sections 10-1-20, 10-1-21 and 10-1-22, the R-1, R-2, R-3 and R-4 Residential Zoning Districts to Amend the Regulations Related to Side Yard Requirements
Recommended Action:
Motion to waive reading and adopt the ordinance

6. INPUT FROM THE PUBLIC

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

9. CITY MANAGER'S REPORT

A. Invited Guests

1. Introduction of New Hire: Sara Backhaus, Municipal Court Clerk

B. Resolution Upon Retirement for Dawn Hilliker, Completing a Nineteen Year Career with the City of Two Rivers

Recommended Action:

Motion to read and adopt the resolution

C. Status Update/Reports

1. Spring Election, April 5, 2022, 7:00 AM - 8:00 PM
2. Moratorium on Utility Disconnections for Non-Payment of Bills Ends on April 15, Disconnects will begin April 18
3. Cemetery Clean Up: Remove Winter Decorations by April 15, New Summer Decorations may be placed after May 15
4. Public Hearing on Special Assessments for 17th Street Reconstruction Project: Monday, April 18, 2022 at 6:00 PM
5. Per Council Action at the March 28 Work Session, Engineering Department Has Submitted Applications to WisDOT for Funding Assistance (Federal Infrastructure Bill Monies) to Resurface the Following Streets in 2023:
 - Jefferson Street from 22nd to 25th
 - Pierce Street from 22nd to Zlatnik
 - School Street from 10th to 14th
 - Neshotah Road from Zlatnik to CTH O
 - Several streets connecting to or located just off Memorial Drive: Taylor, Jessie, Lakeview, Eleonor, Woodland Shores, Florence, Gardner, Davis, McKinley and Turner
6. Based on a Pre-Application Submitted in February, the City Has Been Invited to Apply for a Restore Our Great Lakes Grant to Address City-Owned Lake Michigan Shoreline Along Memorial Drive: Plantings for Shoreline Stabilization; Pollinator-Friendly Plantings; Invasive Species Abatement and Control; Green Infrastructure and Environmental Restoration.
7. City Facade Improvement Grants are Available; Deadline for First Round of Applications is April 15
8. Central Park West Fund-Raising Update
9. A Delegation from Two Rivers' Sister City of Domazlice in the Czech Republic Will be Visiting Two Rivers from May 28 to June 4--Will Participate in Memorial Day Observances and Other Activities
10. Staffing Updates
11. Job Well Done--Darryl Hassemer, Jim Anderson and Travis Christensen of Public Works vs. the Pothole
12. Upcoming Events:
 - a. Breakfast for Dinner Fundraiser, Senior Center, April 13, 2022, 4:00-6:00 PM
 - b. 10th Annual Fish Boil, Fire Station, April 15, 2022, 3:00-7:00 PM
 - c. Pancakes with Easter Bunny, Community House, April 16, 2022, 9:00-11:00 AM
 - d. Easter Egg Hunt, Neshotah Park, April 16, 2022, 11:00 AM-Noon
13. Other

D. Legislative/Intergovernmental Update

1. Corps of Engineers "Determination of Federal Interest" in Possible Harbor Entrance Modification
2. Other

10. CONSENT AGENDA

A. Presentation of Minutes

1. City Council Meeting - March 21, 2022
2. City Council Work Session - March 28, 2022

Recommended Action:

Motion to waive reading and adopt the minutes

B. Minutes of Meetings

1. Public Utilities Committee, March 1, 2022
2. Public Works Committee, March 2, 2022
3. Personnel & Finance Committee, March 15, 2022

Recommended Action:
Motion to receive and file

C. Applications and Petitions

1. Application for Class "B" Beer/"Class B" Liquor License for the Period of April 5, 2022 to June 30, 2022 for Submariners Pub, LLC, 4220 Memorial Drive - Jeffrey P. Tess, Agent (Property is currently licensed to Sandpiper Bar & Grill, Inc.)

Recommended Action:
Motion to approve the application and authorize issuance of the license

D. Schedule a Public Hearing Regarding Special Assessments on Properties Fronting 17th Street, from East Park Street to Jefferson Street & 17th Street, from East Street to Zlatnik Drive

Recommended Action:
Motion to schedule a public hearing for April 18, 2022 at 6:00 PM

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

11. CITY COUNCIL - FORMAL ITEMS

A. Fair Housing Declaration Resolution Awarding Community Development Block Grant-COVID (CDBG-CV) Funds to Modify the Senior Center Building and Parking Lot

Recommended Action:
Motion to waive reading and adopt the resolution

B. Ordinance Related to Non-Vehicular Travel, such as E-bikes, Motorized Gas-Powered Bikes, and Various Types of Scooters; Citizens and staff of the City of Two Rivers have Recognized a Gap in Regulation and Enforcement of Issues Relating to These New Devices

Recommended Action:
Motion to waive reading and adopt the ordinance

C. Ordinance to Amend Municipal Code Section 1-2-1 Entitled "License, Permit and Other Fees Established" Associated with Direct Sellers, Taxi and Taxi Driver Fees

Recommended Action:
Motion to waive reading and adopt the ordinance

D. Ordinance to Amend Sections 9-9-2 (D.) Definitions and 9-9-3 (A.) Domicile Restrictions of the Municipal Code Regarding Sexual Offender Residency Restrictions

Recommended Action:
Motion to waive reading and adopt the ordinance

E. Cooperative Arrangements for Parking and Related Matters: Community House and Cool City Brewing Company

Recommended Action:
Motion to authorize City Manager to finalize an agreement consistent with the terms presented and to authorize the City Manager and City Clerk to sign the cooperative agreement

12. FOR INFORMATION ONLY

- A. City Council Regular Meeting, Monday, April 18, 2022, 6:00 PM
- B. City Council Re-Organization Meeting, Tuesday, April 19, 2022, 6:00 PM
- C. City Council Work Session Meeting, Monday, April 25, 2022, 6:00 PM

13. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn

Please note, upon reasonable notice, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Office of the City Manager by calling 793-5532.

It is possible that members of and possibly a quorum of governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no other action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

ORDINANCE

AN ORDINANCE to amend the District Map of the City of Two Rivers, Wisconsin, made part of Section 10-1-3(a)(1) of the Municipal Code:

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That the District Map of the City of Two Rivers, Wisconsin, made a part of Section 10-1-3(a)(1) of the Municipal Code be and the same is hereby amended in the following respects:

Lots 1 and 2, Block 12, excluding the North 50 feet (a/k/a Tract 3 of Certified Survey Map, Volume 9, Page 199), also the North 30 feet of adjacent vacated 29th Street, LeClair's Addition in the City of Two Rivers, Manitowoc County, Wisconsin

is hereby zoned R-3 Single and Double Family Residence District.

The above-described property contains 0.29 acres of land, more or less.

SECTION 2. This ordinance shall take effect and be in force from and after its date of passage and publication.

Dated this 4th day of April, 2022.

Adam Wachowski
President, City Council

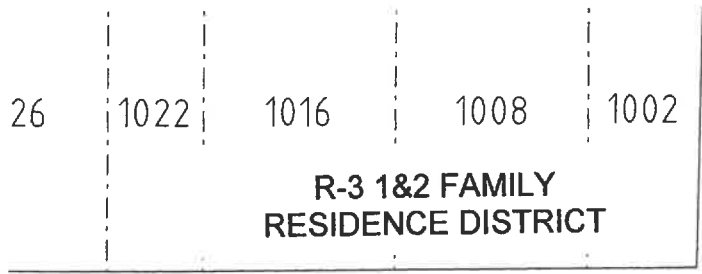
Gregory E. Buckley
City Manager

Attest:

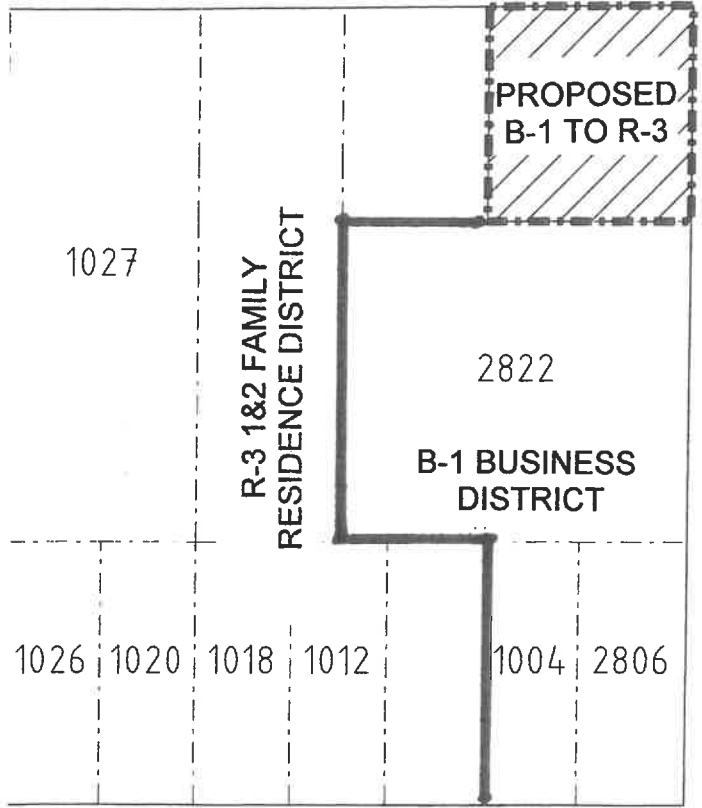
Jamie Jackson
City Clerk

Approved as to form and legality:

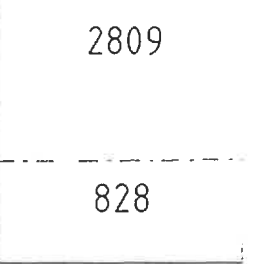
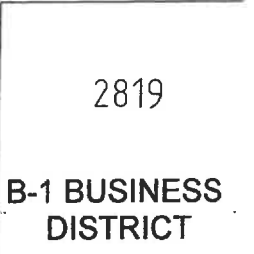
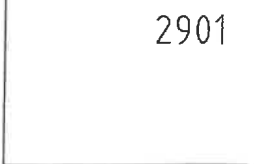
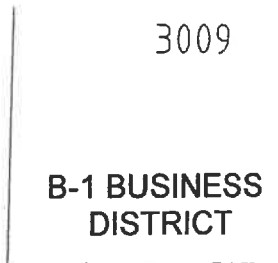
John M. Bruce
City Attorney



THIRTIETH STREET



TWENTY-EIGHTH STREET



ORDINANCE

AN ORDINANCE to amend Municipal Code Sections 10-1-20, 10-1-21 and 10-1-22, the R-1, R-2, R-3 and R-4 Residential Zoning Districts to amend the regulations related to side yard requirements.

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 10-1-20C(1) of the Municipal Code shall hereby be amended as follows:

C. Side yards. There shall be a side yard on each side of a building.

(1) The sum of the widths of the required side yards shall be as follows:

Lot Width (feet)	Total Side Yard Width	Minimum Side Yard Width (feet)
Less than 76	15 feet	7
76 to 80	16 feet or 25%, whichever is least	8
81 to 85	17 feet or 25%, whichever is least	8
86 to 90	20 feet or 25%, whichever is least	8
91 to 95	23 feet or 25%, whichever is least	8
More than 95	25 feet or 25%, whichever is least	8

and to renumber subsequent sections as appropriate.

SECTION 2. That Section 10-1-21C(1) of the Municipal Code shall hereby be amended as follows:

C. Side yards. There shall be a side yard on each side of a building.

(1) The sum of the widths of the required side yards shall be as follows:

Lot Width (feet)	Total Side Yard Width	Minimum Side Yard Width (feet)
Less than 67	15 feet or 25%, whichever is less	6
67 to 75	16 feet or 25%, whichever is less	6
More than 75	20 feet 25% of lot width	6

SECTION 3. That Section 10-1-22C(1) of the Municipal Code shall hereby be amended as follows:

C. Side yards. There shall be a side yard on each side of a building.

(1) The sum of the widths of the required side yards shall be as follows:

Lot Width (feet)	Total Side Yard Width	Minimum Side Yard Width (feet)
40 to 45	10 feet	5
46 to 70	15 feet	6
More than 70	20 feet 25% of the lot width	6

SECTION 4. That Section 10-1-23C of the Municipal Code shall hereby be amended as follows:

C. Side yards. There shall be a side yard on each side of a building. ~~The total side yard shall be 30% of the lot width for a one-story building with a minimum side yard requirement of 50% of the total side yard.~~

(1) The sum of the widths of the required side yards shall be as follows:

<i>Lot Width (feet)</i>	<i>Total Side Yard Width</i>	<i>Minimum Side Yard Width (feet)</i>
<i>Less than 200</i>	<i>30 feet</i>	<i>15</i>
<i>200 to 400</i>	<i>50 feet</i>	<i>15</i>
<i>More than 400</i>	<i>70 feet</i>	<i>15</i>

(2) For any building over two stories there will be an increase in each side yard of five feet per story.

SECTION 5. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 4th day of April, 2022.

Adam Wachowski
President, City Council

Gregory E. Buckley
City Manager

Attest:

Jamie Jackson
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney



RESOLUTION UPON RETIREMENT

WHEREAS, Dawn M. Hilliker joined the ranks of the Two Rivers Police Department on June 6th, 1988 as the City’s first female patrol officer; and

WHEREAS, March 27th, 1991, Dawn Hilliker was promoted to the rank of Sergeant/Shift Commander; and

WHEREAS, Dawn graduated from the Northwestern University School of Police Staff and Command July 10th, 1992; and

WHEREAS, March 1st, 1994, Dawn Hilliker was promoted to the rank of Lieutenant/Shift Commander; and

WHEREAS, Dawn resigned in good standing on April 27th, 1997 to join her newborn son and husband in raising their family; and

WHEREAS, June 25th, 2012, Dawn Hilliker returned in a part-time capacity as our Municipal Court Clerk, and advancing to full-time court clerk/police secretary December 4th, 2017; and

WHEREAS, Dawn retired April 1st, 2022, after serving the City of Two Rivers with dedication and distinction for a total of 19 years. Dawn contributed honorably as a pioneer in her many roles with the Two Rivers Police Department and for the citizens of this City, and was a well-respected and passionate member of the law enforcement community and Municipal Court.

NOW, THEREFORE BE IT RESOLVED that the City of Two Rivers hereby expresses its gratitude and appreciation for Dawn M. Hilliker and her many contributions to the Two Rivers Police Department, Two Rivers/Mishicot Municipal Court, and the community of Two Rivers; and

BE IT FURTHER RESOLVED that the City of Two Rivers extends its best wishes to Dawn, for a long, healthy and happy retirement; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dawn Hilliker, as a token of the City's thanks for her many years of dedicated service to the citizens of Two Rivers.

Dated this 4th day of April, 2022

Councilmember

Gregory E. Buckley
City Manager



CITY COUNCIL MEETING

Monday, March 21, 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 6:01 PM.

2. PLEDGE OF ALLEGIANCE LEAD BY HARPER WACHOWSKI

(City will be inviting a local elementary or pre-school student to lead the Pledge of Allegiance once monthly)

To nominate a student to lead the Pledge of Allegiance at the second Council meeting of the month contact Lisa Kuehn in the City Manager's office at 920-793-5532 or lkuehn@two-rivers.org.

3. ROLL CALL BY CITY CLERK

Councilmembers: Mark Bittner, Jeff Dahlke, Tracey Koach, Bill LeClair, Darla LeClair, Jay Remiker, Bonnie Shimulunas, Larry Thomas, Adam Wachowski

ALSO PRESENT: Ross Blaha, Water Utility Director; Dave Buss, Finance Director; Jeff Dawson, Library Director; Steve Denzien, Fire Chief; Rebecah Hansen, Recreation Supervisor; Brian Kohlmeier, Police Chief; Jim McDonald, Public Works Director; Ben Meinnert, Assistant Police Chief; Rick Powell, IT Supervisor; Andrew Sukowaty, Water Utility Director; Elizabeth Runge, Community Development Director/City Planner; Greg Buckley, City Manager; and Jack Bruce, City Attorney.

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

Motion to allow remote participation in this meeting by Councilmember D. LeClair.

Motion carried with voice vote.

Motion made by Thomas, Seconded by B. LeClair.

Voting Yea: Wachowski, B. LeClair, Shimulunas, Dahlke, Remiker, Thomas, Bittner, Koach

5. PUBLIC HEARING

A. Public Hearing on Zoning Code Ordinance Change to Planned Unit Development (PUD) for the Construction of Multi-Family Residential Development at 3000 Forest Avenue

Recommended Action:

Motion to waive reading and adopt the ordinance

Council President Wachowski opened the public hearing and made three calls for public input. There were no members of the public present and wishing to comment during the public hearing. The public hearing was closed.

Motion carried unanimously by roll call vote.

Motion made by B. LeClair, Seconded by Bittner.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

6. INPUT FROM THE PUBLIC

None.

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

None.

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember Bittner reported that the Room Tax Commission meets on Tuesday, March 22, at 10:00 AM.

9. CITY MANAGER'S REPORT

A. Invited Guests

- 1. Two Rivers Business Association - Central Park West Donation
Representatives of the Two Rivers Business Association were in attendance to present a check for \$10,000 to the City for the Central Park West 365 project.
- 2. Two Rivers School District Facility Assessment and Survey on Community Input From All Stakeholders
Diane Johnson, Two Rivers Public School District Superintendent, was present to provide a report on the Two Rivers School District facility assessment and survey on community input. Also present to assist in the presentation were Mary Kay Slattery, Finance Director, and Jaimie Salta, School Board President. The presentation included an overview of where the district gets their funding, how the dollars are spent, enrollment numbers, history of the school district mill rate, and a review of the facility study including the prominent needs at LB Clarke and proposed additions and renovations for that facility to help meet the needs of the district.

B. Status Update/Reports

- 1. Sale of 606 Parkway Boulevard, Former Paragon Property
Mr. Buckley reported that the sale of 606 Parkway Boulevard to Trivers, LLC, an entity controlled by Oshkosh developer Art Dumke, closed on March 17. The net proceeds to the City's Economic Development Fund were \$1,197,031 (\$1.2 million purchase price less the title insurance and closing costs).

The new owner plans to rehabilitate the facility for lease as manufacturing and warehouse space. The City has applied for a WEDC Idle Sites Grant of \$500,000 to assist the project with improvements as the estimated cost for planned work on the facility is over \$6,000,000.

- 2. Sandy Bay Highlands Home Construction
Mr. Buckley reported that plans for two new homes at the City-developed conservation subdivision were approved by the Architectural Review Committee on March 14. One basement is poured, and the other is being poured this week. At least two other homes are in the planning and cost quoting stages for construction this year.

3. Pine Tree Lift Station Project
Mr. Buckley reported that the construction of Pine Tree Lift Station on the east side is underway.
4. Winter Parking Ban Has Ended
Mr. Buckley reported that due to a relatively snow-free winter, the overnight parking ban was enforced on only 6 of 103 total days, December 1 through March 15.
5. Personnel Updates:
Mr. Buckley reported on the following personnel updates:
 - Heather Ihlenfeldt has accepted the position of Senior Center Supervisor and will begin on Monday, April 25th. Heather currently serves as Marketing and Activity Director at the Manitowoc Health and Rehab Center.
 - Certified Water Operator and Water Distribution Foreman/Operator Vacancy– Interviews have been completed and an offer will be made to a candidate in the next few weeks
 - Parks & Recreation Director - Initial interviews were conducted on March 18 and March 21
6. Central Park West 365 Update
Mr. Buckley reported that since the last Council meeting, total donations committed to the Central Park West 365 Project have increased to just over \$450,000, 56.25% of the goal of \$800,000.
7. In Person Absentee Voting
Mr. Buckley reported that in person absentee voting for the April 5, 2022 Spring Election will begin March 22 and runs through April 1, Monday through Friday between the hours of 8:00 AM and 4:30 PM at City Hall
8. Upcoming Events:
Mr. Buckley reported on the following upcoming events:
 - a. Two Rivers Rotary Annual Dinner and Auction, April 2, 2022, to Benefit Central Park West 365
Proceeds of this event will benefit the Skating Loop of the Central Park West 365 Project in downtown Two Rivers. A silent auction and social hour with cash bar starts at 5:00 PM. Dinner is catered by the Courthouse Pub and is served at 6:30 PM to be followed by a live auction.
 - b. Rockin' for the Park, Dinner, Auction, and Music, April 21, 2022, to Benefit Central Park West 365
The event offers an evening of dinner and music to raise funds for the Central Park West 365 Project.
 - c. Two Rivers Water & Light Department Sponsors Two \$500 Scholarships, Deadline for Application is April 1, 2022
 - d. Two Rivers Kids' Run and 10-Mile Run/Walk, March 26 & 27, 2022, Two Rivers High School
 - e. Senior Center Breakfast for Dinner Fundraiser on Wednesday, April 13, 2022 from 4:00-6:00 PM
 - f. Two Rivers Fire Department 10th Annual Fish Boil on Friday, April 15, 2022 from 3:00-7:00 PM
9. Other
Mr. Buckley reported that the Two Rivers Business Association and League of Women Voter's City Council candidate forums are available for viewing on the City's YouTube channel.

Final 2021 room tax collections were \$261,161, an increase of \$119,261, or 8.2%, over 2020.

Two Rivers logowear is available for purchase at Schoeder's Department Store, Lighthouse Inn, Fatzo's, Woodland Dunes, and Renee's Chocolates.

C. Legislative Update

1. Law Enforcement Grants to Local Agencies Announced by Governor Evers
Mr. Buckley reported that the Governor announced grants totaling \$19 million, to police department across the state. Distribution was reportedly predicated on population and violent crime statistics. Two Rivers will receive \$31,719.02.

While more details may be forthcoming, Chief Kohlmeier reports the funds can be used for training, recruitment bonuses, technology investments, and meeting community policing needs.

2. Conclusion of Recent Legislative Session in Madison
Mr. Buckley reported that Senate Bill 692 has passed which makes various changes to the property assessed clean energy (PACE) program, including expanding the types of projects eligible for PACE financing and changes to the requirements for accessing that financing.

The League of Wisconsin Municipalities has also worked hard to halt the fast-tracking of AB 608/SB 840, imposing one-size fits all zoning for workforce housing, and AB 610/SB 630, related to prohibiting certain property tax assessment practices.

Also, what once was a good piece of legislation which the League supported, ended up with an amendment that excluded local government from participating in the EV infrastructure build out. It started as a bill that would allow the sale of power from EV charging infrastructure without categorizing the seller as a public utility in the state. Unfortunately, the end result had all three local government groups (the League, Counties, and Towns) in opposition.

3. Funding for Determination of Federal Interest in Two Rivers Harbor Study
Mr. Buckley reported the Omnibus Appropriations Bill that passed the Congress earlier this month includes \$20,000 in funding for the Army Corps of Engineers to assess the Federal interest in a Design Deficiency Study of the Two Rivers Harbor.

This activity must precede the Corps seeking funding for the study, estimated to cost \$200,000. Such a study could in turn be the basis for Federal investment in structural modifications to the harbor entrance, to mitigate both storm surge and shoaling issues.

4. Confirmation of State Safe Drinking Water Funding for 2022 Lead Service Lateral Replacement
Mr. Buckley reported Wisconsin's Safe Drinking Water Loan Program has confirmed 2022 funding for Two Rivers of \$207,500. This funding will cover principal forgiveness grant for 83 private side laterals at \$2,500 each, 33 laterals on 17th Street and 50 laterals at scattered locations.

5. Other
Mr. Buckley reported the Wisconsin Department of Natural Resources has issued a permit to allow grooming of the "new beach" area, south of Neshotah Beach to the north pier. This permit, good for 5 years, allows the City to "dredge" the area below the ordinary high water mark to remove debris.

10. CONSENT AGENDA

- A. Presentation of Minutes
 - 1. Regular City Council - March 7, 2022 and Special City Council - March 15, 2022

Recommended Action:
Motion to waive reading and adopt the minutes

- B. Minutes of Meetings
 - 1. Committee on Aging, February 7, 2022
 - 2. Lester Public Library, February 8, 2022
 - 3. Advisory Recreation Board, February 8, 2022
 - 4. Community Development Authority/Business and Industrial Development and Committee, March 1, 2022
 - 5. Plan Commission, March 14, 2022
 - 6. Architectural Control Committee, March 14, 2022

Recommended Action:
Motion to receive and file

- C. Department Reports March, 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 Temporary Class "B"/"Class B" Retailer's License for Heart-A-Rama, for the period of April 28-30, 2022 at J.E. Hamilton Community House, 1710 W. Park Street
 - 2. Application for Temporary Class "B"/"Class B" Retailer's License for Heart-A-Rama, for the period of May 5-7, 2022 at J.E. Hamilton Community House, 1710 W. Park Street

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

- E. Zoning Change From B-1 Business District to R-3 Single and Double Family Residence District for 2910 Lincoln Avenue

Recommended Action:
Motion to schedule public hearing for April 4, 2022 at 6:00 PM, as recommended by the Plan Commission meeting on March 14, 2022

- F. Ordinance to Amend the Side Yard Requirements in Residential Zoning Districts

Recommended Action:
Motion to schedule public hearing for April 4, 2022 at 6:00 PM, as recommended by the Plan Commission meeting on March 14, 2022

RECOMMENDED ACTION FOR CONSENT AGENDA
Motion to approve the Consent Agenda with the various actions recommended

Motion carried by voice vote.

Motion made by Dahlke, Seconded by Remiker.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

11. CITY COUNCIL - FORMAL ITEMS

- A. TID 15 Cash Grant and Developer's Performance Agreement with 3000 Forest Avenue, LLC, Providing for Cash Grant Assistance to Redevelopment Project

Motion to move Item 11A to immediately follow Item 5.

Motion carried with voice vote.

Motion made by Dahlke, Seconded by Remiker.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Thomas, Bittner, Koach

Recommended Action:
Motion to authorize the City Manager and City Clerk to execute the agreement on behalf of the City

Motion to table to March 28 Work Session meeting for review of the final development agreement.

Motion carried with voice vote.

Motion made by Remiker, Seconded by Thomas.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Thomas, Bittner, Koach

- B. Authorize Contract for Completion of Design Services and Bid Documents, Central Park West 365 Project

Recommended Action:
Motion to authorize the City Manager to execute the design services contract with Parkitecture + Planning, with services to be billed on a time and materials basis, total cost not to exceed \$78,120

Motion carried with roll call vote.

Motion made by Thomas, Seconded by B. LeClair.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

- C. Ordinance to Amend Municipal Code Sections 6-4-4 Entitled Applicants for Registration Fees and 6-4-9 Entitled Vendors From Special Vehicles Regarding Direct Sellers

Recommended Action:
Motion to waive reading and adopt the ordinance

Motion made by B. LeClair, Seconded by Shimulunas.

Motion amended to add 21st Street from Garfield Street to Pierce Street and all of Pierce Street in the Limitations section of the ordinance.

Motion carried by roll call vote.

Motion made by B. LeClair, Seconded by Shimulunas.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

- D. Discussion of Ordinance Related to Non-Vehicular Travel, such as E-bikes, Motorized Gas-Powered Bikes, and Various Types of Scooters; Citizens and Staff of the City of Two Rivers have Recognized a Gap in Regulation and Enforcement of Issues Relating to These New Devices

Assistant Police Chief Meinnert provided an overview of the proposed ordinance related to non-vehicular means of transportation such as e-bikes, motorized gas powered bikes, and various types of scooters.

Recommended Action:

Motion to place on April 4, 2022 City Council agenda for action

Motion carried with voice vote.

Motion made by Shimulunas, Seconded by Thomas.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

- E. Discussion of Ordinance to Amend Municipal Code Section 1-2-1 Entitled "License, Permit and Other Fees Established" Associated with Direct Sellers, Taxi and Taxi Driver Fees

Assistant Police Chief Meinnert provided overview on the proposed fee structure changes related to direct sellers, taxi, and taxi driver fees. Any fee increases that are proposed are intended to more fully recover the City's cost for review of license/permit applications.

Recommended Action:

Motion to place on April 4, 2022 City Council agenda for action

Motion carried with voice vote.

Motion made by Dahlke, Seconded by Thomas.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

12. FOR INFORMATION ONLY

- A. City Council Work Session, Monday, March 28, 2022, 6:00 PM
- B. City Council Regular Meeting, Monday, April 4, 2022, 6:00 PM
- C. In-Person Absentee Voting for the Spring 2022 Election will be held Monday-Friday March 22-April 1 at the Customer Service Window at City Hall from 8:00 AM to 4:30 PM
- D. Spring Election, April 5, 2022, 7:00 AM - 8:00 PM, to find your polling place go to myvote.wi.gov or call City Clerk's Office at 920-793-5526

13. CLOSED SESSION

Motion enter into Closed Session at 7:45 PM, 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 Tax Incremental Financing Grant to Assist Redevelopment Project on the City-

Owned Former Eggers East Plant Site; Discuss Terms of TID 15 Cash Grant and Development Performance Agreement Listed as Agenda Item 11A (If Closed Session Discussion is Needed)

Motion carried by roll call vote.

Motion made by Koach, Seconded by Thomas.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

14. RECONVENE IN OPEN SESSION

To consider possible actions in follow-up to closed session discussions: Possible Action on TID 15 Cash Grant and Performance Agreement with 3000 Forest Avenue, LLC

Motion to reconvene in open session at 9:23 PM.

Motion carried with voice vote.

Motion made by Bittner, Seconded by Thomas.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

15. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn at 9:23 PM.

Motion carried with a voice vote.

Motion made by Remiker, Seconded by Dahlke.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

Respectfully Submitted,

Jamie Jackson
City Clerk



CITY COUNCIL WORK SESSION

Monday, March 28, 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 at 6:00 PM by Council President Wachowski.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Councilmembers: Mark Bittner, Jeff Dahlke, Tracey Koach, Bill LeClair, Darla LeClair, Jay Remiker, Bonnie Shimulunas, Larry Thomas, Adam Wachowski

ALSO PRESENT: Ross Blaha, Water Utility Director; Dave Buss, Finance Director; Brian Dellemann, Electric Utility Director; Jim McDonald, Public Works Director; Andrew Sukowaty, Water Utility Director; Jared Rohrer, Parks Maintenance Supervisor; Elizabeth Runge, Community Development Director/City Planner; and Greg Buckley, City Manager.

Motion to allow participation in the meeting remotely by Councilmember D. LeClair.

Motion carried upon a roll call vote.

Motion made by Bittner, Seconded by B. LeClair.

Voting Yea: Wachowski, Shimulunas, B. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

4. DISCUSSION ITEMS

- A. Discuss Proposed "Cash Grant and Developer's Performance Agreement" Between the City and 3000 Forest Ave, LLC

Recommended Action:

Discussion only

Mr. Buckley provided a draft copy of the cash grant and developer's performance agreement with 3000 Forest Avenue, LLC. The developer has requested some changes to the language and needs more time to complete their review. Council President Wachowski recapped the process the Personnel & Finance Committee went through to determine the amounts and timing of the cash grant assistance. Mr. Buckley stated that he expects for this item, along with authorization for the related City borrowing, to appear on the April 4 or April 18 Council agenda for action.

5. ACTION ITEMS

- A. Authorize Change of Agent for McPautz LLC, dba Tapped on the Lakeshore for Class "B" Beer/"Class B" Liquor Retail License from Jolene McMahan to Craig Pautz

Recommended Action:

Motion to approve change of Agent for McPautz LLC effective March 29, 2022

Motion carried upon a roll call vote.

Motion made by Remiker, Seconded by Dahlke.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

B. Consider Possible Street Projects for Inclusion in Submittal to WisDOT for State Fiscal Year 2022 Funding

Mr. Buckley provided background on the Wisconsin DOT's distribution of the federal Bipartisan Infrastructure Law funding and the timelines for Federal Fiscal Year 2022 funding applications. Through a staff review process including the City Manager, Public Works/Engineering, and Water Department, staff has provided a recommended list of streets for utilization of this potential DOT funding, which is pretty limited to asphalt overlays and asphalt "mill and fill" projects. He also noted that there is a June 1 deadline for submittal of projects for Federal Fiscal Years 2023-2025; those projects can include utility work, reconstruction of concrete streets and other "more complicated" projects. Projects will be bid out through WisDOT's November bid letting, for completion during the 2023 construction season.

Recommended Action:

Motion identifying projects for submittal to WisDOT, as identified in the staff report:

- Jefferson Street from 22nd to 25th
- Pierce Street from 22nd to Zlatnik
- School Street from 10th to 14th
- Numerous asphalt paved streets connecting to, or located just off, Memorial Drive: Taylor, Jessie, Lakeview, Eleonor, Woodland Shores, Florence, Gardner, Davis, McKinley, and Turner

Motion made by Thomas, Seconded by B. LeClair.

Following discussion, motion amended to add Neshotah Road to staff's list of recommended streets for submission to WisDOT, with the understanding that the City will proceed with this project only if the Town of Two Rivers is willing to pay the local share associated with its share of the frontage.

Motion carried upon a voice vote.

Motion made by Thomas, Seconded by LeClair.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

C. Consider Possible Cooperative Arrangements for Parking and Related Matters: Community House and Cool City Brewing Company

Motion to table discussion until the next regularly scheduled Council meeting when the meeting is broadcast live on television and YouTube.

Motion failed upon a roll call vote.

Motion made by Dahlke, Seconded by Remiker.

Voting Yea: Dahlke, Remiker

Voting Nay: Wachowski, B. LeClair, Shimulunas, D. LeClair, Thomas, Bittner, Koach

Recommended Action:

Motion to direct staff to prepare appropriate cooperative agreement

Motion made by Thomas, Seconded by Bittner.

Mr. Buckley and Parks Maintenance Supervisor Jared Rohrer provided an overview of discussions staff had with Cool City Brewing Company regarding a proposed agreement to share parking areas with the City and allow storage for Cool City Brewing Company's dumpster on City property. Mr. Buckley stated that it was not his intent to have final action on this matter at the work session, but instead to get the Council's feedback on elements of a possible agreement, which would be presented for Council action at a regular meeting.

The Council discussed advantages and disadvantages of developing a proposed cooperative agreement between the City and Cool City Brewing Company.

Motion amended to make the following changes to the proposed agreement: Change the 10 dedicated parking spaces in the Community Center parking lot requested by Cool City Brewing Company to be signed for "public parking," charge Cool City Brewing Company for snow plowing on their parcel on the west side of Adams Street that the City will utilize for parking, and require the emptying of their dumpster in the Senior Center parking lot to coincide with when the City's dumpster is emptied so as not to conflict with operating hours of the Senior Center or Community House.

Motion carried with a voice vote.

Motion made by Thomas, Seconded by Bittner.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Thomas, Bittner, Koach
Voting Nay: Dahlke, Remiker

6. CLOSED EXECUTIVE SESSION

Motion to enter into Closed Session at 8:17 PM, 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 assistance to West River Lofts affordable housing project on former Eggers West Property on the West Twin River; Discuss possible City purchase of former CN Railroad Right-of-Way.

Motion carried upon a roll call vote.

Motion made by B. LeClair, Seconded by Dahlke.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

7. RECONVENE IN OPEN SESSION

Motion to reconvene in open session at 9:20 PM to consider possible actions on matters discussed in closed session.

Motion carried upon a voice vote.

Motion made by Dahlke, Seconded by Thomas.
Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

Motion to move forward with pursuing creation of a new environmental remediation tax incremental district to assist with environmental issues at West River Lofts and Beacon Marine while also stating the City's intent to utilize funds from the City's EPA Coalition Grant (\$95,000) and the TID funded Affordable Housing Fund (\$100,000).

Motion carried upon a roll call vote.

Motion made by Thomas, Seconded by LeClair.

Voting Yea: B. LeClair, Shimulunas, D. LeClair, Dahlke, Thomas, Bittner, Koach, Remiker

Voting Nay: Dahlke, Wachowski

Motion to affirm the City's interest in purchasing the former CN Railroad right-of-way and direct staff to request CN Railroad develop a purchase agreement reflecting the financial terms discussed in closed session.

Motion carried upon a roll call vote.

Motion made by Dahlke, Seconded by Remiker.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

8. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn at 9:24 PM.

Motion carried upon a voice vote.

Motion made by Remiker, Seconded by Dahlke.

Voting Yea: Wachowski, B. LeClair, Shimulunas, D. LeClair, Dahlke, Remiker, Thomas, Bittner, Koach

Respectfully Submitted,

Jamie Jackson
City Clerk



PUBLIC UTILITIES COMMITTEE MEETING

Tuesday, March 01, 2022 at 6:00 PM
Council Chambers - City Hall, 3rd Floor
1717 E. Park Street, Two Rivers, WI 54241

MINUTES

1. **CALL TO ORDER**
2. **ROLL CALL** - Committee Members: Bill LeClair, Bonnie Shimulunas, Jay Remiker (absent)
Staff & Others: Jim Mc Donald (Public Works Director), Scott Ahl (Civil Engineer II), Dave Casebeer (Wastewater Utility), Ross Blaha (Water Utility), Brian Delleman (Electric Utility)
3. **REVIEW AND APPROVAL OF MINUTES** Public Utilities Minutes 2022.02.01 - Motion was made by Bonnie Shimulunas, seconded by, Bill LeClair, to approve the minutes as presented. Motion carried with unanimous voice vote
4. PUBLIC INPUT
5. **UPDATES ON CWF AND SDWF UTILITY PROJECTS FOR 2022**
 - 17th Street – recommend award to low bidder of Jossart Brothers; current DNR requires executed contracts to DNR by March 31, 2022, to maintain Principal Forgiveness on the project
Motion made by Bill LeClair, seconded by Bonnie Shimulunas, to bring to City Council for March 7th meeting. Motion carried with unanimous voice vote
 - WWTP Screw Press – If awarded, Sabel would like to work on demolition this summer; equipment delivery expected Nov/Dec with construction starting 2023
- Staff noted – Sabel Mechanical presented low bid of \$1,090,800; also noted consultant is working to determine if sewer rates need to be raised; staff recommends to City Council to award contingent upon City Manager discretion.
Motion made by Bill LeClair, seconded by Bonnie Shimulunas, to bring to City Council for March 7th meeting. Motion carried with unanimous voice vote
 - Service Laterals (Public and Private) Contract
Motion made by Bonnie Shimulunas, seconded by Bill LeClair, to bring to City Council for March 7th meeting. Motion carried with unanimous voice vote
 - Pine Tree Lift Station – construction expected to start Monday, March 7th
 - 20th Street (Eggers) Storm Pond – Contractor continues work on pond; currently placing clay liner; work is proceeding as contractor scheduled
6. **WASTEWATER UTILITY:** Flows are down
7. **ELECTRIC UTILITY:** New electrician, Tyler Duessing, started Monday; worked with Faith Technologies for 7 years; worked with Two Rivers Schools for last 1½ years
 - working with Customer Service with replacement on ERT’s (electronic meter reading) concentrating on locations where entry into buildings is required for water & electric meters
 - working with Finance Dept on account close outs; matching amounts between _____
 - working on getting quote for digger trucks; noted 18-month lead time & 32% increase
8. **WATER UTILITY:** pilot testing – parts are ordered, still waiting on delivery
 - review ranking of utility rates; noted the number of top 10 customers are MPU customers; TR utility was #5; _____ #10; expect to continue to go down in rank due to rates not expected to increase in near future
 - installed new membranes with expected life of 10-12 years
9. **STORM WATER UTILITY:** working on plan to clean drainage channel at end of Pierce Ct; noted existing drainage ditch is silting in and holding water back

10. ANY OTHER ITEMS OR ISSUES TO COME BEFORE THE COMMITTEE, WITH DISCUSSION A

11. SET DATE, TIME, LOCATION, AND AGENDA ITEMS FOR NEXT COMMITTEE MEETING.

Next meeting will be held Tuesday, April 5, 2022, at 6:00 pm.

12. ADJOURNMENT - Motion made by Bonnie Shimulunas, seconded by Bill LeClair, to adjourn the meeting at 7:00 pm



PUBLIC WORKS COMMITTEE

Wednesday, March 02, 2022, at 5:15 PM

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

MINUTES

1. **CALL TO ORDER**
2. **ROLL CALL**
Committee Members: Tracey Koach, Larry Thomas, Darla LeClair (absent)
Staff: Jim Mc Donald (Public Works Director), Scott Ahl (Civil Engineer II)
3. **REVIEW/APPROVAL OF MINUTES:** Motion made by Tracey Koach, seconded by Larry Thomas, to approve the minutes as presented. Motion carried with unanimous voice vote
4. **PUBLIC INPUT**
5. **2022 PROJECT STATUS**
17th Street Reconstruction: received bids for 17th St; plan on sub _____
Pine Tree Lift Station: starts next week
Paving/Sidewalks: contract needs to be prepared
Zlatnik Resurfacing: will be following 17th St construction schedule
6. **PROPERTY OWNER REQUESTS:** a sidewalk along inland side of Memorial Dr., between Gardner and Florence, to provide pedestrian access; proposal development; staff contacted DOT to discuss
Consensus by committee to support this request
7. **DISCUSSIONS OR ISSUES FOR ACTION OR ON HOLD, PENDING FURTHER INFORMATION**
8. **DISCUSS STREET SELECTIONS FOR 2022 CONSTRUCTION:**
Reconstructions On Track: 17th St - East St to Zlatnik Dr., & E. Park to Jefferson
Considered for Future Street & Utility Improvements:
Roosevelt from 12th to Lowell
Lincoln St -17th to 22nd (mill/fill after services)
Zlatnik from 17th St to Pierce Street resurfacing
Also looking at other funding sources for these projects
9. **OTHER ITEMS THAT MAY COME BEFORE THE COMMITTEE:**
Citizen Concerns regarding 22nd St, east of Pine Tree Dr – times when beach is busy, people park along street and block access to mailboxes
10. **SET DATE, TIME, AND AGENDA ITEMS FOR NEXT MEETING:**
The next meeting will be held Wednesday, April 6, 2022, at 5:15 pm
11. **ADJOURNMENT:** Motion was made by Tracey Koach, seconded by Larry Thomas, to adjourn at 5:50 pm

**CITY OF TWO RIVERS CITY COUNCIL
PERSONNEL AND FINANCE COMMITTEE
Tuesday, March 15, 2022
4:15 PM
3rd Floor City Council Chamber – City Hall**

Call to Order

The meeting was called to order by Committee Chairman Bittner at 4:19 PM

Roll Call

Committee Members present were Mark Bittner, Jeff Dahlke, and Adam Wachowski. Members of City Staff present were Gregory Buckley, City Manager; Elizabeth Runge, Community Development Director; and David Buss, Finance Director. Also present were Tracy Koach, Councilperson; Larry Thomas, Councilperson; Kip Golden, CR Structures; Jeff Peterson, CR Structures; and Grant Fisk, Project developer/investor.

Staffing Updates

City Manager Buckley shared an update on recent staffing updates. Highlights of that report are the new hires for two Part Time Police Officers, a new Electrician/Electrical Inspector, and Water Utility Director; as well as current recruitment for additional Police Officers, a Senior Center Supervisor, a Parks & Recreation Director, and a Certified Water Operator.

February Overtime Report

Finance Director Buss presented the February Overtime Report highlighting that Police overtime is running ahead of last year due mainly to staff vacancies and Fire over time is running ahead of last year due to the two working fires that occurred in the last couple of months. Staff will watch these areas during the remainder of the year.

Discussion of Possible TIF Assistance to a Redevelopment Project on the City-owned Former Eggers East Property

City Manager Buckley, Community Development Director Runge, and the committee welcomed representatives from CR Structures and the proposed development. The developer presented the plans for the site, answering questions of the committee and discussing the impact of the project on the community. City Manager Buckley and Community Development Director Runge reviewed the Baird Cash Flow Proforma for assistance from TID 16, some history of the project, and the TIF Assistance request. No action was taken at this time.

Closed Session

At 5:00pm, motion was made by Wachowski, seconded by Dahlke, to enter closed session. The representatives of the proposed project left the meeting at this time. Roll call vote. Motion carried unanimously.

Reconvene in Open Session

At 5:18pm, a motion was made by Wachowski, seconded by Dahlke, to reconvene in open session. Motion carried.

Adjournment

Motion was made by Wachowski, seconded by Dahlke, to adjourn the meeting at 5:19pm. Motion carried.

Respectfully Submitted,



David Buss, Finance Director

**NOTICE OF PUBLIC HEARING
ON SPECIAL ASSESSMENTS
FOR PORTLAND CEMENT CONCRETE ROAD RECONSTRUCTION**

PLEASE TAKE NOTICE that the City Council of the City of Two Rivers has declared its intention to exercise its police power under Section 66.0703 Wisconsin Statutes to levy special assessments on properties fronting on the street hereinafter described for improvements conferred upon each property as follows:

FOR PORTLAND CEMENT CONCRETE ROAD RECONSTRUCTION, the work will include removal of the existing pavement, excavation, replacement of water main and services, replacement of portions of sanitary sewer main and services, storm sewer construction and replacement, installation of storm sewer services, grading and graveling, placement of Portland Cement Concrete, driveway approaches, repair or replacement of sidewalks and ramps, curb and gutter, top soil placement, seeding, restoration and miscellaneous related work.

**17th STREET, FROM EAST PARK STREET TO JEFFERSON STREET &
17TH STREET, FROM EAST STREET TO ZLATNIK DRIVE**

Proposed improvements to be assessed include a portion of the costs associated with constructing the pavement, carriage walks, and storm services. Costs associated with the sanitary and water utilities in the roadway are not assessed for this project.

The report of the City Engineer showing proposed plans and specifications, estimated costs of improvements and proposed assessments is on file in the Office of Public Works and Engineering, Two Rivers City Hall and may be inspected on any business day between the hours of 8:00 AM and 4:30 PM.

You are further notified that the City Council will hear all persons interested, or their agents or attorneys, concerning any matters contained in the preliminary resolution authorizing such assessment, and the report, including proposed assessments for improvements starting **at 6:00 PM on the 18th day of April 2022**, in the City Council Chambers, City Hall, 1717 East Park Street, Two Rivers, Wisconsin. All persons will be considered at said hearing and thereafter the amounts of the assessments will be finally determined by the City Council.

Published March 25th, 2022.

Jamie Jackson, City Clerk
City of Two Rivers



RESOLUTION
Fair Housing Declaration

WHEREAS, the City of Two Rivers was awarded Community Development Block Grant - COVID (CDBG-CV) funds to modify the Senior Center building and parking lot; and

WHEREAS, as a part of the CDBG-CV funding requirements, it is necessary to affirm and promote fair housing practices within the City; and

WHEREAS, let it be known that in the City of Two Rivers, discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, sex, national origin, religion, family status (families with children), or handicap (disability) is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Act); prohibited by the Age Discrimination Act of 1975 for any programs and activities receiving federal financial assistance; prohibited by the Wisconsin State Statutes for Equal Rights in Housing Section 106.50; and, prohibited by the Federal Fair Housing Act based on age, sexual orientation, gender identity, or marital status; and

NOW, THEREFORE, IT BE RESOLVED, that the City of Two Rivers rejects discrimination against those seeking housing on the basis of race, color, sex, national origin, religion, familial status, disability, age, sexual orientation, gender identity, marital status, and/or the use of service or support animals in compliance with state and federal laws.

Dated this 4th day of April 2022

Councilmember

Greg E. Buckley
City Manager

Chapter 8-3

Bicycles, E-Bikes, and Electric Personal Assistive Mobility Devices

[HISTORY: Adopted by the City Council of the City of Two Rivers (Title 8, Ch. 3, of the 1981 Code). Amendments noted where applicable.] This chapter shall not apply to vehicles or devices used in accordance with the Americans with Disabilities Act or in regard to play vehicles as defined by Wisconsin Statute.

§ 8-3-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BICYCLE

Every device propelled by the feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter. A bicycle for purposes of this chapter may have any number of wheels two or more.

BICYCLE LANE

That portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric scooters, electric personal assistive mobility devices, or other modes of travel where permitted, absent gasoline power, and so designated by appropriate signs and pavement markings. ~~That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.~~

BICYCLE PATROL OFFICER

A police officer patrolling by use of bicycle, electric scooter, electric personal assistive mobility device.

BICYCLE WAY or PUBLIC RECREATION TRAIL

Any path or sidewalk or portion thereof, off roadway, or property owned or leased by the City, and designated for use by pedestrians, bicycles, electric scooters, and electric personal assistive mobility devices, or any other human or electric powered recreation, absent gasoline power, by the governing body of any city, town, village, or county. ~~Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.~~

BIKE ROUTE

Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

CARRIER

Any device attached to a bicycle, electric scooter, electric personal assistive mobility device designed for carrying articles.

E-BIKE or ELECTRIC BICYCLE

Any bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

- (a) Class 1 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (c) Class 3 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE

A self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. “Segway” is an example of an electric personal assistive mobility device for purposes of this chapter.

ELECTRIC SCOOTER

A device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. “Electric scooter” does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

IDENTIFICATION TAG

A metal plate or sticker indicating that a bicycle is registered.

OPERATOR

Every person who drives or is in actual physical control of a device or vehicle as covered in this chapter.

OWNER

A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

PEDESTRIAN

Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

RENTAL AGENCY

A city authorized business offering rental or hire of bicycles, electric scooters, or electric personal assistive mobility devices to a third party for a limited time.

RIGHT-OF-WAY

The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY

That portion of a highway between the regularly established curb lines or that portion which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

SIDEWALK

That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

§ 8-3-2 Registration of bicycles, e-bikes, electric scooters, and electric personal assistive mobility devices.

- A. Registration ~~of bicycles~~ required. No person who resides within the City of Two Rivers shall operate or propel a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any public highway, public recreation trail, bicycle way or bicycle path within the City, or on property owned or leased by the City, which has not been duly registered and licensed as provided in this chapter. The owner shall apply for registration within 10 days of purchase and delivery of the bicycle, e-bike, electric scooter or electric personal assistive mobility device. A rental agency shall not rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, for rent unless registered and an identification tag is attached thereto as provided herein and such bicycle, e-bike, electric scooter or electric personal assistive mobility device has not been modified from the original manufacturer in such a way as to make said device unsafe.
- B. How made. Registration shall be made by filing with the Police Department on forms provided by the City, giving the name, address and date of birth of the owner and a complete description of the bicycle, e-bike, electric scooter or electric personal assistive mobility device, including the name of the manufacturer, style, model, serial number, and color. If the bicycle, e-bike, electric scooter or electric personal assistive mobility device has no serial number, the Police Department shall assign one.
- C. Registration fee. The fee for registration and license of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be as provided for in Chapter 1-2, Fees, of this Code. Police patrol bicycles and other city owned vehicles or devices are exempt from this provision.
- D. Identification tag. The registering employee or officer shall issue to the registrant an identification tag. The identification tag shall be immediately affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device, and shall be firmly attached to the bicycle, e-bike, electric scooter or electric personal assistive mobility device for which issued and kept visible and clean at all times. The identification tag shall permit the bicycle, e-bike, electric scooter or electric personal assistive mobility device to be operated upon the City streets, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City.

- E. Unsafe bicycles, e-bikes, electric scooters or electric personal assistive mobility devices registered. No bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be registered which is in an unsafe mechanical condition.
- F. Owner to register. The licensing authority shall not register any bicycle, e-bike, electric scooter or electric personal assistive mobility device which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.
- G. Change of ownership.
 - (1) Within 10 days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device registered as provided herein is sold or transferred to a new owner, the new owner shall report such information to the Police Department and shall apply for and obtain the transfer of the registration through the Police Department. Within 10 days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device is dismantled or taken out of operation, the person in whose name the bicycle, e-bike, electric scooter or electric personal assistive mobility device is registered shall report such information to the Police Department. The Police Department shall thereupon cancel the registration of the bicycle, e-bike, electric scooter or electric personal assistive mobility device.
 - (2) Every person who transfers the title of any bicycle, e-bike, electric scooter or electric personal assistive mobility device shall endorse upon the form provided by the City the name, address, and date of birth of the transferee, the date of the transfer and the identification tag number affixed to the bicycle, e-bike, electric scooter or electric personal assistive mobility device. The transferee, upon registration, shall pay a transfer fee as provided for in Chapter 1-2, Fees, of this Code. The bicycle, e-bike, electric scooter or electric personal assistive mobility device identification tag remains with the bicycle, e-bike, electric scooter or electric personal assistive mobility device and is not transferable to a different bicycle, e-bike, electric scooter or electric personal assistive mobility device.

§ 8-3-3 Responsibility of parent ~~or~~ , guardian, or rental agency.

No parent or guardian of any child, or rental agency shall authorize or knowingly permit a child to violate any of the provisions of this chapter or of any ordinance or state law applicable to the registration or operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices, and shall be responsible for the safety and maintenance of said device. Any person, who owns, operates or rides upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, does so at that person’s own risk and peril and assumes all liability resulting from the operation of the device. The City in no way shall be liable for accidents, injuries or death involving the operation of the device.

§ 8-3-4 Display of registration.

The identification tag issued under this chapter shall be affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device so as to be plainly seen and read and shall remain so affixed until ordered removed by the Police Department for cause or until expiration of the registration. In the case of theft or loss of the identification tag, a replacement tag shall be issued upon payment of a fee as provided for in Chapter 1-2, Fees, of this Code.

§ 8-3-5 **Exemption from registration.**

Any nonresident of the City who has duly registered his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in another jurisdiction, or who resides in another jurisdiction which has no registration requirements, may operate his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in the City without obtaining local registration.

§ 8-3-6 **Removal and alteration of identification tags.**

- A. Removal prohibited. No person shall remove an identification tag from a bicycle, e-bike, electric scooter or electric personal assistive mobility device during the period for which it is issued.
- B. Alteration prohibited. No person shall alter or counterfeit any identification tag.

§ 8-3-7 **Unclaimed or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.**

All abandoned or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices shall be delivered to the Police Department for storage, and all such bicycles, e-bikes, electric scooters or electric personal assistive mobility devices remaining in the hands of the Police Department after 60 days shall be sold at the next scheduled police auction.

§ 8-3-8 **Operating rules.**

No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, shall fail to observe any applicable traffic regulations of the municipality and state or to comply with the following regulations:

- A. Operator and ~~Carrying extra~~ passenger. The manufacturer’s recommended operator and seating capacity shall not be exceeded. Bicycle operators shall not use a bicycle to carry another person; however, a bicycle operator may carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer. No child under age 16 may operate a class 3 electrical bicycle and no class 3 electrical bicycle may be operated on any public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, except upon any City street.
- B. Stunt or trick riding. No person operating ~~or pedaling~~ a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any trick or stunt riding or racing on any City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway, or with the express written consent of the City Council.
- C. Towing ~~with bicycle~~. No person riding or operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall tow, drag or cause to be drawn behind the bicycle, e-bike, electric scooter or electric personal assistive mobility device, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle, e-bike, electric scooter or electric personal assistive mobility device.

- D. Obedience to traffic control devices. Any person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall obey the instructions of official traffic control devices applicable to vehicles unless otherwise directed by a law enforcement officer.
- E. Stopping, turning and signaling.
- (1) Signal required. No bicycle, e-bike, electric scooter or electric personal assistive mobility device operator shall suddenly stop, slow down, or turn without giving proper signal, or when the vehicle or device is not equipped with traffic signals by the manufacturer, an arm signal is required by state law for the operation of motor vehicles or devices on roadways. No person shall turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device into an intersection unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position upon the roadway or turn to enter a private roadway or driveway unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position on the roadway as required or suddenly turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a roadway unless and until such movement can be made with reasonable safety. If other traffic may be affected by such movement, no person shall so turn any bicycle, e-bike, electric scooter or electric personal assistive mobility device without giving an appropriate signal in the manner provided. Such signal shall be given continually during not less than 50 feet before turning. When given by arm and hand signals, such signals shall be given from left side of bicycle, e-bike, electric scooter or electric personal assistive mobility device in the following manner and shall indicate as follows:
- (a) Left turn: hand and arm extended horizontally.
 - (b) Right turn: hand and arm extended upward.
 - (c) Stop or decrease speed: hand and arm extended downward.
- (2) Prohibited turns. Whenever a uniform traffic control device indicates that no right or left turn or U-turn is permitted, no person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall disobey the direction of such device, except after dismounting from the bicycle, e-bike, electric scooter or electric personal assistive mobility device to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.
- (3) Right turns. Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn to the right at an intersection, alley, or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
- (4) Left turns. Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the bicycle, e-bike, electric scooter or electric personal assistive mobility device about to turn left, unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above-described, he or she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle, e-bike, electric scooter or electric personal assistive mobility device to the left-hand corner and proceed. A bicycle, e-bike, electric scooter or electric personal assistive mobility device operator

may also make a left turn by driving to the opposite corner and then turning left and driving in the driving position.

- (5) Use of crosswalks. Crosswalks shall be used when walking a bicycle, e-bike, electric scooter or electric personal assistive mobility device through an intersection.
- F. Speed. No person shall operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit. No person may operate a bicycle, e-bike, electric scooter, electric personal assistive mobility device, or other vehicle off roadway but on property owned by the city, including but not limited to City parks and public recreation trails, in excess of 15 mph.
- G. Clinging to moving vehicles. It shall be unlawful for any person riding upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device to cling or attach ~~himself or his~~ themselves to a bicycle, e-bike, electric scooter or electric personal assistive mobility device to any moving vehicle.
- H. Single file riding. Every person when operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a public highway shall ride such bicycle, e-bike, electric scooter or electric personal assistive mobility device in a single file and at no time shall ride two or more abreast.
- I. Racing. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any race, speed or endurance contest with another bicycle, e-bike, electric scooter or electric personal assistive mobility device or with any ~~motor~~ other vehicle on a City street, public recreation trail, or on property owned or leased by the City, except in connection with a special event upon permission granted by the City Council after a report by the Chief of Police.
- J. Removal of hands from handlebars. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall remove both hands from handlebars or feet from pedals nor practice any fancy or acrobatic riding or stunts in the operation of said bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.
- K. Lights; reflectors. No person may operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle, e-bike, electric scooter or electric personal assistive mobility device is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least 500 feet to the front of such bicycle, e-bike, electric scooter or electric personal assistive mobility device. Such bicycle, e-bike, electric scooter or electric personal assistive mobility device shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear, so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to, but not in lieu of, the red reflector.
- L. Operation on roadway edge. The rider of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall ride as near as practicable to within five feet of the right-hand curb or edge of the roadway, except when passing another vehicle or in making a left-hand turn in an intersection.

§ 8-3-9 Parking.

No person shall park any bicycle, e-bike, electric scooter or electric personal assistive mobility device against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices in the vicinity, the operator may park a bicycle, e-bike, electric scooter or electric personal assistive mobility device on the sidewalk in the upright position parallel to and within 24 inches of the curb.

§ 8-3-10 Operation on sidewalks.

- A. No person shall ~~run or propel~~ operate any bicycle, e-bike, electric scooter or electric personal assistive mobility device on any sidewalk within the City, except bicycles with wheels 20 inches in diameter or less in residential areas for the purpose of learning, or bicycles being operated by a Police Bicycle Patrol Officer or other city vehicle operating within the performance of his city duties.
- B. Bicycles, e-bikes, electric scooters or electric personal assistive mobility devices ~~of all sizes~~ may be operated on bridge sidewalks, but shall maintain the right-of-way to pedestrians.
- C. Notwithstanding Subsection A hereof, the City Council may, by motion or resolution, permit the operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices on designated sidewalks of the City, in its discretion, when it believes permitting such operation is appropriate and consistent with the public health and safety. Copies of any such resolution or motion shall be maintained at the office of the City Clerk and shall be available for public inspection during normal office hours. Such permission shall be subject to signage or other requirements imposed by applicable law.

§ 8-3-11 Violations and penalties.

[Amended at time of adoption of Code (see Title 1, General Provisions, Ch. 1-1, Art. III)]

Any person who shall violate any of the provisions of this chapter shall be punished by any of the following methods, subject to the requirements of state law:

- A. Any person over the age of 12 who violates any provision of this chapter shall be subject to the following penalties:
 - (1) First offense penalty. ~~Any person over the age of 12 who shall violate any provisions of this chapter~~ shall forfeit not less than \$5 nor more than \$1,500.
 - (2) Second offense penalty. ~~Any person over the age of 12 who shall violate any provisions of this chapter for the second time within a one-year period~~ shall forfeit not less than \$10 nor more than \$1,500.
 - (3) Third offense penalty. ~~Any person over the age of 12 who shall violate any provisions of this chapter for the third or subsequent time within a one-year period~~ shall forfeit not less than \$20 nor more than \$1,500.

ORDINANCE

AN ORDINANCE to amend Municipal Code 8-3 entitled “Bicycles, E-Bikes, and Electric Personal Assistive Mobility Devices”.

The Council of the City of Two Rivers ordains as follows:

[HISTORY: Adopted by the City Council of the City of Two Rivers (Title 8, Ch. 3, of the 1981 Code). Amendments noted where applicable.] This chapter shall not apply to vehicles or devices used in accordance with the Americans with Disabilities Act or in regard to play vehicles as defined by Wisconsin Statute.

SECTION 1. That Section 8-3-1 of the Municipal Code shall hereby be amended as follows:

BICYCLE

Every device propelled by the feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter. A bicycle for purposes of this chapter may have any number of wheels two or more.

BICYCLE LANE

That portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric scooters, electric personal assistive mobility devices, or other modes of travel where permitted, absent gasoline power, and so designated by appropriate signs and pavement markings.

BICYCLE PATROL OFFICER

A police officer patrolling by use of bicycle, electric scooter, electric personal assistive mobility device.

BICYCLE WAY or PUBLIC RECREATION TRAIL

Any path or sidewalk or portion thereof where permitted, off roadway, or property owned or leased by the City where permitted, and designated for use by pedestrians, bicycles, electric scooters, and electric personal assistive mobility devices, or any other human or electric powered recreation, absent gasoline power, by the governing body of any city, town, village, or county.

BIKE ROUTE

Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

CARRIER

Any device attached to a bicycle, electric scooter, electric personal assistive mobility device designed for carrying articles.

E-BIKE or ELECTRIC BICYCLE

Any bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

- (a) Class 1 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (c) Class 3 electric bicycle is an electric bicycle equipped with a motor that provides assistance

only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE

A self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. “Segway” is an example of an electric personal assistive mobility device for purposes of this chapter.

ELECTRIC SCOOTER

A device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. “Electric scooter” does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

IDENTIFICATION TAG

A metal plate or sticker indicating that a bicycle is registered.

OPERATOR

Every person who drives or is in actual physical control of a device or vehicle as covered in this chapter.

OWNER

A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

PEDESTRIAN

Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

RENTAL AGENCY

A city authorized business offering rental or hire of bicycles, electric scooters, or electric personal assistive mobility devices to a third party for a limited time.

RIGHT-OF-WAY

The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY

That portion of a highway between the regularly established curb lines or that portion which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

SIDEWALK

That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

SECTION 2. That Section 8-3-2 of the Municipal Code shall hereby be amended as follows:

Registration of bicycles, e-bikes, electric scooters, and electric personal assistive mobility devices.

- A. Registration required. No person who resides within the City of Two Rivers shall operate or propel a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any public highway, public recreation trail, bicycle way or bicycle path within the City, or on property owned or leased by the City, which has not been duly registered and

licensed as provided in this chapter. The owner shall apply for registration within 10 days of purchase and delivery of the bicycle, e-bike, electric scooter or electric personal assistive mobility device. A rental agency shall not rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, for rent unless registered and an identification tag is attached thereto as provided herein and such bicycle, e-bike, electric scooter or electric personal assistive mobility device has not been modified from the original manufacturer in such a way as to make said device unsafe.

- B How made. Registration shall be made by filing with the Police Department on forms provided by the City, giving the name, address and date of birth of the owner and a complete description of the bicycle, e-bike, electric scooter or electric personal assistive mobility device, including the name of the manufacturer, style, model, serial number, and color. If the bicycle, e-bike, electric scooter or electric personal assistive mobility device has no serial number, the Police Department shall assign one.
- C. Registration fee. The fee for registration and license of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be as provided for in Chapter 1-2, Fees, of this Code. Police patrol bicycles and other city owned vehicles or devices are exempt from this provision.
- D. Identification tag. The registering employee or officer shall issue to the registrant an identification tag. The identification tag shall be immediately affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device, and shall be firmly attached to the bicycle, e-bike, electric scooter or electric personal assistive mobility device for which issued and kept visible and clean at all times. The identification tag shall permit the bicycle, e-bike, electric scooter or electric personal assistive mobility device to be operated upon the City streets, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City.
- E. Unsafe bicycles, e-bikes, electric scooters or electric personal assistive mobility devices not to be registered. No bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be registered which is in an unsafe mechanical condition.
- F. Owner to register. The licensing authority shall not register any bicycle, e-bike, electric scooter or electric personal assistive mobility device which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.
- G. Change of ownership.
 - (1) Within 10 days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device registered as provided herein is sold or transferred to a new owner, the new owner shall report such information to the Police Department and shall apply for and obtain the transfer of the registration through the Police Department. Within 10 days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device is dismantled or taken out of operation, the person in whose name the bicycle, e-bike, electric scooter or electric personal assistive mobility device is registered shall report such information to the Police Department. The Police Department shall thereupon cancel the registration of the bicycle, e-bike, electric scooter or electric personal assistive mobility device.
 - (2) Every person who transfers the title of any bicycle, e-bike, electric scooter or electric personal assistive mobility device shall endorse upon the form provided by the City the name, address, and date of birth of the transferee, the date of the transfer and the identification tag number affixed to the bicycle, e-bike, electric scooter or electric personal assistive mobility device. The transferee, upon registration, shall pay a transfer fee as provided for in Chapter 1-2, Fees, of this

Code. The bicycle, e-bike, electric scooter or electric personal assistive mobility device identification tag remains with the bicycle, e-bike, electric scooter or electric personal assistive mobility device and is not transferable to a different bicycle, e-bike, electric scooter or electric personal assistive mobility device.

SECTION 3. That Section 8-3-3 of the Municipal Code shall hereby be amended as follows:

Responsibility of parent, guardian, or rental agency.

No parent or guardian of any child, or rental agency shall authorize or knowingly permit a child to violate any of the provisions of this chapter or of any ordinance or state law applicable to the registration or operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices, and shall be responsible for the safety and maintenance of said device. Any person, who owns, operates or rides upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, does so at that person's own risk and peril and assumes all liability resulting from the operation of the device. The City in no way shall be liable for accidents, injuries or death involving the operation of the device.

SECTION 4. That Section 8-3-4 of the Municipal Code shall hereby be amended as follows:

Display of registration.

The identification tag issued under this chapter shall be affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device so as to be plainly seen and read and shall remain so affixed until ordered removed by the Police Department for cause or until expiration of the registration. In the case of theft or loss of the identification tag, a replacement tag shall be issued upon payment of a fee as provided for in Chapter 1-2, Fees, of this Code.

SECTION 5. That Section 8-3-5 of the Municipal Code shall hereby be amended as follows:

Exemption from registration.

Any nonresident of the City who has duly registered his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in another jurisdiction, or who resides in another jurisdiction which has no registration requirements, may operate his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in the City without obtaining local registration.

SECTION 6. That Section 8-3-6 of the Municipal Code shall hereby be amended as follows:

Removal and alteration of identification tags.

- A. Removal prohibited. No person shall remove an identification tag from a bicycle, e-bike, electric scooter or electric personal assistive mobility device during the period for which it is issued.
- B. Alteration prohibited. No person shall alter or counterfeit any identification tag.

SECTION 7. That Section 8-3-7 of the Municipal Code shall hereby be amended as follows:

Unclaimed or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.

All abandoned or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices shall be delivered to the Police Department for storage, and all such bicycles, e-bikes, electric scooters or electric personal assistive mobility devices remaining in the hands of the Police Department after 60 days shall be sold at the next scheduled police auction.

SECTION 8. That Section 8-3-8 of the Municipal Code shall hereby be amended as follows:

Operating rules.

No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon

any City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, shall fail to observe any applicable traffic regulations of the municipality and state or to comply with the following regulations:

- A. Operator and passenger. The manufacturer's recommended operator and seating capacity shall not be exceeded. Bicycle operators shall not use a bicycle to carry another person in excess of manufacturer's recommended capacity; however, a bicycle operator may carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer. No child under age 16 may operate a class 3 electrical bicycle and no class 3 electrical bicycle may be operated on any public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, except upon any City street.
- B. Stunt or trick riding. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any trick or stunt riding or racing on any City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway, or with the express written consent of the City Council.
- C. Towing. No person riding or operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall tow, drag or cause to be drawn behind the bicycle, e-bike, electric scooter or electric personal assistive mobility device, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle, e-bike, electric scooter or electric personal assistive mobility device.
- D. Obedience to traffic control devices. Any person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall obey the instructions of all official traffic control devices unless otherwise directed by a law enforcement officer.
- E. Stopping, turning and signaling.
 - (1) Signal required. No bicycle, e-bike, electric scooter or electric personal assistive mobility device operator shall suddenly stop, slow down, or turn without giving proper signal, or when the vehicle or device is not equipped with traffic signals by the manufacturer, an arm signal is required by state law for the operation of vehicles or devices on roadways. No person shall turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device into an intersection unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position upon the roadway or turn to enter a private roadway or driveway unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position on the roadway as required or suddenly turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a roadway unless and until such movement can be made with reasonable safety. If other traffic may be affected by such movement, no person shall so turn any bicycle, e-bike, electric scooter or electric personal assistive mobility device without giving an appropriate signal in the manner provided. Such signal shall be given continually during not less than 50 feet before turning. When given by arm and hand signals, such signals shall be given from left side of bicycle, e-bike, electric scooter or electric personal assistive mobility device in the following manner and shall indicate as follows:
 - (a) Left turn: hand and arm extended horizontally.
 - (b) Right turn: hand and arm extended upward.

- (c) Stop or decrease speed: hand and arm extended downward.
 - (2) Prohibited turns. Whenever a uniform traffic control device indicates that no right or left turn or U-turn is permitted, no person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall disobey the direction of such device, except after dismounting from the bicycle, e-bike, electric scooter or electric personal assistive mobility device to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.
 - (3) Right turns. Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn to the right at an intersection, alley, or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
 - (4) Left turns. Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the bicycle, e-bike, electric scooter or electric personal assistive mobility device about to turn left, unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above-described, he or she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle, e-bike, electric scooter or electric personal assistive mobility device to the left-hand corner and proceed. A bicycle, e-bike, electric scooter or electric personal assistive mobility device operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.
 - (5) Use of crosswalks. Crosswalks shall be used when walking a bicycle, e-bike, electric scooter or electric personal assistive mobility device through an intersection.
- F. Speed. No person shall operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit. No person may operate a bicycle, e-bike, electric scooter, electric personal assistive mobility device, or other vehicle off roadway but on property owned by the city, including but not limited to City parks and public recreation trails, in excess of 15 mph.
 - G. Clinging to moving vehicles. It shall be unlawful for any person riding upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device to cling or attach themselves to a bicycle, e-bike, electric scooter or electric personal assistive mobility device to any moving vehicle.
 - H. Single file riding. Every person when operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a public highway shall ride such bicycle, e-bike, electric scooter or electric personal assistive mobility device in a single file and at no time shall ride two or more abreast.
 - I. Racing. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any race, speed or endurance contest with another bicycle, e-bike, electric scooter or electric personal assistive mobility device or with any other vehicle on a City street, public recreation trail, or on property owned or leased by the City, except in connection with a special event upon permission granted by the City Council after a report by the Chief of Police.
 - J. Removal of hands from handlebars. No person operating a bicycle, e-bike, electric scooter

or electric personal assistive mobility device shall remove both hands from handlebars or feet from pedals nor practice any fancy or acrobatic riding or stunts in the operation of said bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.

- K. Lights; reflectors. No person may operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle, e-bike, electric scooter or electric personal assistive mobility device is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least 500 feet to the front of such bicycle, e-bike, electric scooter or electric personal assistive mobility device. Such bicycle, e-bike, electric scooter or electric personal assistive mobility device shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear, so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to, but not in lieu of, the red reflector.
- L. Operation on roadway edge. The rider of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall ride as near as practicable to within five feet of the right-hand curb or edge of the roadway, except when passing another vehicle or in making a left-hand turn in an intersection.

SECTION 9. That Section 8-3-9 of the Municipal Code shall hereby be amended as follows:

Parking.

No person shall park any bicycle, e-bike, electric scooter or electric personal assistive mobility device against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices in the vicinity, the operator may park a bicycle, e-bike, electric scooter or electric personal assistive mobility device on the sidewalk in the upright position parallel to and within 24 inches of the curb.

SECTION 10. That Section 8-3-10 of the Municipal Code shall hereby be amended as follows:

Operation on sidewalks.

- A. No person shall operate any bicycle, e-bike, electric scooter or electric personal assistive mobility device on any sidewalk within the City, except bicycles with wheels 20 inches in diameter or less in residential areas for the purpose of learning, or bicycles being operated by a Police Bicycle Patrol Officer or other city vehicle operating within the performance of his city duties.
- B. Bicycles, e-bikes, electric scooters or electric personal assistive mobility devices may be operated on bridge sidewalks, but shall maintain the right-of-way to pedestrians.
- C. Notwithstanding Subsection A hereof, the City Council may, by motion or resolution, permit the operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices on designated sidewalks of the City, in its discretion, when it believes permitting such operation is appropriate and consistent with public health and safety. Copies of any such resolution or motion shall be maintained at the office of the City Clerk and shall be available for public inspection during normal office hours. Such permission shall be subject to signage or other requirements imposed by applicable law.

SECTION 11. That Section 8-3-11 of the Municipal Code shall hereby be amended as follows:

Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be punished by any of the following

methods, subject to the requirements of state law:

A. Any person over the age of 12 who violates any provision of this chapter shall be subject to the following penalties:

- (1) First offense penalty shall forfeit not less than \$5 nor more than \$1,500.
- (2) Second offense penalty shall forfeit not less than \$10 nor more than \$1,500.
- (3) Third offense penalty shall forfeit not less than \$20 nor more than \$1,500.

Dated this 4th day of April, 2022.

Adam Wachoswki
President, City Council

Gregory E. Buckley
City Manager

Attest:

Jamie Jackson
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney

ORDINANCE

AN ORDINANCE to amend Municipal Code Sections 1-2-1 entitled "License, permit and other fees established".

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 1-2-1 of the Municipal Code shall hereby be amended as follows:

Code Section	License/Permit	Fee
6-4-4C	Direct sellers	\$20
6-6-6	Taxi	\$25
6-6-8D	Taxi driver	\$20
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 6 years but more than 5 years	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 5 years but more than 4 years	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 4 years but more than 3 years	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 2 years but more than 1 year	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 1 year	No charge
8-3-2G	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration transfer	No charge
8-3-4	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration replacement fee	\$0

SECTION 3. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 4th day of April, 2022.

Adam Wachoswki
President, City Council

Gregory E. Buckley
City Manager

Attest:

Jamie Jackson
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney

The following Code does not display images or complicated formatting. Codes should be viewed in a plain text tool is only meant for editing. Section 11, Item C.

§ 1-2-1 License, permit and other fees established.
[Amended 5-4-2020; 11-30-2020; 1-6-2020; 3-1-2021; 4-5-2021; 6-7-2021]

License, permit and other fees shall be as follows:

Code Section	License/Permit	Fee
2-5-1	Application for Zoning Map change	\$350
2-5-1	Application for conditional use permit, planned unit development, recreational vehicle court, drive-in business, plan review, Zoning Code variance request or Comprehensive Plan amendment	\$350
2-5-1	Zoning Code text amendment	\$150
2-5-1	Request for vacating street or alley	\$350
2-5-1	Proposal for land division or redivision requiring a plat or survey	\$10/lot; minimum \$30
3-1-2; 3-1-4 thru 3-1-11	Fire prevention	\$100
3-1-3	Bonfires and outdoor fires permit	\$25
3-1-5	Vehicle fee - command vehicle	\$90/hour
3-1-5	Personnel cost (per 1/2 hour)	Actual personnel cost
3-1-5	Administrative fee	\$20
3-1-5	Incineration/disposal fee	\$75
3-1-5	Materials fee	Actual
3-1-5	Miscellaneous fee	Actual
3-1-12	Fire suppression fee - Class A or B foam	\$100
3-1-12	Training fees - CPR class per person (4 hours)	\$45
3-1-12	Training fees - CPR/first aid (8 hour class)	\$55
3-1-12	Fire extinguisher training (per class)	\$100
3-2-1	Emergency vehicle	See below
3-2-1	Basic life support	\$580
3-2-1	ALS nonemergency	\$660
3-2-1	BLS emergency - resident	\$700
3-2-1	BLS emergency - nonresident	\$775
3-2-1	ALS 1 emergency - resident	\$790
3-2-1	ALS 1 emergency - nonresident	\$870
3-2-1	ALS 2 emergency - resident	\$810
3-2-1	ALS 2 emergency - nonresident	\$890
3-2-1	Specialty care transport (SCT) - resident	\$920
3-2-1	Specialty care transport (SCT) - nonresident	\$1,000
3-2-1	Third-party ALS assist	\$80
3-2-1	Patient assessment/assist charge	\$105
3-2-1	On-scene medical service charge (BLS)	\$160
3-2-1	On-scene medical service charge (ALS)	\$210
3-2-1	Intercept (Level I)	\$250
3-2-1	Intercept (Level II)	\$300
3-2-1	Additional attendant charge	Actual personnel cost
3-2-1	Wait time (1/2-hour increments)	\$50/hour
3-2-1	Loaded mileage (all calls)	\$20/mile
3-2-1	Ambulance standby (4-hour event)	\$125
3-2-1	Ambulance standby additional time (1/2-hour increments)	\$50/hour

Code Section	License/Permit	Fee
3-2-1	Vehicle fee - engine	\$250
4-1-1B	Permit to construct, maintain or repair utilities within street right-of-way	See below
4-1-1B	Application fee per submitted approved utility plan right-of-way	\$10
4-1-1B	Boring(s) - under street	\$75
4-1-1B	Street opening (standard street opening permit)	\$80
4-1-1B	Contractor closing road	\$50 per day
4-1-1B	Sidewalk repair - per property owner	\$20
4-1-1B	Street opening permit - street restoration work shall be done by the Department of Public Works and billed to the bonded plumber or authorized public utility at a rate of time and materials	\$80
4-1-1B	Failure to obtain a permit prior to project start results in double the regular permit fee	
4-1-4G	Sidewalk repair or replacement (form inspection required)	\$20
4-1-4G	Sidewalk installation where grade and alignment stakes are needed (staking and form inspection required)	\$50
4-1-4G	Failure to obtain a permit prior to project start results in double the regular permit fee	
4-1-10F(1)	Merchandise or personal property on public sidewalks or within public rights-of-way in the Central Business District	First or initial permit granted to any business at a specific location shall be at no cost to the applicant; subsequent permits shall be \$10 per year
5-2-5	Sewer service charges	
5-6-24	Commercial refuse/recycling hauler - per vehicle	\$25
6-1-4C(3)	Temporary beverage operator	\$5
6-1-4D	Intoxicating liquor license - retail, "Class A"	\$500/year
6-1-4D	Intoxicating liquor license - retail, "Class B"	\$275/year
6-1-4D	Fermented malt beverage license - retail, Class "A"	\$50/year
6-1-4D	Fermented malt beverage license - retail, Class "B"	\$100/year
6-1-4D	Wine license - retail, "Class C"	\$100/year
6-1-4D	Temporary Class "B" fermented malt beverage and/or "Class B" wine - picnic license	\$10
6-1-4D	Fermented malt beverage license - wholesaler's license	\$25/year
6-1-10	Transfer license fee	\$10
6-1-14	Replacement, lost license fee	\$5
6-1-19D	Fermented malt beverage license - beer garden	\$50/year
6-2-4	Beverage operator - 1-year	\$37
6-2-4	Beverage operator - 2-year	\$52
6-3-1	Cigarette sales	\$100
6-4-4C	Direct sellers	\$10 20
6-5-3	Dog license - spayed/neutered	\$10
6-5-3	Dog license - unspayed/unneutered	\$15

Code Section	License/Permit	Fee
6-5-3	Multiple dog license - 12 dogs or under	\$35
6-5-3	Multiple dog license - each dog over 12	\$3
6-5-4	Kennel license - any combination of animals not exceeding 10	\$50
6-5-4	Kennel license - any combination of animals exceeding 10	\$75
6-5-5	License late fee	\$10
6-5-8	Animal shelter transfer fee	\$50
6-5-21	Waiver permits for 4 to 6 dogs, 6 to 10 cats or any combination thereof not to exceed 10	\$25
6-5-21	Waiver permits for more than 6 dogs, more than 10 cats or combination thereof exceeding 10	\$50
6-5-22	Chicken and ducks license	\$10
6-5-23	Keeping of honey bees permit	\$30
6-5-23	Keeping of honey bees late fee	\$5
6-6-6	Taxi	\$5 25
6-6-8D	Taxi driver	\$5 20
6-7-1D	Auctions - per day	\$15
6-7-1D	Auctions - per year	\$200
6-9-3D(1)	Massage establishments	\$25
6-9-4B(1)	Massage technicians	\$10
6-10-1B	Closing-out sales - 15 days	\$25
6-10-1B	Closing-out sales - 30 days	\$50
6-10-1B	Closing-out sales - 60 days	\$75
6-10-1B	Closing-out sales - fee per \$1,000 of inventory	\$1/M
6-10-2	Pawnbroker	\$210
6-10-2	Secondhand article dealer	\$27.50
6-10-2	Secondhand jewelry dealer	\$30
6-10-2	Secondhand article dealer - mall or flea market	\$165
6-10-3B	Farmer's market Thursday market	\$30
6-10-3B	Farmer's market Saturday market	\$30
6-10-3B	Farmer's market Thursday and Saturday market combo	\$50
6-10-3B	Farmer's market per day	\$10
6-10-4C	Block party permit	\$35
7-4-8	Terrace tree permit	No fee
7-4-15B	Landscape/tree removal - new	\$50
7-4-15E	Landscape/tree removal - renewal	\$25
7-5-4	Cemetery lot - grave space	\$750
7-5-4	Cemetery lot - grave space in children's section (for ages 10 and younger)	\$375
7-5-6	Cemetery burial - adult grave 6 feet or longer	\$850
7-5-6	Cemetery burial - child/infant grave less than 6 feet (for ages 10 and younger)	No charge
7-5-6	Cemetery burial - interment of cremains or amputations	\$550
7-5-6	Cemetery burial - use of greens and lowering device	No charge
7-5-6	Cemetery deed exchange administrative fee	\$50 per transaction
7-5-13	Funeral arriving after 3:30 p.m., Monday through Friday	\$350
7-5-13	Grave digging - Saturday	\$350

Code Section	License/Permit	Fee
7-5-13	Burial - Saturday	\$350
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 6 years but more than 5 years	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 5 years but more than 4 years	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 4 years but more than 3 years	No charge
8-3-2C	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration - less than 2 years but more than 1 year	No charge
8-3-2C	Bicycle registration, e-bike, electric scooter or electric personal assistive mobility device - less than 1 year	No charge
8-3-2G	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration transfer	No charge
8-3-4	Bicycle, e-bike, electric scooter or electric personal assistive mobility device registration replacement fee	\$0
8-9-5B	Golf cart annual registration fee	\$25
10-1-7D(7)	Tower fees	\$1 per vertical foot
10-1-13E	Driveway permit (cost of street restoration to be paid by applicant in addition to fee if necessary)	\$50
10-1-13E	Parking lot fee	\$100
10-1-15G(4)(c)[4]	Storage canopy	\$50
10-1-15G(4)(d)[3]	Storage canopy	\$50
10-1-16 and 10-1-17	Towers	\$1 per vertical foot
10-4-4B	Sign permit, initial installation	\$50
10-4-5A	Annual sign or awning permit	\$10
11-1-10	Site and architectural plan review - new construction/additions/alterations/change in use	
	Building area under 10,000 square feet	\$200
	Building area 10,000 square feet to 50,000 square feet	\$300
	Building area greater than 50,000 square feet	\$400
11-1-10	Minor modifications and additions to previously submitted site and architectural plans, including charges or additional submittals pertaining to paving, landscaping, lighting, etc., not affecting the building envelope	\$100
11-1-10	There shall be no site and architectural plan review fee required for the construction of new parking lots; the permit fee for parking lot permits is addressed in § 10-1-13E	
	Minor accessory buildings and structures	\$100
11-1-15	Building permit fees - permit not required for minor repairs. No permit required for repairs or minor alterations costing less than \$1,000,	No charge

Code Section	License/Permit	Fee
	which do not change the occupancy, area, structural strength, fire protection, exits, lighting or ventilation of a building	
11-1-15	Alterations and repairs (per \$1,000 of project cost, \$50 minimum)	\$10
11-1-15	1- and 2-family dwelling and residential garages (per 1,000 cubic feet)	\$10
11-1-15	Multifamily (3 or more) dwelling (per 1,000 cubic feet)	\$10
11-1-15	Business/church/school/assembly hall (Per 1,000 cubic feet)	\$10
11-1-15	Manufacturing/processing/storage (per 1,000 cubic feet)	\$10
11-1-15	Additions (same as new construction of same category)	
11-1-15	Accessory buildings and structures, pools, etc., minimum fee	\$50
11-1-15	Home occupation permit	\$50
		\$350 CUP
11-1-15	Fuel storage tanks - installation (per tank)	\$75
11-1-15	Fuel storage tanks - removal, repairs and alterations (per tank)	\$75
11-1-15	HVAC (new and replacements to include, but not limited to, heating, wind, solar or fuel conversions systems, fireplaces and space heaters (per unit, up to 150,000 BTU plus \$10 per each 50,000 BTU or fraction thereof over 150,000 BTU; [\$500 max])	\$50
11-1-15	HVAC distribution systems (per 100 square feet of area) (\$50 minimum for alterations)	\$2
11-1-15	Commercial/industrial exhaust hoods and systems (per unit)	\$50
11-1-15	Wrecking permit (minimum plus \$3 per 1,000 cubic feet)	\$50
11-1-15	Moving buildings over public rights-of-way (minimum plus \$2 per 1,000 cubic feet)	\$150
11-1-15	Moving accessory buildings over public rights-of-way (less than 300 square feet)	\$50
11-1-15	Moving a building or portion thereof from one location to another location on the same parcel	\$50
11-1-15	Early start permit - excavating, footings and foundation	\$100
11-1-15	Failure to obtain a permit prior to project start results in double the regular permit fee	
11-1-15	Reinspection	\$50
11-1-15	Plan examination for 1- and 2-family residential -New	\$100
11-1-15	Plan examination for 1- and 2-family residential - addition/alterations	\$50
11-1-15	3+ residential - new/addition/alterations	Table 302.31-1*

Code Section	License/Permit	Fee
11-1-15	Commercial - addition/alterations *Table 302.31-1 on state form SBD-118 as amended from time to time	Table 302.31-1
11-1-15	In addition to the above, the applicant is responsible to pay any plan examination, building permit and inspection fees prescribed by Wis. Adm. Code for commercial, industrial and multiple-family dwellings	
11-2-10	Electrical permit fees	
	Project cost	Fee
	\$0 to \$500	\$35
	\$501 to \$600	\$40
	\$601 to \$700	\$50
	\$701 to \$800	\$50
	\$801 to \$900	\$55
	\$901 to \$1,000	\$60
	\$1,001 to \$2,000	\$75
	\$2,001 to \$3,000	\$90
	\$3,001 to \$4,000	\$110
	\$4,001 to \$5,000	\$125
	\$5,001 to \$6,000	\$140
	\$6,001 to \$7,000	\$155
	\$7,001 to \$8,000	\$170
	\$8,001 to \$9,000	\$185
	\$9,001 to \$10,000	\$200
11-2-18	Project costs exceeding \$10,000	\$200 plus \$10 for each additional \$1,000 or part thereof (\$500 minimum)
11-2-10	Failure to obtain a permit prior to project start results in double the regular permit fee	
11-3-6E	Plumbing permit fees	
	Project cost	Fee
	\$0 to \$500	\$35
	\$501 to \$600	\$40
	\$601 to \$700	\$45
	\$701 to \$800	\$50
	\$801 to \$900	\$55
	\$901 to \$1,000	\$60
	\$1,001 to \$2,000	\$75
	\$2,001 to \$3,000	\$90
	\$3,001 to \$4,000	\$110
	\$4,001 to \$5,000	\$125
	\$5,001 to \$6,000	\$140
	\$6,001 to \$7,000	\$155
	\$7,001 to \$8,000	\$170
	\$8,001 to \$9,000	\$185
	\$9,001 to \$10,000	\$200
11-3-6E	Project costs exceeding \$10,000	\$200 plus \$10 for each additional \$1,000 or part thereof (\$500 maximum)
11-3-6E	Failure to obtain a permit prior to project start results in double the regular permit fee	
12-1-8A	Plat review	\$20

Code Section**License/Permit****Fee***Section 11, Item C.*

Special Plan Commission meeting (requested by applicant and requiring Plan Commission action)

\$100

Other fees. The Council may by resolution set such other fees for licenses and permits not specifically described herein, or for the use of City property or facilities or the provision of services by the City not described herein, as it may in its discretion determine, unless an ordinance is required by applicable law



**TWO
RIVERS**
WISCONSIN

POLICE DEPARTMENT

Section 11, Item D.

1717 E. Park Street
P.O. BOX 87
Two Rivers, WI 54241-0087



March 31, 2022

To: Gregory E. Buckley, City Manager
From: Brian W. Kohlmeier, Chief of Police
Ref: Sex Offender Ordinance Amendments

Two Rivers Municipal Ordinance 9-9: **Sexual Offender Residency Restrictions** was adopted on December 7th, 2015. This ordinance was modified on August 16, 2021, creating and expanding various provisions. Recent events identified that 9-9-3 A. related to “Domicile Restrictions” could be interpreted and therefore applied in a manner inconsistent with the original intent of that provision.

The following items are suggested to be included in an ordinance amendment:

- 9-9-2 – Definitions, Section D. “**Permanent Residence**” - Amend the definition to read: “The place where a person sleeps, abides, lodges or resides for 14 or more consecutive days and which qualifies as a residence under the laws of the State of Wisconsin, and the ordinances of the City of Two Rivers.”
- 9-9-3 – Domicile Restrictions, Section A. – Amend to read: “Residency prohibited. No offender shall be permitted to reside in the City, and no supervised release of such offender shall be established in the City, unless the offender was domiciled as a permanent residence as defined above in the City at the time of an offense resulting in such conviction or the person previously resided in the City for a continuous period of at least five (5) years and that such residency has not lapsed for 10 or more years.”

The proposed amendments address the potential circumstance of a person simply visiting or passing through the City, committing a sex offense and subsequently having the ability, as a convicted sex offender, to establish residency in the City of Two Rivers. The aforementioned recommendations have been added to a draft revised ordinance for presentation to the City Council.



Chapter 9-9

Sexual Offender Residency Restrictions

§ 9-9-1 Findings and Purpose.

- A. The Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes, including their release into the community.
- B. Chapter 980, Wis. Stats., provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender due to their likelihood to reoffend, and specifically, § 980.08, Wis. Stats., provides for the supervised release of such persons into the community.
- C. The City of Two Rivers places a high priority on maintaining public safety through highly skilled and trained law enforcement and laws that deter and punish criminal behavior.
- D. The City finds that sex offenders, who prey upon others, particularly children, are a serious threat to public safety and it is necessary for the City to enact reasonable measures to minimize the risk of the public in the City falling prey to sexual offenders.
- E. Further, this chapter is a non-punitive, regulatory measure aimed at protecting the health and safety of those in the City from the risk that convicted sex offenders may reoffend. It is the intent of this chapter not to impose a criminal penalty but rather to serve the City's compelling interest in promoting, protecting and improving the health, safety and welfare of the citizens and visitors of the City.

§ 9-9-2 Definitions.

As used in this chapter, and unless the context requires otherwise:

A. “Crime Against Children”

Any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government having like elements necessary for conviction, where the victim is under the age of 18, respectively:

Wisconsin Statute	Crime
940.225(1)	First degree sexual assault
940.225(2)	Second degree sexual assault
940.225(3)	Third degree sexual assault
940.22(2)	Sexual exploitation by therapist
940.30	False imprisonment; victim was minor and not the offender's child
940.31	Kidnapping; victim was minor and not the offender's child
944.01	Rape (prior statute)
944.06	Incest
944.10	Sexual intercourse with a child (prior statute)

Wisconsin Statute	Crime
944.11	Indecent behavior with a child (prior statute)
944.12	Enticing child for immoral purposes (prior statute)
948.02(1)	First degree sexual assault of a child
948.02(2)	Second degree sexual assault of a child
948.025	Engaging in repeated acts of sexual assault of the same child
948.05	Sexual exploitation of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.075	Use of a computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.095	Sexual assault of a child by a school staff person or a person who works or volunteers with children
948.11(2)(a) or (am)	Exposing child to harmful material; felony sections
948.12	Possession of child pornography
948.13	Convicted child sex offender working with children
948.30	Abduction of another's child
971.17	Commitment of persons found not guilty by reason of mental disease or mental defect
975.06	Sex crimes law commitment

B. “Facility for Children”

A public or private primary or secondary school; a church, synagogue, or house of worship as zoned by the City; a group home, as defined in § 48.02(7), Wis. Stats.; a residential care center for children or youth, as defined in § 48.02(15d), Wis. Stats.; a shelter care facility, as defined in § 48.02(17), Wis. Stats.; a day-care center licensed under § 48.65, Wis. Stats.; a day-care program established under § 120.13(14), Wis. Stats.; or a day-care provider certified under § 48.651, Wis. Stats.

C. “Offender”

A person who has been convicted of or who has been found not guilty by reason of disease or mental defect of a “sex offense” as defined § 301.45 (b) Wis. Stats. and/or crime against children, and required to be registered with the Wisconsin Sex Offender Registry under § 301.45 (1g) Wis. Stats, who was tried as an adult; or who was deemed an offender under Ch. 980, Wis. Stats.

D. “Permanent Residence”

The place where a person sleeps, abides, lodges or resides for 14 or more consecutive days ~~or and~~ which qualifies as a residence under the laws of the State of Wisconsin, and ~~may be mobile or transitory~~ and the ordinances of the City of Two Rivers.

E. “Property Owner”

The owner of rental property, camp grounds, hotel/motels, apartment complexes, or any temporary lodging facility or space.

F. “Sexually Violent Offense”

Shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.

G. “Temporary Residence”

Residence or premises meeting any of the following criteria:

- (1) A place where the person sleeps, abides, lodges or resides for a period of 14 or more days in

aggregate during any calendar year, and which is not that person's permanent residence as defined in this section; Section 11, Item D.

- (2) A place where the person routinely sleeps, abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month, and which is not that person's permanent residence as defined in this section; or
- (3) A place where a person sleeps, or which qualifies as a temporary residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

§ 9-9-3 Domicile Restrictions.

- A. Residency prohibited. No offender shall be permitted to reside in the City, and no supervised release of such offender shall be established in the City, unless the offender was domiciled **as in a permanent residence as defined above** in the City at the time of an offense resulting in such conviction or the person previously resided in the City for a continuous period of at least five (5) years and that such residency has not lapsed for 10 or more years.
- B. Exemptions. An offender does not commit a violation of this chapter if any of the following apply:
 - (1) The offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility located in the City of Two Rivers.
 - (2) The offender has established a residence prior to the effective date of the ordinance codified in this section.
 - (3) The offender is a minor or ward under guardianship.
 - (4) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or child, provided that such parent, grandparent, sibling, spouse, or child established the residence at least five (5) years before the designated offender intends to establish residence at the location.
- C. It is unlawful for a property owner to let, rent, or lease any place, structure, or part thereof, trailer, other conveyance, if the property owner knows or should have known that it will be used as a permanent or temporary residence by any offender prohibited from establishing residency in the City under the provisions of this ordinance. Factors in considering whether a property owner knows or should have known an offenders status is the presence of the offender's name listed on the State of Wisconsin's Sex Offender Registry which is readily available to public inspection on the State's web-site.

§ 9-9-4 Notification.

- A. Offenders subject to this ordinance shall notify property owners of their offender status prior to entering into any room rental, apartment rental, lease, or property purchase for the purpose of establishing residency whether temporary or otherwise.

- B. Property owners who become aware that their property is being occupied by an offender under this ordinance shall notify the Chief of Police of such residence on their property, either temporary or permanent. Such notice shall be verbally or in writing.

§ 9-9-5 Public Places

- A. It is unlawful for an offender, as defined by § 9-9-2, to loiter or prowl, as said words are used in § 9-2-4 of this Code or to be, in a manner or in circumstances manifesting an intent to commit a “sex offense” as defined in Wis. Stat. Section 301.45(b) and/or a crime against children, under the following circumstances:

Within 500 feet of real property that supports or upon which there exists a facility for children, a public park/beach, a public swimming pool, a public library, or a public recreational trail; or

- B. Attend public events that are children focused, engage in trick or treating festivities, or engage in the wearing of costumes in public where the wearing of such costume is likely to attract children.

§ 9-9-6 Appeal.

The residency restrictions of this chapter may be waived upon approval of the City Council through an appeal by the affected offender. Such appeal shall be made, in writing, to the City Clerk, who shall forward the request to the City Manager and the Chief of Police. The Chief of Police shall forward a report on the appeal request to the City Council. The City Council will convene within 30 days of the appeal being filed with the Clerk to hear from the Chief of Police and the affected offender or their counsel. After deliberation, the City Council shall act on the recommendation. A written copy of the decision shall be provided to the affected offender by the City Clerk. The City Council may reject a waiver request when the request is filed with the City Clerk within 90 days of denial by the committee of a prior identical waiver request of the requester, absent a change in circumstances.

§ 9-9-7 Violations and penalties.

Any person found guilty of violating this chapter shall be penalized by forfeiture not less than \$100 and not to exceed \$1,000 plus court costs. Each day an offender maintains a residence in violation of this chapter constitutes a separate violation. The City may also seek equitable relief.

§ 9-9-8 Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

ORDINANCE

AN ORDINANCE to amend Municipal Code Section 9-9-2(D) entitled “Permanent Residence”; and 9-9-3 (A) entitled “Domicile Restrictions”.

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 9-9-2(D) of the Municipal Code shall hereby be amended as follows:

- (D) The place where a person sleeps, abides, lodges or resides for 14 or more consecutive days and which qualifies as a residence under the laws of the State of Wisconsin, and the ordinances of the City of Two Rivers.

SECTION 2. That Section 9-9-3(A) of the Municipal Code shall hereby be amended as follows:

- (A) Residency prohibited. No offender shall be permitted to reside in the City, and no supervised release of such offender shall be established in the City, unless the offender was domiciled as a permanent residence as defined above in the City at the time of an offense resulting in such conviction or the person previously resided in the City for a continuous period of at least five (5) years and that such residency has not lapsed for 10 or more years.

SECTION 3. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 4th day of April, 2022.

Adam Wachoswki
President, City Council

Gregory E. Buckley
City Manager

Attest:

Jamie Jackson
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney

--MEMORANDUM--**TO: City Council****FROM: Gregory E. Buckley
City Manager**

DATE: April 1, 2022**SUBJECT: PROPOSED TERMS FOR COOPERATIVE AGREEMENT BETWEEN
THE CITY AND COOL CITY BREWING COMPANY**

Attached is an updated version of the proposed terms for a cooperative agreement between the City and Cool City Brewing Company (CCB). As you are aware, the intent of such an agreement is to present a “win-win” arrangement as it relates to off-street parking lots owned by the two parties. (City’s Community House lot at the SE corner of Adams and 18th and CCB’s parking lot on the west side of Adams Street, south of 18th.)

This summary of terms has been revised to reflect feedback received from the City Council at the work session on March 28. Specifically:

- Language has been added to require that servicing of a CCB dumpster to be located on City property near the City dumpster be done before 7:00 AM, as is the case with the City’s dumpster.
- Parking spaces now reserved for City vehicle parking in the City lot would be signed for “Public Parking” versus CCB customer parking, as had been requested by CCB. These spaces would, however, be posted as public parking with a two-hour limit, so they are not used for all-day parking.
- The balance of the City parking lot will be signed for Community House and Senior Center parking, weekdays 8:00 AM to 4:30 PM (hours were left blank in earlier draft).
- Commitment for City to place protective bollards around the City’s ground-mounted transformer, located adjacent to City lot) have been added.

The proposed terms do not reflect a provision for the City to bill CCB for its share of the cost of plowing the CCB-owned lot on the west side of Adams Street, which is something the Council expressed a preference for. CCB had concerns about that proposal and—honestly—it will only take 3-4 trips across the parking lot with a pickup truck and plow to keep it cleared. In the interest of compromise, I have left snowplowing a City responsibility, but added a provision that CCB will be responsible for all other maintenance on that parking lot.

The development project planned by CCB is a major investment, one that has the potential to be hugely beneficial to our downtown—including the potential for increased rentals and events at the Community House, with a large eating and drinking venue right next door. The terms presented in the attached sheets are reasonable, and represent a good faith effort by neighboring property owners to work together. If something doesn’t work out, the two parties can try to work it out, or the proposed agreement can be cancelled, with appropriate notice.

I recommend approval of the terms as stated.

Updated 04.01.2022

City Staff Recommendations Based on Meeting Between City Staff and Cool City Brewing Representatives 2/14/2022

And Review at City Council Work Session on 3/28/2022

~~For City Council at March Work Session~~

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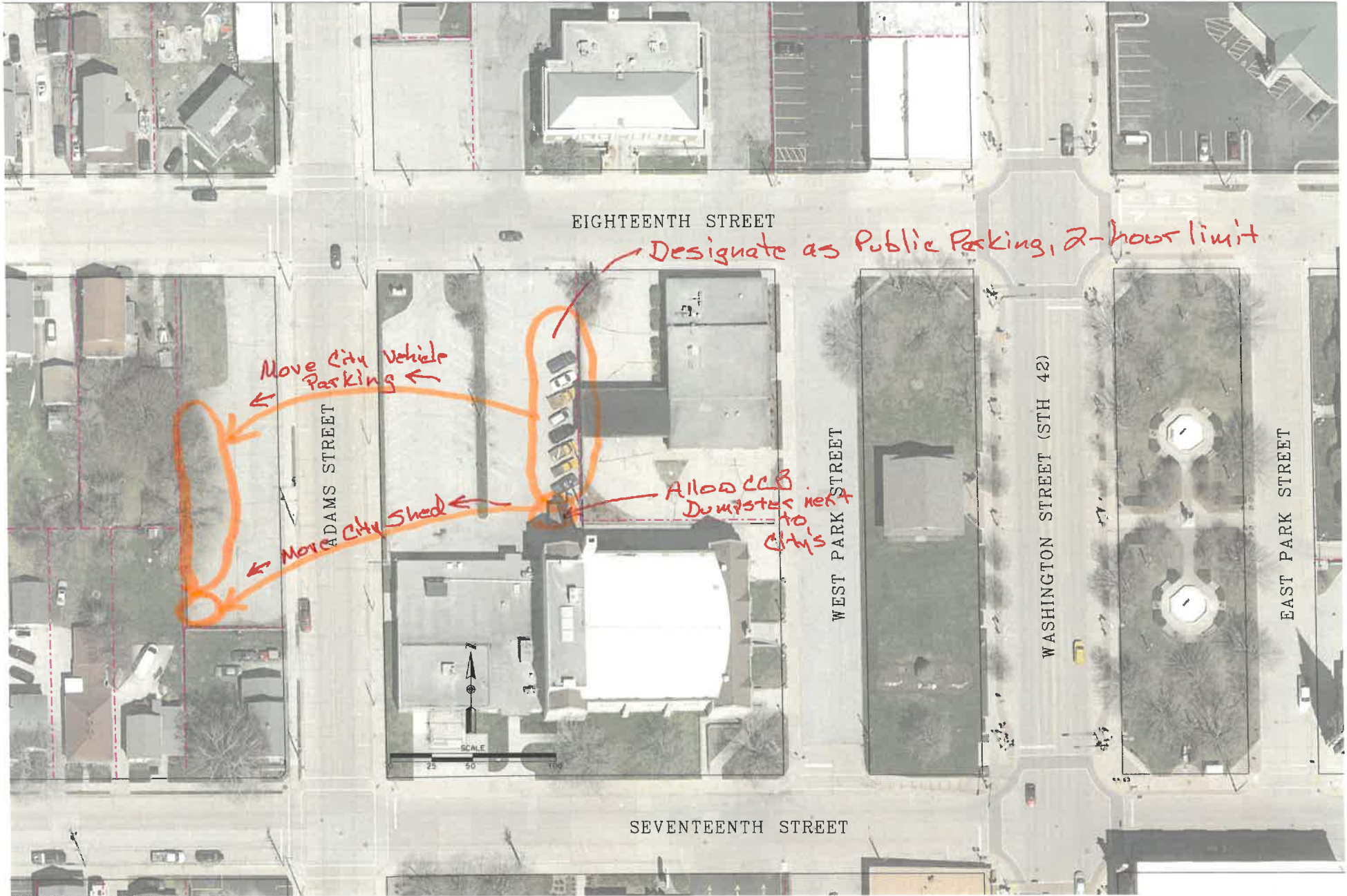
- Allow CCB to place a 6-yard dumpster near the City's current dumpster location in Community House parking lot.
- Determine frequency of pickups, based on volume, ~~frequency of pickups (Manitowoc Disposal); pickups must be before 7:00 AM, as with City's pickup~~
- City dumpster will be locked; all CCB refuse to go in CCB dumpster.
- City to relocate shed to accommodate dumpster; shed to be placed in southwest corner of the CCB-owned parking lot on Adams Street.
- CCB to allow City to park vehicles in 10 designated spaces in CCB's Adams Street lot.
- City to ~~designate as "Public Parking, Two Hour Limit" allow CCB dedicated~~ the 10 parking spaces along east wall in Community House parking lot, currently occupied by City vehicles (10 spaces).
- ~~Other~~Balance of Community House parking lot to be signed as public parking on evenings ~~(after 4:30 PM)~~ and on weekends
- CCB and City to cooperate in working with contractor to stripe lots (each to pay the cost for striping their own lots)
- Signage designating CCB and Public parking, Community House and Adams Street lots— signs to be fabricated and installed by City, with cost of signs and installation split 50/50 with CCB.
- City to install protective bollards to protect ground-mounted electrical transformer located near dumpsters, at City cost.
- CCB to ~~W~~work with City when Senior Center trips require long term parking)
- CCB plans to add signs to lot at NE corner of 18th/Adams lot, designating Employee only parking (City has no responsibilities relative to this lot).
- City to take care of all snow maintenance on Community House and CCB
- Adams Street lots; ~~CCB will ber~~ responsible for all other maintenance work (such as patching, striping, etc.) on the Adams Street lot.
- Put in the form of a 5-year letter of agreement, with either party able to terminate the agreement at its sole discretion on 12 months notice.

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Traffic and parking regulation matters on City streets adjacent to CCB, to be addressed separately by action of the City Council. [These items, listed below, have been referred to the Public Works Committee meeting of April 6, 2022 for review and recommendations.](#)

- Install “No Parking / Delivery-Loading Zone” signs along 18th adjacent to CCB Kitchen entry. Dedicated times M-F TBD.
- West Park (Project 365)
 - 11 parking spots planned – 2 Handicapped, suggest two most northernmost spots.
 - 2 Hour parking -5PM signs like downtown.
 - No Parking in front of CCB.
 - Speed Limit 15 MPH



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