



CITY COUNCIL MEETING

Monday, February 07, 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 Shimulunas, Larry Thomas, Adam Wachowski
4. **CONSIDERATION OF ANY COUNCIL MEMBER REQUESTS TO PARTICIPATE IN THIS MEETING FROM A REMOTE LOCATION**
5. **PUBLIC HEARING**
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. TRIAD Member, Kay Koach, Fundraising
 - B. Status Update/Reports
 1. Central Park West 365 Project
 2. Tourism Promotion and Development
 3. 20th Street Stormwater Pond
 4. New (Used) Fire Department Ambulance in Service
 5. Staffing Updates
 6. Job Well Done: Resident Feedback on Outstanding Customer Service by Tom Clark, Water Department and Chris Vanderveren, Cemetery
 7. Police Cadets in State Competition
 8. Winter Parking Ban
 9. Full Summer of Events Planned for 2022
 10. All Energy Management Project at Woodland Industrial Park
 11. Concerns About Wind-blown Sand Along South Lakeshore and Memorial Drive
 12. Other

- C. Legislative Update
 - 1. Wisconsin's Roll-Out of Federal Infrastructure Bill Fund for Local Street and Bridge Projects
 - 2. Pending Legislation: AB 849, Great Lakes and Commercial Rivers Historic Fill
 - 3. Other

10. CONSENT AGENDA

- A. Presentation of Minutes
 - 1. Regular City Council - January 17, 2022 and Work Session - January 31, 2022

Recommended Action:
Motion to waive reading and adopt the minutes
- B. Minutes of Meetings
 - 1. Library Board, December 14, 2021
 - 2. Plan Commission, January 10, 2022
 - 3. Environmental Advisory Board, January 18, 2022
 - 4. Personnel and Finance Committee, January 20, 2022

Recommended Action:
Motion to receive and file
- C. Applications and Petitions
 - 1. Roncalli Athletic Association, TRCCS Volleyball Tournament, JE Hamilton Community House Gym and Lobby, March 5-6, 2022, 7:30 AM to 11:30 PM
 - 2. Two Rivers Main Street, The Great Trivia Contest, JE Hamilton Community House Gym, Friday, March 11, 2022, 6:00 PM to 10:00 PM
 - 3. Two Rivers Youth Sports, Price is Right Game Show, JE Hamilton Community House Gym and Lobby, February 26, 2022, 5:00 PM to 11:00 PM

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

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

11. CITY COUNCIL - FORMAL ITEMS

- A. Resolution Terminating Tax Incremental District No. 4, Lakeshore Park Redevelopment TID
 - Recommended Action:
Motion to waive reading and adopt the resolution
- B. Resolution Directing Staff to Proceed With Activities Necessary for Amending the Project Plan for Tax Incremental Financing District No. 7 to Allow Expenditure of Funds for Planned Street and Utility Infrastructure Improvements on 17th Street and Zlatnik Drive, Within One-Half Mile for the District Boundaries
 - Recommended Action:
Motion to waive reading and adopt the resolution
- C. Resolution Authorizing the City Clerk to Determine the Number of Election Inspectors Needed for Elections Held in the City of Two Rivers
 - Recommended Action:
Motion to waive reading and adopt the resolution
- D. Resolution Authorizing the Issuance and Sale of up to \$601,130 Storm Water System Revenue Bonds, Series 2022, and Providing for Other Details and Covenants with Respect Thereto, and Approval of Related \$858,758 Financial Assistance Agreement with State of Wisconsin Department of Natural Resources and Department of Administration

Recommended Action:
Motion to waive reading and adopt the resolution

E. Purchase and Redevelopment Agreement for 2023 Washington Street (former Uni-Mart)
Recommended Action:
Motion to authorize the City Manager to sign the agreement on behalf of the City

F. Sex Offender Residency Appeal
Recommended Action:
Motion to approve the requested waiver, based on recommendation by the Police Chief

G. City Manager's Appointment to Committee on Aging, Jacqueline Ackerman
Recommended Action:
Motion to approve the appointment to a term expiring May 1, 2024

12. FOR INFORMATION ONLY

- A. City Council Regular Meeting, Monday, February 21, 2022, 6:00 PM
- B. City Council Work Session, Monday, February 28, 2022, 6:00 PM

13. CLOSED SESSION

The City Council reserves the right to enter into Closed Session, 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 City Assistance to Development Projects

14. RECONVENE IN OPEN SESSION

To consider possible actions in follow-up to closed session discussions

15. 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.

**CITY OF TWO RIVERS
COUNCIL PROCEEDINGS
REGULAR MEETING
JANUARY 17, 2022 – 6:00 PM
Council Chambers – City Hall
MINUTES**

- 1) **CALL TO ORDER** by Council President Wachowski at 6:00 PM.
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL BY CITY CLERK**

Attendee Name	Title	Status
Adam Wachowski	President	Present
Bill LeClair	Councilmember	Present
Bonnie Shimulunas	Councilmember	Present
Darla LeClair	Vice-President	Present
Jeff Dahlke	Councilmember	Present
Jay Remiker	Councilmember	Present
Tracey Koach	Councilmember	Present
Mark Bittner	Councilmember	Present
Larry Thomas	Councilmember	Present

Also present were: Dave Buss, Finance Director; Jeff Dawson, Library Director; Brian Dellemann, Electric Utility Director; Steve Denzien, Fire Chief; Brian Kohlmeier, Police Chief; Rick Powell, IT Supervisor; Elizabeth Runge, Community Development Director/City Planner; Terri Vosters, Parks & Recreation Director; 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**

None.

- 5) **PUBLIC HEARING**

- A. Conditional Use Permit for a Recreational Vehicle Service Business at 1900 School Street, in the B-2 Business District

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.

Recommended Action:

Motion to approve the Conditional Use Permit

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Mark Bittner
SECONDER: Larry Thomas
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

B. Conditional Use Permit for the Rental, Storage, and Repair of Utility Trucks and Trailers at 1900 School Street, in the B-2 Business District

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.

Recommended Action:
 Motion to approve the Conditional Use Permit

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Bill LeClair
SECONDER: Tracey Koach
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

6) INPUT FROM THE PUBLIC

None.

7) COUNCIL COMMUNICATIONS

Letters and other communications from citizens

Councilmember Shimulunas reported that she received concerns from citizens about the reduction in the number of polling places. City Clerk Jackson indicated that wait times are not expected to increase due to the addition of the Badger Books being implemented as an electronic poll book solution.

8) COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

Councilmember Bittner reported that the Personnel and Finance Committee has a meeting on Thursday, January 20 at 6:00 PM at City Hall.

9) CITY MANAGER'S REPORT

A. INVITED GUESTS

None.

B. ANNUAL STATE OF THE CITY REPORT

Mr. Buckley presented the annual State of the City Report reviewing City accomplishments in 2021. Highlights included accomplishments relative to the City's 2021-2022 Goals and Objectives adopted by the City Council on June 21, 2021. A complete copy of the presentation can be found on the City's website at www.two-rivers.org.

C. STATUS UPDATE/REPORTS

1. **Tourism Strategy: Recent Actions by the Room Tax Commission**
Mr. Buckley reported that the Room Tax Commission met on January 11 and approved a contract for interim services and to review promotion strategies for the Spring/Summer/Fall seasons. An update and discussion will be included on the City Council's January 31 work session agenda.
2. **Agreement for Sale of 606 Parkway Blvd Property (Former Paragon Property)**
Mr. Buckley reported that the buyer's 90-day due diligence period has passed the halfway mark for the purchase of 606 Parkway Boulevard making the \$25,000 deposit non-refundable. The due diligence activity is proceeding well, with numerous consultants and contractors inspecting the building the past two weeks. The Community Development office is working on an application for an WEDC Idle Sites grant to possibly assist the project.
3. **Proposals for Purchase and Redevelopment of 2023 Washington Street (Former Uni-Mart)**
Mr. Buckley reported that the City received two proposals for the purchase and redevelopment of 2023 Washington Street to be reviewed in closed session of this meeting. The property was acquired by the City from Manitowoc County in April 2020, to facilitate redevelopment of this long-vacant, tax delinquent, blighted property.
4. **City-Owned Former Eggers East Property – Stormwater Pond Project – Development Site**
Mr. Buckley reported that the contractor plans to begin work within the next two weeks on the stormwater pond project at the former Eggers East property. Excavation and pond construction is expected to be complete by the end of March with pavement restoration expected by the end of June. The total project cost is estimated at \$846,588 including a 25% allowance for engineering and contingency.
5. **Groundbreaking for New Facility for All Energy Management**
Mr. Buckley reported that the groundbreaking for the new facility for All Energy Management was held on January 7.
6. **Pinetree Lift Station Project**
Mr. Buckley reported that the contractor plans to start work in early February for the Pinetree Lift Station Project. The major work is expected to take approximately three weeks with pavement restoration expected in May. The total project cost is estimated at \$381,358 including a 25% allowance for engineering and contingency.
7. **Candidates for City Council in April 2022 Election**

Mr. Buckley reported that there is no need for a Spring Primary Election for filling the City Council vacancies in 2022. Candidates for the 3-year Councilmember term are Tim Peach Petri, Doug Wolf, Bill LeClair, Larry Thomas, Scott Stechmesser, and Travis Van Lanen. Candidates for the 2-year Councilmember term are Jason Ring and Roger Van Voltenberg. Candidate names are listed in ballot order determined by a drawing held publicly. The 3-year term will be a "Vote for 3" race on the ballot and the 2-year term will be a "Vote for 1" race on the ballot.

8. Staffing Updates

Mr. Buckley reported that recruitments are underway for an Electrician/Electrical Inspector, three Police Officer vacancies, and a Water Utility Director to fill the future vacancy due to Ross Blaha's upcoming retirement. Erik Raboine began work with the City on January 13 at a part-time Community Service Officer.

9. Winter Parking Ban Update

Mr. Buckley reported that the winter parking ban is currently in abeyance. Enforcement of the winter parking ban may be resumed, based on weather conditions. Updates will be posted on the Two Rivers City Hall and Two Rivers Police Department Facebook pages.

10. Job Well Done!: Water Utility Emergency Repairs

Mr. Buckley thanked Water Utility employees for recent emergency main repairs undertaken in cold weather.

11. Job Well Done!: Parks and Rec Department Ice Rink at Washington Park

Mr. Buckley thanked Parks and Rec Department employees for their work to create the ice rink and "Zamboni" at Washington Park.

12. The Chamber of Manitowoc County Awards of Distinction, Tuesday, February 8, 2022, Capital Civic Centre

Mr. Buckley reported that the Chamber of Manitowoc County's Awards of Distinction is scheduled for Tuesday, February 8 at Capitol Civic Centre in Manitowoc.

13. Other

Mr. Buckley reported that project fundraising is gearing up for the Central Park West 365 Project.

D. LEGISLATIVE/INTERGOVERNMENTAL

None.

10) CONSENT AGENDA

A. Presentation of Minutes

1. Regular City Council – January 3, 2022

Recommended Action:

Motion to waive reading and adopt the minutes

B. Reports

- 1. Minutes of Meetings
 - a. Lester Public Library, December 14, 2021
 - b. Public Utilities Committee, January 4, 2022
 - c. Public Works Committee, January 5, 2022
 - d. Plan Commission, January 10, 2022
 - e. Room Tax Commission, January 11, 2022

- 2. Department Reports, December 2021
 - a. City Clerk
 - b. Community Development
 - c. Electric
 - d. Fire
 - e. Inspections
 - f. Library
 - g. Parks & Recreation
 - h. Police
 - i. Public Works
 - j. Safety
 - k. Water

- 3. Finance Reports, November 2021
 - a. Debt Service
 - b. General Fund
 - c. Lester Library
 - d. Utilities Report

Recommended Action:
Motion to receive and file

C. Schedule Public Hearing to Vacate Pedestrian Way in Sandy Bay Highlands Subdivision

Recommended Action:
Motion to schedule public hearing on Monday, February 21, 2022 at 6:00 PM, as recommended by the Plan Commission

RECOMMENDED ACTION FOR CONSENT AGENDA

Motion to approve the Consent Agenda with the various actions recommended

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Darla LeClair
SECONDER:	Jeff Dahlke
AYES:	Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

11) CITY COUNCIL - FORMAL ITEMS

- A. Resolution Upon Retirement for Lieutenant John Reimer, Completing a Twenty-Seven Year Career with the Two Rivers Police Department

Recommended Action:
Motion to read and adopt the resolution

Police Chief Kohlmeier read the resolution.

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Jeff Dahlke
SECONDER: Jay Remiker
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

- B. Resolution to Petition the Wisconsin Elections Commission to Use Paper Ballots in February 15, 2022 Spring Primary Election (Involving Manitowoc Board of Education Only)

City Clerk Jamie Jackson noted that there are four registered voters in the City of Two Rivers who reside in the Manitowoc School District. There is no need for a February primary in Two Rivers, but there will be a primary race for Board of Education in Manitowoc.

Recommended Action:
Motion to waive reading and adopt the resolution

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Darla LeClair
SECONDER: Jay Remiker
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

- C. Resolution Authorizing the City of Two Rivers to Submit an Idle Sites Redevelopment Grant Application

Community Development Director Elizabeth Runge reported that the proposed application is for up to \$500,000 to assist TRIVERS, LLC with its planned renovation of 606 Parkway Boulevard, a project estimated at more than \$7 million.

Recommended Action:
Motion to waive reading and adopt the resolution

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Larry Thomas
SECONDER: Mark Bittner
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

- D. Resolution Declaring Official Intent to Reimburse Expenditures from the Proceeds of Borrowing – 2022 Budgeted Capital Projects

Recommended Action:
 Motion to waive reading and adopt the resolution

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Mark Bittner
SECONDER: Larry Thomas
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

- E. Ordinance to Amend Section 1-2-1 Fees of the Municipal Code, Establishing Fees for Emergency Medical Services and Fire Response Services

Chief Steve Denzien reported that these fees were last changed two years ago; the recommended increases are based on a survey of Wisconsin ambulance services by the City’s EMS billing consultant.

Recommended Action:
 Motion to waive reading and adopt the ordinance

RESULT: APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Jay Remiker
SECONDER: Tracey Koach
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

12) FOR INFORMATION ONLY

- A. City Council Work Meeting, Monday, January 31, 2022
- B. City Council Regular Meeting, Monday, February 7, 2022

13) CLOSED SESSION

Motion to enter into closed session at 7:09 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 reasons require a closed session:

- Discuss Proposed Purchase Agreement with Manitowoc County for City Purchase of Vacant Tax-Acquired Property on 20th Street
- Consider Proposals Received for the Purchase and Redevelopment of the City-Owned Redevelopment Property at 2023 Washington Street
- Consider Possible City Assistance to Development Projects

RESULT: **APPROVED BY ROLL CALL VOTE [UNANIMOUS]**
MOVER: Jeff Dahlke
SECONDER: Larry Thomas
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

14) RECONVENE IN OPEN SESSION

Motion to reconvene in open session at 8:23 PM to consider possible actions in follow-up to closed session discussions.

RESULT: **APPROVED BY VOICE CALL VOTE [UNANIMOUS]**
MOVER: Bill LeClair
SECONDER: Larry Thomas
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

Motion to proceed with the proposal from Wine Not LLC for the purchase and redevelopment of 2023 Washington Street with the understanding that the minimum investment must be complete within 18 months and to direct staff to bring back a sale and development agreement to Council for final approval

RESULT: **APPROVED BY ROLL CALL VOTE [8 TO 1]**
MOVER: Larry Thomas
SECONDER: Bill LeClair
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Tracey Koach, Mark Bittner, Larry Thomast, Jay Remiker
ABSTAIN: Jeff Dahlke

15) ADJOURNMENT

Motion to dispense with the reading of the minutes and adjourn at 8:27 PM.

RESULT: APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER: Jay Remiker
SECONDER: Jeff Dahlke
AYES: Adam Wachowski, Bill LeClair, Bonnie Shimulunas, Darla LeClair, Jeff Dahlke, Tracey Koach, Mark Bittner, Larry Thomas, Jay Remiker

Jamie Jackson
City Clerk



CITY COUNCIL WORK SESSION

Monday, January 31, 2022 at 6:00 PM

Council Chambers - Two Rivers City Hall
1717 East Park Street Two Rivers, WI 54241

MINUTES

1. CALL TO ORDER

The meeting was called to order by Council President Wachowski at 6:00 PM.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Wachowski.

3. ROLL CALL

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

Also present were: Ross Blaha, Water Utility Director; Dave Buss, Finance Director; Brian Dellemann, Electric Utility Director; Jim McDonald, Public Works Director; Elizabeth Runge, Community Development Director/City Planner; Greg Buckley, City Manager; Jack Bruce, City Attorney

4. DISCUSSION ITEMS

A. Walking Quorums and Other Open Meetings Law Considerations

City Attorney Bruce presented to the Council regarding walking quorums and the steps to take to ensure that Council communications outside of posted meetings do not result in the violation of any open meetings laws. Questions from Councilmembers and City Manager Buckley regarding email communication were fielded by Attorney Bruce.

B. Status of City Tourism Promotion and Development Efforts

Councilmember and Room Tax Commission Chairperson Bittner and City Manager Buckley provided an update on the City's tourism promotion and development efforts. The Manitowoc Area Visitor Convention Bureau will be working on tourism promotion activities in the Manitowoc and Two Rivers area using existing fund balance from room tax dollars received from Manitowoc and Two Rivers through the end of 2021. The Room Tax Commission has authorized a contract with Amy James to service as Interim Tourism Director reporting to Community Development Director Elizabeth Runge on a daily basis and to the Room Tax Commission.

5. CLOSED EXECUTIVE SESSION

Motion to enter into closed session 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 Proposed Purchase and Redevelopment Agreement for 2023 Washington Street.

Motion approved with roll call vote.

Motion made by Dahlke, Seconded by Thomas.

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

6. RECONVENE IN OPEN SESSION

Motion to reconvene in open session at 7:40 PM to consider possible actions in follow-up to closed session discussions.

Motion approved with roll call vote.

Motion made by Dahlke, Seconded by Thomas.

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

7. ADJOURNMENT

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

Motion approved with voice vote.

Motion made by Remiker, Seconded by Dahlke.

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

**CITY OF TWO RIVERS CITY COUNCIL
PERSONNEL AND FINANCE COMMITTEE
Thursday, January 20, 2022
6:00 PM
3rd Floor City Council Chamber – City Hall**

Call to Order

The meeting was called to order by Committee Chairman Bittner at 6:02 PM

Roll Call

Committee Members present were Mark Bittner and Adam Wachowski. Committee Member Jeff Dahlke was absent. Members of City Staff present were Gregory Buckley, City Manager and David Buss, Finance Director.

2021 Overtime Reports

Finance Director Buss reviewed the year-end overtime reports and the committee discussed areas of concern, most notably in the Fire and Police departments. City Manager Buckley reported that he has asked Fire Chief Denzien for more information regarding overtime in the Fire Department. It was noted that there were a significant number of shifts that needed to be filled due to Family Medical Leave in the Fire Department and vacancies in the Police Department staff.

Staffing Updates

The Police Department continues their search to fill three vacancies. City Clerk Jackson is coordinating the posting and hiring process for several positions that will be vacant due to upcoming retirements, Water Utility Director, Water Operator, Electrician/Inspector, Electric Meter Technician, and others. The committee discussed various aspects of the process and the overall job market climate in the City.

Update on Implementation of Department Head Performance Reviews, Tied to City and Departmental Goals

City Manager Buckley reports that he will be having one-hour meetings with each department head to create departmental goals that coincide with established City goals. These will then be passed along to the employees in each department. Individual employee evaluation forms have been passed along to each department head.

Discuss Planned Borrowing for 2022 Capital Projects

City Manager Buckley shared the borrowing plan that was included in the Resolution passed by Council at the January 17, 2022 City Council meeting declaring the intent to reimburse expenditures from proceeds of borrowing. This information has also been communicated with Baird, who will be putting together the borrowing plan. The timeline currently anticipates the closing date to be in late April or early May.

The committee discussed various street and bike trail projects. City Manger Buckley also shared information from the recently announced \$1.3 billion Wisconsin Department of Transportation Road & Bridge Infrastructure Improvement program and how that will impact our projects moving forward in future years.

Update on the Status of the Former Thermo Fisher Scientific/Hamilton Property

City Manager Buckley reported that he has been in contact with Thermo Fisher Scientific reiterating the City's interest in the property. The committee discussed the on-going environmental concerns of the property and the potential redevelopment of property.

Next Meeting Date

The Committee is scheduled to meet on February 17, 2022 at 6:00pm.

Adjournment

Motion was made by Wachowski, seconded by Bittner, to adjourn the meeting at 7:18pm. Motion carried.

Respectfully Submitted,

David Buss, Finance Director



**PLAN COMMISSION
JANUARY 10, 2022**

MINUTES

1. Call to Order

Chairman Buckley called the meeting to order at 5:30 PM.

2. Roll Call

Present: Greg Buckley, Rick Inman, Jim McDonald and Adam Wachowski
Attended remotely: Kristin Lee and Eric Pangburn
Excused: Kay Koach

Also Present: James Elsen, Jessica Wanserski, City Planner Elizabeth Runge and Recording Secretary Vicky Berg. Ed Fisher and Tim Schuelke attended remotely.

3. Action Items

- A. Preapplication Conference for the construction of a Planned Unit Development (PUD) for a residential development at 3000 Forest Avenue, submitted by 3000 Forest Ave, LLC

The proposed project includes three multi-family apartment buildings with attached garages. Each building consists of four one-bedroom units and eleven two-bedroom units. Each unit includes a single-stall garage and one parking stall in front of the designated garage. Five guest parking spaces are provided.

Discussion included front setback encroachments, on-site vehicle traffic pattern, driveway location and design, parking, mailboxes, vision clearance, interior and exterior finishes.

The final plans may be submitted for the February meeting.

No action was taken by the Commission.

- B. Request to vacate a platted pedestrian way located in the Replat of Sandy Bay Highlands Subdivision No. 1, submitted by the City of Two Rivers/Community Development Authority

Correspondence from Mr. and Mrs. Gerard Neuser indicating their opposition to the request to vacate the pedestrian way was provided to the Commission by email and/or hard copy prior to the meeting.

The City/CDA owns Lot 5 and is open to vacating the pedestrian way.

The buyer of Lot 4 would like more land and prefers to not have the pedestrian way adjacent to their property.

Realtors have commented the pedestrian way was a deterrent when showing these parcels to prospective buyers.

The City is open to researching another location to provide access to picnic hill.

Motion to recommend approval to and forward to Council for public hearing.

Result: Approved by Roll Call Vote
Mover: Adam Wachowski
Second: Rick Inman
Voting For: Gregory Buckley, Kristin Lee, Jim McDonald, Eric Pangburn
Voting Against: None

- C. Review the draft ordinance regulating licensing and registration for short-term rental properties

Ms. Wanserski provided a summary of the tourist home regulations and licensing procedure administered by the Manitowoc County Health Department.

The draft ordinance was reviewed. Discussion included occupancy, rental period, parking, revocation of license and fees.

Staff shall revise the ordinance based on discussion for review at the February meeting.

No action was taken by the Commission.

4. Adjournment

Motion to adjourn at 8:08 PM.

Result: Approved by Voice Vote
Mover: Erick Pangburn
Second: Rick Inman
Voting For: Gregory Buckley, Kristen Lee, Jim McDonald, Adam Wachoski

Vicky Berg, Recording Secretary

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$10.00

Application Date: 1/13/22
County of Manitowoc

Town Village City of Two Rivers

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
- A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning Time: 7:30 am and ending Time: 11:30 pm and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization** (check appropriate box) →
- Bona fide Club
 - Church
 - Lodge/Society
 - Veteran's Organization
 - Fair Association or Agricultural Society
 - Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Roncalli Athletic Association
 (b) Address 2000 Mirro Dr. Manitowoc WI 54220
(Street) Town Village City

(c) Date organized 1969
 (d) If corporation, give date of incorporation _____
 (e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:
 President _____
 Vice President _____
 Secretary _____
 Treasurer _____

(g) Name and address of manager or person in charge of affair: David J. Anschutz
phone number: 920-905-2317, 3412 Garfield St. T.R. WI 54241

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 1717 E. Park St. Two Rivers, WI 54241
 (b) Lot _____ Block _____
 (c) Do premises occupy all or part of building? Gym + Lobby
 (d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: Community House, Gym + Lobby

3. Name of Event
 (a) List name of the event TRCCS Volleyball Tournament
 (b) Dates of event 3/5/2022 + 3/6/2022

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer Paul J Anschutz 1/13/22 Roncalli Athletic Association
(Signature / Date) (Name of Organization)

Date Filed with Clerk 1/13/2022 Date Reported to Council or Board _____
 Date Granted by Council _____ License No. _____

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$10.00

Application Date: 2-4-22
County of Manitowoc

Town Village City of Two Rivers

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
- A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning Time: 6:00 PM and ending Time: 10:00 PM and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization** (check appropriate box) →
- Bona fide Club
 - Church
 - Lodge/Society
 - Veteran's Organization
 - Fair Association or Agricultural Society
 - Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Two Rivers Main Street, Inc.
 (b) Address 1717 E. Park Street, Two Rivers, WI 54241
(Street) Town Village City

(c) Date organized 1996
 (d) If corporation, give date of incorporation 1996
 (e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:
 President Ging Krahn 3721 Adams St. Two Rivers, WI 54241
 Vice President Travis Stevens 818 Bucholz St., Two Rivers, WI 54241
 Secretary Emilee Rysticken 1200 Washington St., Two Rivers, WI 54241
 Treasurer Jeff Sachse 1002 E. Crescent Drive Manitowoc, WI 54220

(g) Name and address of manager or person in charge of affair: Roger Russove 1106 Parkway Blvd, Two Rivers
phone number: 920-973-2710

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 1710 W. Park St., Two Rivers
 (b) Lot _____ Block _____
 (c) Do premises occupy all or part of building? Part
 (d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: Gymnasium

3. Name of Event

(a) List name of the event Great Trivia Contest
 (b) Dates of event 3-11-2022

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer Roger Russove 2-4-22 Two Rivers Main Street, Inc.
(Signature / Date) (Name of Organization)

Date Filed with Clerk 2/4/22 Date Reported to Council or Board 2/7/22
 Date Granted by Council _____ License No. _____



Office of City Clerk
1717 East Park Street
Post Office Box 87
Two Rivers WI 54241-0087
Telephone 920/793-5526
FAX 920/793-5512

NOTE:

THIS FORM TO BE COMPLETED AND ATTACHED TO ALL APPLICATIONS FOR SPECIAL CLASS B MALT LICENSES FOR PICNICS & GATHERINGS

* * * * *

The applicant hereby agrees to indemnify and hold the City of Two Rivers harmless from and against any and all claims, actions, causes of action, damages, expenses, and liabilities which may be imposed upon, incurred by or asserted against the City of Two Rivers by reason of any injury or claim of injury or damage to any person or property which is associated with or arises out of the applicant's use of the City property and the dispensing of fermented malt beverage to any person pursuant to any license issued upon this application.

Two Rivers Main Street, Inc.
Organization

Rory L. Russ
By

2-4-2022
Date

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$10.00

Application Date: 2-3-22

Town Village City of Two Rivers

County of Manitowoc

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning Time: 5 pm and ending Time: 11 pm and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization** (check appropriate box) →
- Bona fide Club
 - Church
 - Lodge/Society
 - Veteran's Organization
 - Fair Association or Agricultural Society
 - Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Two Rivers Youth Sports

(b) Address 4120 Clover St Two Rivers WI 54241
(Street) Town Village City

(c) Date organized 12-31-17

(d) If corporation, give date of incorporation _____

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President Adam Wachowski 4120 Clover St TR

Vice President Cory Wachowski 937 Chrysler Dr Mishicot

Secretary Nicole Wachowski 4120 Clover St TR

Treasurer Jeff Schuele Manitowoc

(g) Name and address of manager or person in charge of affair: Adam Wachowski 4120 Clover St TR
phone number: 920-901-7165

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 1710 W Park St TR

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? Gym & lobby

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: Gym & lobby

3. Name of Event

(a) List name of the event Price is Right Game Show event

(b) Dates of event 2-26-22

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer [Signature]
(Signature / Date)

Two Rivers Youth Sports
(Name of Organization)

Date Filed with Clerk 2/3/22

Date Reported to Council or Board 2/7/22

Date Granted by Council _____

License No. _____



Office of City Clerk
1717 East Park Street
Post Office Box 87
Two Rivers WI 54241-0087
Telephone 920/793-5526
FAX 920/793-5512

NOTE:

THIS FORM TO BE COMPLETED AND ATTACHED TO ALL APPLICATIONS FOR SPECIAL CLASS B MALT LICENSES FOR PICNICS & GATHERINGS

* * * * *

The applicant hereby agrees to indemnify and hold the City of Two Rivers harmless from and against any and all claims, actions, causes of action, damages, expenses, and liabilities which may be imposed upon, incurred by or asserted against the City of Two Rivers by reason of any injury or claim of injury or damage to any person or property which is associated with or arises out of the applicant's use of the City property and the dispensing of fermented malt beverage to any person pursuant to any license issued upon this application.

Two Rivers Youth Sports
Organization

[Signature]
By

2-3-22
Date

Tax Incremental District (TID) Termination Resolution

City of Two Rivers TID 4 Resolution _____
(town, village, city) (municipality) (number) (number)

WHEREAS, the City of Two Rivers created TID 4 on 5 26, 1994, and adopted
(month) (day) (year)
a project plan in the same year, and

WHEREAS, all TID 4 projects were completed in the prescribed allowed time; and:

WHEREAS, sufficient increment was collected as of the 21 tax roll, payable 22, to cover TID 4
(year) (year)
project costs.

WHEREAS, insufficient increment was collected to cover project costs.

THEREFORE BE IT RESOLVED, that the City of Two Rivers terminates TID 4; and

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Wisconsin Department of Revenue (DOR),
within sixty (60) days of this resolution or prior to the deadline of April 15, 22, whichever comes first, that the TID
(year)
has been terminated; and

BE IT FURTHER RESOLVED, that the City Clerk shall sign the required DOR Final Accounting Submission
Date form (PE-223) agreeing on a date by which the City shall submit final accounting information to DOR;
and:

BE IT FURTHER RESOLVED, that the City Treasurer shall distribute any excess increment collected after
providing for ongoing expenses of the TID, to the affected taxing districts with proportionate shares as
determined in the final audit by the City 's auditor, CliftonLarsonAllen LLP.
(auditor name)

BE IT FURTHER RESOLVED, that the City of Two Rivers shall accept all remaining debts for
TID 4 as determined in the final audit by the City auditor, CliftonLarsonAllen LLP.
(auditor name)

Adopted this 7 day of February, 22
(day) (month) (year)

Resolution introduced and adoption moved by alderperson _____
(name)

Motion for adoption seconded by alderperson _____
(name)

On roll call motion passed by a vote of _____ ayes to _____ nays
(number) (number)

ATTEST:

(Mayor/Head of Government Signature)

(Clerk Signature)



RESOLUTION

Resolution Directing Staff to Proceed With Activities Necessary to Prepare Amendment No. 3 to Tax Incremental Financing District No. 7 for Planned Street and Utility Infrastructure Improvements

WHEREAS, in August 2001 the City of Two Rivers adopted the initial Project Plan and Boundaries for Tax Incremental District (TID) No. 7 to assist in the demolition and redevelopment of the former Two Rivers Community Hospital property by Rice Health Care of Appleton; and

WHEREAS, in August 2003 Amendment No. 1 to the TID No. 7 Project Plan was adopted, to provide \$500,000 in financial assistance to Rice Health Care for redevelopment, in lieu of demolition of the former hospital buildings for assisted living units; and

WHEREAS, in February 2012 Amendment No. 2 to the TID No. 7 Project Plan was adopted for two additional infrastructure projects on Lincoln Ave and Garfield Streets; and

WHEREAS, TID No. 7 has available revenue for additional infrastructure projects when evaluated to be financially feasible; and

WHEREAS, the City has a planned street and utility project on 17th Street and Zlatnik Drive, within one-half mile of the District Boundaries; and

WHEREAS, the City wishes to provide financial support to the extent necessary and feasible to complete these infrastructure improvements, recognizing that the planned infrastructure investment is beneficial to the economic growth and development of Two Rivers; and

WHEREAS, said Project is consistent with the City’s 2010 Comprehensive Plan which; includes the following recommended community development actions:

- Replace aging infrastructure in an efficient manner; and
- Address drinking water safety issues; and

WHEREAS, such redevelopment activities are also consistent with the City’s Economic Development Strategic Plan, adopted April 2018, with priorities for economic development that include:

- Improve neighborhood streets, and provide safe traffic circulation for all modes of travel; and

WHEREAS, the City anticipates that activities to be included in the Tax Incremental Financing Plan for such TIF District will include:

- (a) Interest and other costs of borrowing associated with the financing of the above activities; and
- (b) The City's reasonable administrative, legal, planning and engineering costs associated with the above activities; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Two Rivers City Council directs the City Manager and staff to proceed with all necessary activities related to amend TID No. 7 to allow for timely action by the Plan Commission, City Council and Joint Review Board.

Dated this 7th day of February 2022

Councilmember

Gregory E. Buckley
City Manager



**RESOLUTION AUTHORIZING THE CITY CLERK TO DETERMINE
THE NUMBER OF ELECTION INSPECTORS NEEDED FOR ELECTIONS
HELD IN THE CITY OF TWO RIVERS**

WHEREAS, the City Clerk is responsible for administering elections held in the City of Two Rivers; and

WHEREAS, polling places are required to be staffed with an odd number of election inspectors on Election Day; and

WHEREAS, Wisconsin State Statutes 7.30(1)(a) indicates that there shall be 7 inspectors for each polling place at each election; and

WHEREAS, due to fluctuation in anticipated voter turnout, for many elections it would be better suited to have a lesser or greater number of election inspectors at each polling location; and

WHEREAS, Wisconsin State Statutes 7.32 authorizes the governing body to change the number of election inspectors to a number not less than 3; and

WHEREAS, the City Clerk is the best informed individual to determine how many election inspectors are needed to staff each election effectively;


NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Two Rivers, does hereby authorize the City Clerk to determine the number of election inspectors needed at each polling place for each election based on anticipated voter turnout.

Approved this 7th day of February, 2022 by the City Council of the City of Two Rivers.

Councilmember

Gregory E. Buckley
City Manager

--MEMORANDUM--

TO: City Council
FROM: Gregory E. Buckley 
City Manager
DATE: February 4, 2022
SUBJECT: 20th Street Storm Water Pond

Monday night’s agenda includes a resolution authorizing the following actions relative to financing for the 20th Street Storm Water Pond, now under construction on a portion of the former Eggers East plant site:

- Issuance and Sale of Up to \$601,130 Storm Water System Revenue Bonds (20-year borrowing, to be repaid by the City’s Storm Water Utility, at the very favorable rate of)
- Financial Assistance Agreement with State of Wisconsin, addressing both the above borrowing and the principal forgiveness (30 percent of total project costs) being funded directly by the State’s Clean Water Fund Program.

Just to briefly recap what this project is all about:

1. The 20th Street Pond is one of several storm water pond sites identified in the City’s 2008 Storm Water Management Plan. Four other pond sites from that plan have previously been developed by the City.
2. The 20th Street Pond will be the City’s first storm water pond on the East Twin River and will serve a storm water drainage area of approximately 30 acres (**see attached map**). Having this pond available eliminates the need for on-site storm water management facilities on properties located in the drainage area and should help facilitate redevelopment of those properties—including that portion of the former Hamilton property lying north of 17th Street.
3. Real estate purchase for this pond site—the former Eggers East Plant site—was completed in January 2019. The entire 3.5 acre former plant site was purchased for \$300,000, with the intent to use the north one-third of the site for the planned pond, and to market the balance of the site for downtown waterfront development (**see attached map**).

The value attributed to that portion of the site being used for the pond is included in the financing addressed above.



4. City Council awarded the contract for this project on June 7, 2021, to Superior Sewer and Water, Inc. Superior has mobilized equipment and begun excavating work within the past two weeks.
5. Project cost includes removing any excess soil excavated from the site, for placement on City-owned property adjacent to the Woodland Industrial Park, in order to maximize the area available for redevelopment on the former Eggers East site.
6. Clay for lining the pond will come from a stockpile at the Sandy Bay Highlands Subdivision (clay soils removed from street/utility corridors during construction)

A summary of the “sources and uses” for the funding going into this project is attached (excerpt from Financial Assistance Agreement).





w:\PROJECTS\10007\91900463\CADD\GIS\FacilityPlan\Figs_A.mxd September 24, 2020 kpk

Eggers Pond

-  Pond
-  Prairie

Other Mapped Features

-  Eggers Pond Watershed Boundary
-  Parcel Line



Source: Manitowoc County, 2017-18.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON ASSOCIATES, INC. does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



McMAHON
 ENGINEERS ARCHITECTS
 McMAHON ASSOCIATES, INC.

**FIGURE 5
 EGGERS POND LOCATION
 EGGERS POND
 STORMWATER FACILITY PLAN
 CITY OF TWO RIVERS
 MANITOWOC COUNTY, WISCONSIN**

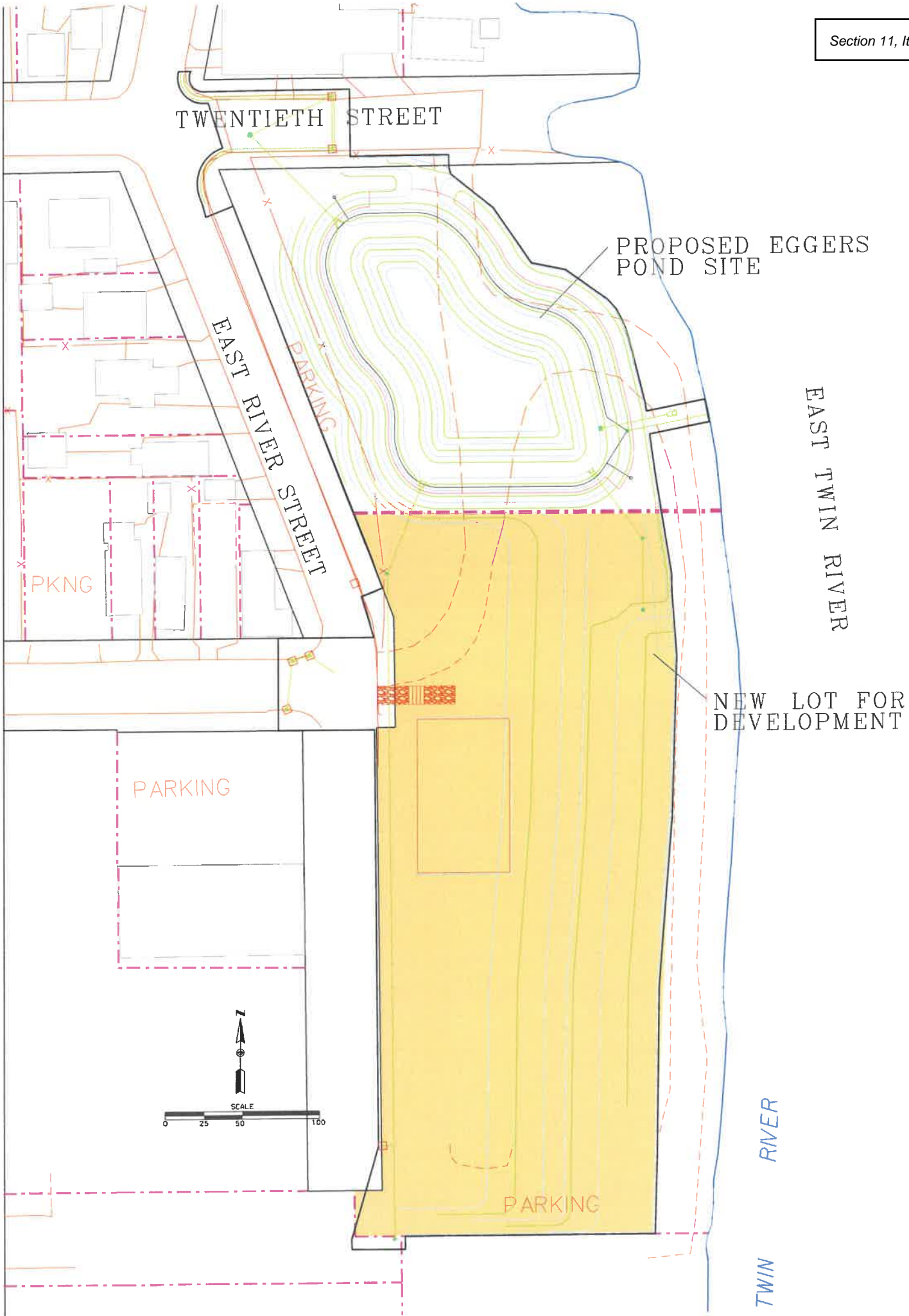


EXHIBIT A
PROJECT BUDGET SHEET

CITY OF TWO RIVERS
CWFP Project No. 4107-49

	Total Project Costs	Costs Funded Through DNR-UNPS Grant	Ineligible Costs Paid by the Municipality	CWFP Total Award Amount for the Project
Force Account	\$18,000	\$0	\$0	\$18,000
Interim Financing Costs	\$0	\$0	\$0	\$0
Preliminary Engineering	\$101,500	\$20,640	\$0	\$80,860
Land or Easement Acquisition	\$304,500	\$16,470	* \$165,473	\$122,557
Engineering/Construction Mgmt.	\$62,000	\$0	\$0	\$62,000
Construction/Equipment	\$677,271	\$117,490	** \$27,304	\$532,477
Contingency	\$33,864	\$0	\$0	\$33,864
Miscellaneous Costs	\$0	\$0	\$0	\$0
Closing Costs	\$9,000	\$0	\$0	\$9,000
Total	\$1,206,135	\$154,600	\$192,777	\$858,758
Principal Forgiveness ^A				\$257,628
Net SDWLP Loan Amount				\$601,130

A = Principal Forgiveness is calculated and awarded up to 30% of the eligible CWFP Total Award Amount for this Project.

* Cost attributable to balance of the 3.5 acre site that is NOT being used for pond project

** Trail / Sidewalk Segment deleted per Change Order 1



411 East Wisconsin Avenue
Suite 2400
Milwaukee, Wisconsin 53202-4428
414.277.5000
Fax 414.271.3552
www.quarles.com

Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Minneapolis
Naples
Phoenix
Tampa
Tucson
Washington, D.C.

February 2, 2022

VIA EMAIL AND UPS

REVISED

Mr. Gregory E. Buckley
City Manager
City of Two Rivers
1717 East Park Street
Two Rivers, WI 54241

Re: Bond Resolution - \$601,130 City of Two Rivers Storm Water System Revenue Bonds, Series 2022 (Clean Water Fund Loan) (the "Revenue Bonds")

Dear Mr. Buckley:

Enclosed for consideration at the February 7, 2022 City Council meeting are two copies of a revised Resolution (the only change is a correction to the date of the Certificate of Indebtedness in the second paragraph of page 1) authorizing the execution of the Financial Assistance Agreement and the issuance of the Revenue Bonds to the State of Wisconsin Clean Water Fund Program. A copy of the draft Financial Assistance Agreement provided by DNR should be distributed to the City Council along with the Resolution.

If you have not already done so, please include this Resolution on the agenda for the meeting. Please then post the agenda in at least three public places and provide it to the official newspaper of the City (or if the City has no official newspaper, to a news medium likely to give notice in the area) and to any other requesting media at least twenty-four hours prior to the meeting (see Section 19.84(1)(b), Wisconsin Statutes). **If the meeting will be a virtual meeting, please be sure to include on the agenda and the notices the dial-in number or other information necessary for the public and the media to access and monitor the meeting.** The enclosed **Certificate of Compliance with Open Meeting Law** must be completed in connection with the meeting at which this Resolution is adopted.

Mr. Gregory E. Buckley
February 2, 2022
Page 2

Unless the City Council has adopted special rules regarding the adoption of borrowing resolutions, a vote of at least a majority of the members of the City Council is necessary to adopt this Resolution. We have enclosed an **Excerpts of Minutes** form for you to complete which records the vote on the Resolution.

We are also enclosing a **Municipal Information Questionnaire** and **Tax Matters Questionnaire**. Please review, correct, if necessary, complete and return them to us.

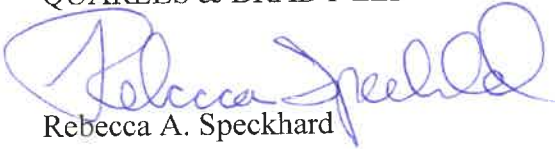
Please return two executed copies of the Resolution, and one copy of the Excerpts of Minutes, the Certificate of Compliance with Open Meeting Law and the Questionnaires to us by an overnight delivery service so that we receive them no later than **Friday, February 11**. A copy of the Resolution should be incorporated into the minutes of the February 7, 2022 meeting.

Finally, we are enclosing a **Notice** regarding the adoption of the resolution authorizing the issuance and sale of the Revenue Bonds which you should provide to the City's official newspaper to be published as a class 1 notice as soon as possible after adoption of the Resolution. Please forward an Affidavit of Publication (which must be signed by a representative of the newspaper) for the Notice to us once it has been published.

If you have any questions regarding these documents or any other matter, please do not hesitate to call me at (414) 277-5761.

Very truly yours,

QUARLES & BRADY LLP



Rebecca A. Speckhard

RAS:TAB
Enclosures
#910047.00079

- cc: Mr. David Buss (w/enc. via email)
- Ms. Jamie Jackson (w/enc. via email)
- Ms. Lisa Kuehn (w/enc. via email)
- Mr. James McDonald (w/enc. via email)
- Jack Bruce, Esq. (w/enc. via email)
- Mr. Shawn Jandrey (w/enc. via email)
- Ms. Dawn Merlin (w/enc. via email)
- Mr. Justin Fischer (w/enc. via email)
- Mr. David R. Erdman (w/enc. via email)
- Ms. Katherine C. Miller (w/enc. via email)
- Mr. Andrew Behm (w/enc. via email)
- Ms. Jessica Fandrich (w/enc. via email)
- Mr. Noah Balgooyen (w/enc. via email)
- Ms. Tracy A. Berrones (w/enc. via email)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$601,130 STORM WATER SYSTEM REVENUE BONDS, SERIES 2022, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Two Rivers, Manitowoc County, Wisconsin (the "Municipality") owns and operates a storm water system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to a resolution adopted by the Governing Body on April 20, 2020 (the "Senior Resolution"), the Municipality has heretofore issued its Certificate of Indebtedness, dated May 18, 2020 to the Board of Commissioners of Public Lands in connection with a State Trust Fund Loan (the "Senior Loan"), which is payable from the income and revenues of the System; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Clean Water Fund Program Project No. 4107-49 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. FIN 77373 and dated June 23, 2021 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell storm water system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, other than the Senior Loan, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;

(c) "Bonds" means the \$601,130 Storm Water System Revenue Bonds, Series 2022, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;

(d) "Bond Year" means the twelve-month period ending on each May 1;

(e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;

(f) "Debt Service Fund" means the Debt Service Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;

(g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

(h) "Fiscal Year" means the twelve-month period ending on each December 31;

(i) "Governing Body" means the City Council, or such other body as may hereafter be the chief legislative body of the Municipality;

(j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from storm water charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues appropriated by the Governing Body to the System, and any special assessments levied and collected in connection with the Project;

(k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(l) "Municipality" means the City of Two Rivers, Manitowoc County, Wisconsin;

(m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;

(o) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(p) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(q) "Senior Loan" means the Municipality's Certificate of Indebtedness, dated May 18, 2020 issued to the Board of Commissioners of Public Lands to evidence a State Trust Fund Loan;

(r) "Senior Resolution" means a resolution adopted by the Governing Body on April 20, 2020 authorizing the issuance of the Senior Loan; and

(s) "System" means the entire storm water system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the collection, detention, conveyance, processing, treatment and disposal of storm water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such storm water system and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$601,130; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Clean Water Fund Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the City Manager and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Storm Water System Revenue Bonds, Series 2022" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 1.485% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2022 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the City Manager and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond (except the final maturity) and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by check or draft of the Municipality and mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, junior and subordinate to the pledge granted to the holders of the Senior Loan. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Senior Loan, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Senior Loan, the Bonds and Parity Bonds, certain funds of the System are hereby created and established which shall be used solely for the following respective purposes:

- (a) Revenue Fund, into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Operation and Maintenance Fund, which shall be used for the payment of Current Expenses.
- (c) Debt Service Fund, which shall be used for the payment of the principal of, premium, if any, and interest on, first, the Senior Loan and, second, the Bonds and Parity Bonds as the same becomes due, and which may contain a Reserve Account established by a future resolution authorizing the issuance of Parity Bonds to secure such Parity Bonds.
- (d) Surplus Fund, which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Senior Loan, the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall

be disbursed as follows: (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the next installment of interest coming due on the Senior Loan and the installment of principal of the Senior Loan, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by a future resolution authorizing the issuance of Parity Bonds to fund a Reserve Account established therein; and
- (c) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Debt Service Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (c) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Senior Loan, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to fund the Reserve Account as required in connection with future Parity Bonds.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on, first, the Senior Loan and, next, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Storm Water System CWFPP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing storm water services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Senior Loan, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a basis junior and subordinate to the Senior Loan as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

- (a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Clean Water Fund Program. However, such

additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(4) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Clean Water Fund Program for the purchase price of up to \$601,130 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Storm Water System CWFP Project Fund." The Storm Water System CWFP Project Fund shall be used solely for the

purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Storm Water System CWFPP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section 1.148-3(b) of the

Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 18. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Clean Water Fund Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Clean Water Fund Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the Senior Resolution), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Senior Resolution, the Senior Resolution shall control as long as the Senior Loan is outstanding.

Passed: February 7, 2022

Approved: February 7, 2022

Gregory E. Buckley
City Manager

Attest:

Jamie Jackson
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED
NO. _____

UNITED STATES OF AMERICA
STATE OF WISCONSIN
MANITOWOC COUNTY
CITY OF TWO RIVERS

REGISTERED
\$ _____

STORM WATER SYSTEM REVENUE BOND, SERIES 2022

Final
Maturity Date

May 1, 2041

Date of
Original Issue

_____, 20__

REGISTERED OWNER: STATE OF WISCONSIN CLEAN WATER FUND PROGRAM

FOR VALUE RECEIVED the City of Two Rivers, Manitowoc County, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed _____ DOLLARS (\$ _____) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2023 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 1.485% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on May 1, 2022.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2023 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at One and 485/1000ths percent (1.485%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof (except the final maturity) and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date and mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

The Bonds shall not be redeemable prior to their maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Storm Water System of the Municipality, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted February 7, 2022, and entitled: "Resolution Authorizing the Issuance and Sale of Up to \$601,130 Storm Water System Revenue Bonds, Series 2022, and Providing for Other Details and Covenants With Respect Thereto" and is payable only from the income and revenues of the Storm Water System of the Municipality (the "Utility"). The Bonds are issued on a basis junior and subordinate to the Municipality's Certificate of Indebtedness, dated May 18, 2020 issued to the Board of Commissioners of Public Lands, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

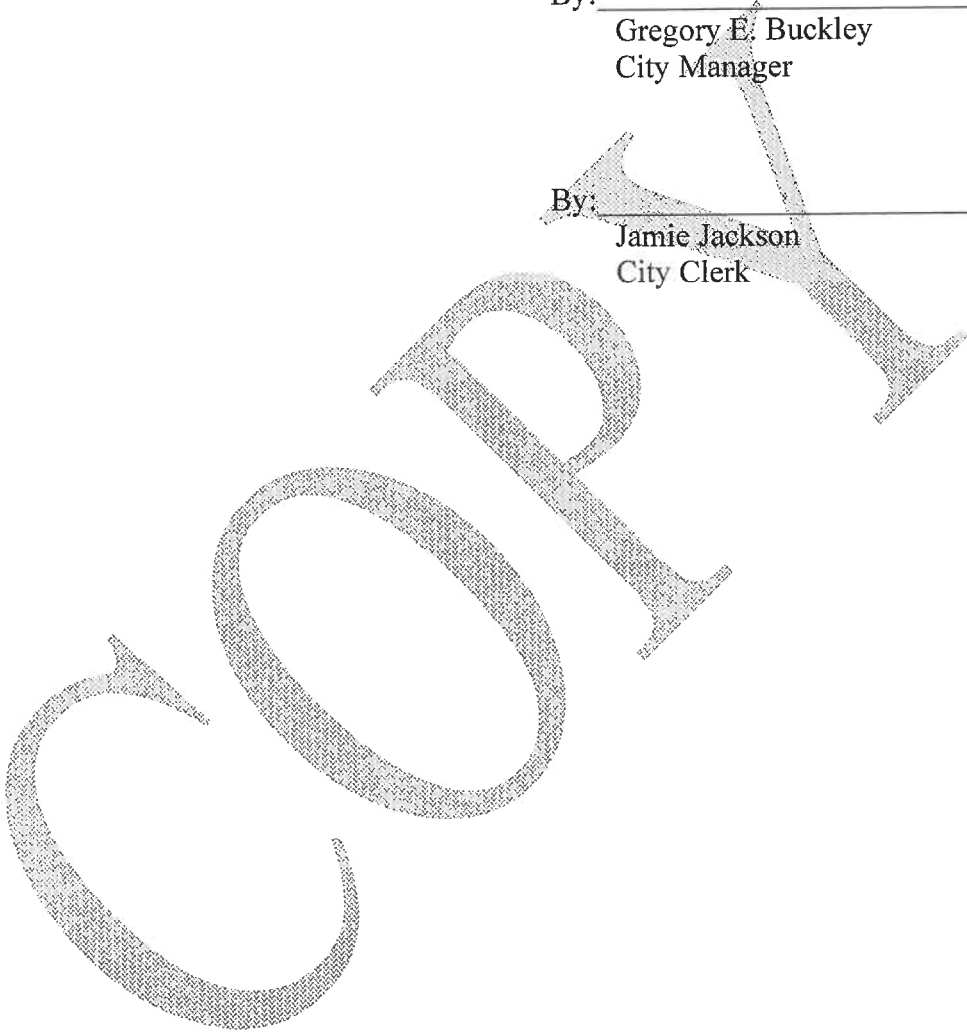
IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its City Manager and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF TWO RIVERS,
WISCONSIN

(SEAL)

By: _____
Gregory E. Buckley
City Manager

By: _____
Jamie Jackson
City Clerk



(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

SCHEDULE A

\$601,130

CITY OF TWO RIVERS, WISCONSIN
STORM WATER SYSTEM REVENUE BONDS, SERIES 2022

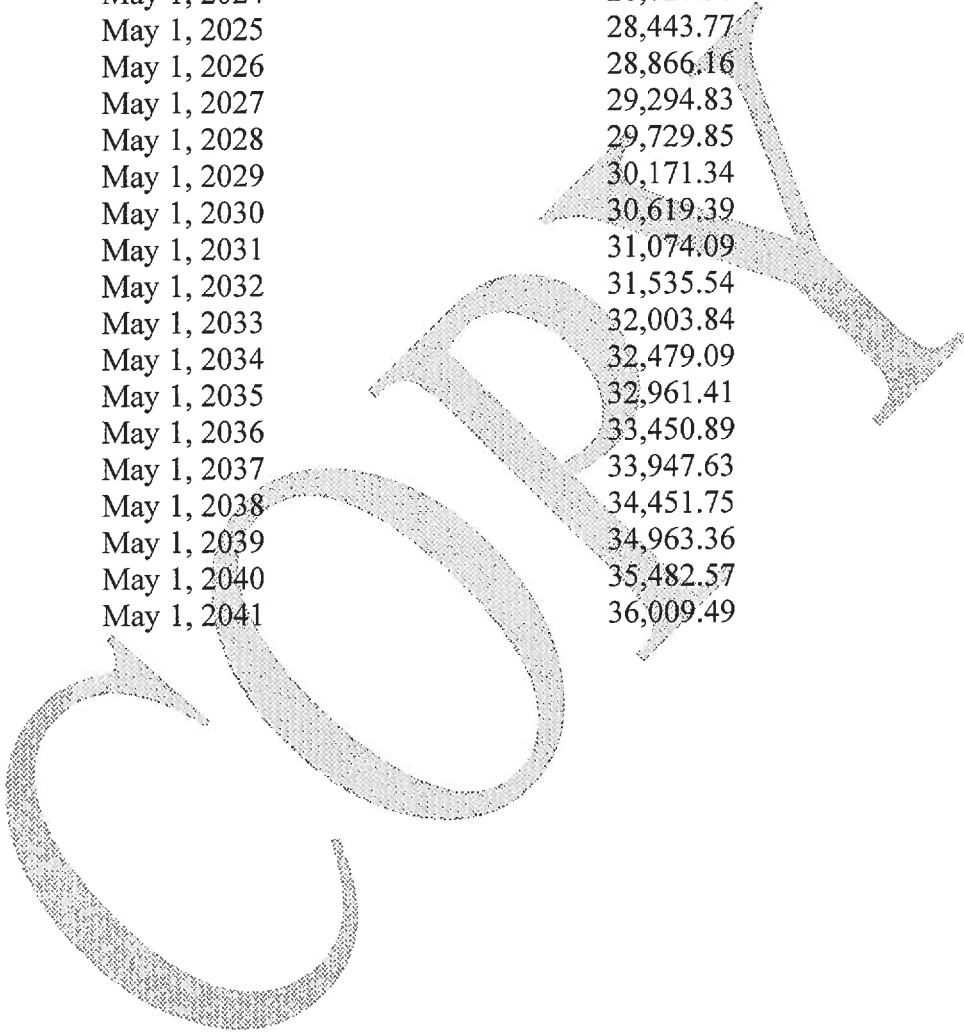
<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



SCHEDULE A (continued)

PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2023	\$27,617.44
May 1, 2024	28,027.56
May 1, 2025	28,443.77
May 1, 2026	28,866.16
May 1, 2027	29,294.83
May 1, 2028	29,729.85
May 1, 2029	30,171.34
May 1, 2030	30,619.39
May 1, 2031	31,074.09
May 1, 2032	31,535.54
May 1, 2033	32,003.84
May 1, 2034	32,479.09
May 1, 2035	32,961.41
May 1, 2036	33,450.89
May 1, 2037	33,947.63
May 1, 2038	34,451.75
May 1, 2039	34,963.36
May 1, 2040	35,482.57
May 1, 2041	36,009.49



AGREEMENT FOR SALE OF REAL ESTATE

Agreement for Sale of Real Estate made this ____ day of _____, 2022, by and between the City of Two Rivers, Wisconsin, (“the City”) and Wine Not LLC, (“the Buyer”).

- 1. Property Sold.** The City agrees to sell and the Buyer agrees to buy on the terms set forth in this Agreement the real property located in the City of Two Rivers, Manitowoc County, Wisconsin, being parcel number 053-000-037-060.09, more particularly described as follows: [insert legal description]

- 2. Price and Terms.** The Purchase price of the Property shall be \$10,000.00, of which \$10,000.00 is paid at the time of the Buyer’s signing of this Agreement by cashiers or certified check. This payment of \$10,000.00 shall be non-refundable.

- 3. Conveyance.** Conveyance is to be made by quit claim deed.

- 4. Contingencies.** Sale of the Property is subject to the following conditions:
 - A.** Approval of this Agreement by the Two Rivers City Council.

 - B.** Subject to and conditioned on compliance with the terms of the agreement the City and the WDNR entered into pursuant to Wis. Stat. § 75.106, a copy of which is attached hereto as Exhibit A and made a part hereof, and compliance with the terms of that statute. Buyer acknowledges the Property has been the subject of environmental contamination. [attach s. 75.106 agreement]

 - C.** Within 180 days from the execution of this Agreement, the Buyer shall submit Site and Architectural Plans, per Section 11-1-11 of the City’s Municipal Code, to the Plan Commission for review and approval.

 - D.** By July 31, 2023, the Buyer shall provide to the City documentation reasonably satisfactory to the City that the Buyer invested \$100,000 in the Property. Such documentation can include contractor invoices, architect invoices, material and equipment costs or other documents establishing an investment of at least \$100,000 in value has been made by Buyer to the Property, to the City’s reasonable satisfaction. Such investment may include Buyer’s expenditures for materials and equipment necessary for Buyer’s redevelopment of the property, and Buyer’s expenditures for any contractor work done on the property by contractors *in which neither the Buyer nor any member of the Buyer has an ownership interest nor by which any member of the Buyer is employed.* Any “in-kind” work done by the Buyer or by businesses in

which the Buyer or any member of the Buyer has an ownership interest or by which any member of the Buyer is employed shall not be counted toward such investment. Also, Buyer's purchase of the Property shall not be counted toward such investment.

- 5. No Representations/ "As Is" Condition.** EXCEPT AS OTHERWISE EXPRESSLY STATED IN THIS AGREEMENT, BUYER ACCEPTS THE PROPERTY IN "AS IS" CONDITION, WITHOUT REPRESENTATIONS OR WARRANTIES OF ANY KIND REGARDING THE CONDITION OF THE PROPERTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF FITNESS OR SUITABILITY FOR A PARTICULAR PURPOSE, AND INCLUDING BUT NOT LIMITED TO THE ENVIRONMENTAL CONDITION OF THE PROPERTY OR WHETHER IT CONTAINS ANY UNLAWFUL AMOUNTS OF ASBESTOS OR ANY OTHER HAZARDOUS SUBSTANCES AS DEFINED IN FEDERAL OR STATE LAW. BUYER HAS MADE ALL INSPECTIONS OF THE PROPERTY IT DEEMS NECESSARY TO SATISFY BUYER REGARDING THE CONDITION OF THE PROPERTY FOR THE USE INTENDED BY BUYER, AND IS FULLY SATISFIED AND RELIES SOLELY ON THE RESULTS OF ITS OWN INVESTIGATION IN PURCHASING THE PROPERTY DESCRIBED IN THIS AGREEMENT.
- 6. Failure to Comply with Contingencies in Section 4.** If any contingency is not satisfied, this Agreement shall be voidable by the City on written notice given to the Buyer by personal delivery to Wine Not LLC or sent to the following email addresses:
curt@sc3keys.com.
- 6. Date of Closing.** Closing will take place within 60 days of the execution of this agreement. Closing will occur at the Two Rivers City Hall.
- 8. Date of Completion.** The development of the Property is consistent with Site and Architectural Plans as approved by the City Plan Commission and is in compliance with any Building Permits or other permits required for such development shall be completed by July 31, 2023.

If that does not take place, title to the property may revert to the City based on the failure to complete such development. Title to the Property shall revert to the City upon written notice to the Buyer given in the manner set forth in Section 6 of this Agreement, and upon such notice Buyer shall promptly sign and deliver to the City a warranty deed to the Property free of any lien or encumbrance. If Buyer shall fail to do so, it is agreed that the City may obtain a court judgment assigning title to the City and injunctive relief compelling delivery of an appropriate deed if needed. Buyer agrees that if the City is required to take

legal action to enforce reversion of title Buyer shall be responsible for reimbursement to the City of its reasonable expenses and attorney's fees incurred in such legal action. This Section of the Agreement shall survive the closing of the sale of the Property to the Buyer.

Not later than July 31, 2023, Buyer shall provide the City with documentation, to the City's reasonable satisfaction, of expenditures made in satisfaction of the investment requirements stated in Section 4.D of this Agreement. Should such documented investment total less than \$100,000, the Buyer shall be required to pay to the City a sum equal to the difference between \$100,000 and the amount of said documented investment, such sum to be paid within 30 days following written demand by the City.

9. Inability to Perform. If a Buyer is unable to perform any of its obligations under the Offer for reasons beyond the control of the Buyer, the Buyer may terminate the Offer if the Buyer provides written notice of termination to the City/Seller at least 60 days prior to the Date of Completion, July 31, 2023, or Buyer may request in writing an extension of time regarding this Agreement at least 60 days prior to the Date of Completion. The City may grant or deny any request for extension in its sole discretion. Buyer's notice shall specify the cause related to its inability to perform its obligation(s). If the Agreement is terminated as provided in this Section, then title to the Property shall revert to the City as provided in Section 8.

10. Closing Costs and Title Insurance. The Buyer shall be responsible for payment of any real estate taxes on the Property which are levied and assessed after the date of closing. The City, at its expense, shall obtain a title commitment, which shall be available to the Buyer at least 10 days prior to the date of closing. If such commitment shows the existence of any defects in title, the Buyer shall advise the City of the same within 10 days of Buyer's receipt of the commitment, and the Seller shall then have 10 days to remedy any such defect, and closing shall be extended accordingly. If such defect cannot be cured, then this Agreement is voidable at the option of the Buyer. Buyer is responsible for payment of any transfer tax payable, and fees associated with the recording of the Property.

11. Possession. The Buyer will have legal possession and occupancy of the Property as of the date of closing.

12. Survival. The provisions of this Agreement which by their terms extend beyond the date of closing will survive closing.

13. Entire Agreement. This Agreement contains the entire agreement of the parties regarding this transaction. All prior negotiations and discussions have been merged into this Agreement.

14. Authority. The undersigned represent and warrant that they have full authority to sign and enter into this Agreement on behalf of City and the Buyer, and that the actions necessary to grant them such authority have been duly taken by the City and the Buyer.

15. Legal Counsel. This Agreement has been drafted by the attorney for the City acting solely on behalf of the City. If the Buyer desires legal counsel regarding this Agreement or the conveyance contemplated in the Agreement, the Buyer will retain a separate attorney.

16. Binding Agreement. This Agreement, as approved by the City Council on February 7, 2022, shall bind, and inure to the benefit of the parties, the City, hereto, the legal representatives, successors and assigns.

SIGNED AND DATED EFFECTIVE AS OF THE DATE SET FORTH ABOVE:

The City of Two Rivers

By: _____
Gregory E. Buckley, City Manager

By: _____
Jamie Jackson, City Clerk

Date: _____

Buyer(s):

By: _____

By: _____

Date: _____



Police Department
1717 East Park Street
Post Office Box 87
Two Rivers, WI 54241-0087
EMERGENCY DIAL911
Non-Emergency Police Response.....(920)686-7200

Police Business Office.....(920)793-1191
Mon.-Fri. 7:00 a.m. to 4:30 p.m.
Fax(920) 793-5500
Emailtrpolice@two-rivers.org

TO: Jamie Jackson, City Clerk
FROM: Chief Brian W. Kohlmeier
DATE: February 3, 2022
SUBJECT: Sex Offender Residency Appeal - Wilkes

On 01/18/2022, the Two Rivers Police Department was notified by the WI Sex Offender Registry that Everett J. Wilkes, a registered sex offender, moved into the City of Two Rivers. Address provided by the Registry was 1617 20th Street, Two Rivers. It was subsequently determined that Mr. Wilkes moved in with his daughter, Lisa Lavigne, who moved to Two Rivers and has been residing at this address since August of 2020.

Mr. Wilkes’ residency in the City of Two Rivers would be in violation of the City’s Sex Offender Residency Restrictions as enumerated in City Ordinance 9-9. Specifically, Mr. Wilkes was convicted of Criminal Sexual Conduct-2nd Degree in 1997, in the State of Michigan. This offense requires life long sex offender registrant status. Mr. Wilkes has not previously resided in the City of Two Rivers, and Mr. Wilkes’ daughter also has not resided in the City of Two Rivers a minimum of 5 years.

On 01-18-2022, Det. Lt. Wiesner contacted Mr. Wilkes and Ms. Lavigne and advised both parties that Mr. Wilkes’ residency in the City of Two Rivers was in violation of ordinance. Information was requested on how to appeal for a waiver or variance to this restriction, that information was provided.

On 01-20-2022, The Two Rivers Police Department received letters from both Lisa Lavigne and Everett Wilkes. Those letters requested that the City of Two Rivers reconsider the prohibition on Wilkes residing within the City. The letters outline circumstances that both parties indicate and request be taken into consideration in providing this recommendation. Those letters were

delivered to the City Clerk for the purpose of adding this matter to the City Council's next regular meeting agenda.

A further investigation into the matter was initiated. This investigation included an examination of the case information and charges from Michigan, criminal history of Mr. Wilkes, prior residency, and physical health and care considerations disclosed in the letters. As part of this investigation, contact was also made with the complainant of the original sexual assault case resulting in the Michigan conviction. This investigation substantiated the information provided by Mr. Wilkes and Ms. Lavigne.

Based on the results of this Department's investigation, it is my recommendation that a "waiver" be provided in this case and Mr. Wilkes be allowed to reside in the City of Two Rivers without penalty as specifically and narrowly related to City Ordinance 9-9-3. This recommendation is being made based upon the fact the both the complainant and victim in the assault resulting in conviction have supported the request and recommendation. Additionally, Mr. Wilkes' health is such that his daughter's care is believed to be regularly needed and/or necessary. While the danger to the public is always of the utmost concern to this Department, a waiver under the circumstances that exist does not appear to be unreasonable and an increased risk to the public also does not appear to be present in this case.



**TWO
RIVERS**
WISCONSIN

Committee Volunteer Application

If you reside in the City of Two Rivers and wish to be appointed to a citizens Committee, Commission, or Board please complete the following application and return to the City Manager's Office, P.O. Box 87, Two Rivers, WI, 54241-0087

Name (Last, First, Middle): Ackerman Jacqueline K. (Jackie)

Home Address: 4102 Lowell St. Two Rivers 54241

Phone: 920-793-4594 Email: ackermanj451@gmail.com

Employer/Business: Retired

Employer Address: _____

Occupation: Retired

Which Committee, Commission, or Board do you wish to serve on?

Committee on Aging

Do you have any special skills, knowledge, experience, or interest that relates to the above Committee, Commission, or Board?

Retired, former Principal & Teacher, worked and still work on committee, leadership, skills, organizer

Do you have any conflict of interest related to the Committee, Commission, or Board for which you are applying (such as employed relatives, business or financial conflicts, etc.)?

No

Jacqueline K Ackerman
Signature

Jan. 5 2022
Date

