



# CITY COUNCIL WORK SESSION

Monday, September 23, 2024 at 6:00 PM

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

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## AGENDA

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL BY CITY CLERK**

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

**4. ACTION ITEMS**

**A.** Resolution Authorizing Grant Application to Wisconsin Department of Natural Resources Urban Forestry Program  
Recommended Action:  
Motion to waive reading and adopt the resolution

**B.** Consideration of Matters Pertaining to Provision of Electric Service to the Van Der Brohe Arbortum, 3800 Lincoln Ave  
Recommended Action:  
Council discretion

**5. DISCUSSION ITEMS**

**A.** Proposed Amendment to Noise Ordinance, Regarding Construction Activity  
Recommended Action:  
Discussion only; to be presented for action on October 7 meeting

**B.** Discussion Regarding Properties at Columbus Industrial Park  
Recommended Action:  
Discussion only; may require action item on future agenda

**C.** Topics of October Work Session

1. Short-Term Rentals
2. Lighting Regulations
3. Other

**6. CLOSED EXECUTIVE 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 reasons require a closed session.

- Discuss possible assistance to development projects
- Discuss possible property purchase
- Discuss possible property sale

**7. RECONVENE IN OPEN SESSION**

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

**8. ADJOURNMENT**

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

*In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Two Rivers will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the City Clerk's office at 920-793-5526 or email [clerk@two-rivers.org](mailto:clerk@two-rivers.org) at least 48 hours prior to the scheduled meeting or event to request an accommodation. For additional assistance, individuals with hearing or speech disabilities can call 711 and be connected to a telephone relay system.*

*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.*



**AUTHORIZING RESOLUTION**

**WHEREAS**, the applicant, City of Two Rivers, is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 23.097(1g) and (1r), Wis. Stats.; and

**WHEREAS**, the applicant attests to the validity and veracity of the statements and representations contained in the grant application; and

**WHEREAS**, the applicant requests a grant agreement to carry out the project;

**NOW, THEREFORE** the applicant, City of Two Rivers, will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

**BE IT FURTHER RESOLVED**, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers City of Two Rivers Director of Parks and Recreation, its official or employee, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR
5. Sign and submit other required documentation

Adopted this 23<sup>rd</sup> day of September, 2024.

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Gregory E. Buckley  
City Manager

**ORDINANCE**

An Ordinance to amend Section 9-2-5 of the Municipal Code of the City of Two Rivers, Wisconsin, limiting Loud and Unnecessary Noises within the City, based on the recommendation of the Public Works Director:

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

**SECTION 1.** Section 9-2-5 B. (7) of the Municipal Code of the City of Two Rivers, Wisconsin is hereby amended, renumbered, and merged with Section 9-2-5 C. (2)., which section shall now read as follows:

“Section 9-2-5. - Loud and Unnecessary.”

“C. (2). Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 7:00 p.m.”

**SECTION 2.** Section 9-2-5 B. (7) of the Municipal Code of the City of Two Rivers, Wisconsin, having been amended, renumbered, and merged with Section 9-2-5 C. (2)., shall now read as follows:

“Section 9-2-5. - Loud and Unnecessary.”

“B. (7). Reserved for future use.”

**SECTION 3.** This ordinance shall take effect and be enforced from and after the date of its passage and publication.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this \_\_\_\_\_ day of September, 2024.

\_\_\_\_\_  
Scott Stechmesser  
President, City Council

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Gregory E. Buckley  
City Manager

Sec. 9-2-5. - Loud and unnecessary noises.

Existing language has conflicting provisions on construction noise

Section 5, Item A.

- A. *Loud and unnecessary noise prohibited.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- B. *Types of loud and unnecessary noises.* The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
  - (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the city for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
  - (2) *Radios, phonographs, similar devices.*
    - (a) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner exceeding the maximum permissible sound levels set forth in section 9-2-5.C.(1)(a).
    - (b) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Thursday, and between the hours of 11:00 p.m. and 6:00 a.m. Friday and Saturday in a manner as to be plainly audible within an enclosed structure used for residential purposes and located on a residentially zoned parcel shall be prima facie evidence of a violation of this section. Violations of this subsection shall require the verification by an officer and an identified complainant.
  - (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
  - (4) *Animals, birds.* The keeping of any animal or bird which by causing frequent or long continued unnecessary noise shall disturb the comfort or repose of any persons in the vicinity.
  - (5) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city authorities.
  - (6) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (7) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the city manager shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
  - (8) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital, church or court street.
  - (9) *The provisions of this section shall not apply to:*
    - (a) Any vehicle of the city while engaged in necessary public business.

- (b) Excavations or repairs of streets or other public construction by or on behalf of the city, county, or state for the public welfare and convenience renders it impossible to perform such work during the day.
- (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

C. *Noise limits.*

(1) *Maximum permissible sound levels.*

- (a) Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels as measured on an A-weighted scale (dbA) and measured as outlined in subsection G.(2) below. "Business to residential" readings are sound pressure levels emanating from a parcel zoned business as measured on a parcel zoned as residential. "All other zones to residential" are sound pressure levels emanating from a parcel zoned other than residential or business as measured on a parcel zoned as residential.

| Zone  |                     |                  |                         |                                 |  |
|---|---------------------|------------------|-------------------------|---------------------------------|--|
| Times   | Residential [db(A)] | Business [db(A)] | All Other Zones [db(A)] | Business to Residential [db(A)] | All Other Zones to Residential [db(A)] |
| Daytime—6:00 a.m. to 10:00 p.m.<br>Sun-Thurs; 6:00 a.m. to 11:00 p.m<br>Fri-Sat   | 60                  | 70               | 75                      | 65                              | 75                                     |
| Nighttime—10:00 p.m. to 6:00 a.m.<br>Sun-Thurs; 11:00 p.m to 6:00 a.m.<br>Fri-Sat | 50                  | 70               | 75                      | 60                              | 75                                     |

(b) "Ambient noise" is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor, and the subject noise shall exceed the ambient noise by five decibels (db) in any octave band to be designated excessive.

(c) Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in subsection C.(1) (a), above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

(2) *Construction noise.* Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 7:00 p.m., provided that said equipment does not exceed a maximum sound pressure level of 80 db(A) measured at the property line of the location at which said equipment is in use.

(3) *Noise in residential districts.* In residential zones, the person in violation of this section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.

D. *The causing of vibrations from excessive sound generation.* The creation of sound waves by any operation or activity of such frequency and/or decibel levels that the sound causes vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence beyond the lot line of its source which would

unreasonably disturb or unduly annoy occupants, detectable by either visual observation, touch or by secondary audio emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Thursday, and between the hours of 11:00 p.m. and 6:00 a.m. Friday and Saturday, shall constitute a violation of this section, regardless of whether the maximum permissible sound levels set forth in section 9-2-5.C.(1)(a) are met or exceeded. Violations of this subsection shall require the verification by an officer and an identified complainant.

- E. *Operation of certain equipment.* Lawn mowers, chain saws, powered garden equipment, electric insect-killing/insect-repelling devices, and other nonconstruction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- F. *Exemptions.* Operation of emergency equipment shall be exempt from this chapter. Emergency equipment shall include government-owned or government-contracted vehicles, machinery and equipment used to provide emergency medical (ambulance), police, fire and snow and ice control services. Privately owned vehicles, machinery and equipment used for snow and ice control and removal on private property shall also be exempt from the provisions of this chapter, provided such vehicle, machinery or equipment is not determined to be emitting excessive noise due to lack of repair or maintenance. The city manager or his/her designee may also grant temporary exemptions to the provisions of this chapter when such exemptions are deemed to be in the public interest.
- G. *Methods of measuring noise.*
- (1) *Equipment.* Noise measurement shall be made with a sound level meter.
  - (2) *Location of noise meter.* Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. Absent an identified location of the complainant, measurements shall be taken at the lot line of the property generating the noise. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from the walls, barriers, obstructions, and all other sound reflective surfaces.
- H. *Control of nighttime noise emitted from residential air conditioners.*
- (1) No person shall install, operate, or use any residential air conditioner which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in the excess of five decibels above the ambient noise level at the location being measured.
  - (2) Upon receiving a complaint, the police department will conduct a noise survey through the use of a sound level meter. The sound pressure level should be measured in a sleeping room in the complainant's premises with the sound level measuring microphone placed three feet from an open window nearest to the source of the noise and not less than three feet above the floor of the room in which the measurement is made.
- I. *Appeals.* The city manager may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this chapter for existing industries.

(Amended 1-20-2020; 10-5-2020; 11-30-2020; Ord. No. 2023-184, §§ 1—3, 11-6-2023)