



CITY COUNCIL SPECIAL MEETING

Monday, December 23, 2024 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, Doug Brandt, Shannon Derby, Bill LeClair, Darla LeClair, Tim Petri, Bonnie Shimulunas, Scott Stechmesser, Adam Wachowski

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

5. PUBLIC HEARING

A. Public Hearing on an Application for a Conditional Use Permit for Assisted Living, Congregate Housing, and a Residential Care Facility for the Elderly Located at 2500 Garfield Street, in the IPF Institutional/Public Facilities District, submitted by NHS 1 Hamilton Drive LLC (applicant and owner)

Recommended Action:

Following public hearing, motion to approve the conditional use permit as recommended by the Plan Commission

6. INPUT FROM THE PUBLIC

7. COUNCIL COMMUNICATIONS

Letters and other communications from citizens

8. COUNCIL REPORTS FROM BOARDS/COMMISSIONS/COMMITTEES

9. FORMAL ITEMS

A. Consideration of an Amendment to the City's Personnel Policy Manual, Regarding Holiday Pay
Recommended Action:

Motion to approve the amendment as recommended by the City Clerk/Human Resources Director and City Manager

B. Resolution Authorizing a Refund of Room Taxes for Multiple Short-Term Rental Properties, Based on Duplicate Payments Made
Recommended Action:

Motion to waive reading and approve the resolution

- C.** Consideration of a Request to Extend Deadlines Associated With Previously-Approved Facade Grant Agreement With The Wave TR LLC for 2015 Jackson Street
 - Extend Project Completion Deadline from November 30, 2024 to May 31, 2025
 - Extend Deadline for Filing Documentation for Reimbursement from December 31, 2024 to June 30, 2025

Recommended Action:
Motion to authorize the extensions as requested

10. DISCUSSION ITEMS

- A. Discuss Potential WisDOT Safety Improvement Project on 22nd Street

11. FOR INFORMATION ONLY

- A. Regular City Council Meeting, Monday January 6, 2025 at 6:00 PM
- B. Lights Out Downtown on Christmas Eve, 6:00 PM to Midnight

12. 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 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.



LAND DEVELOPMENT APPLICATION

APPLICANT NSH 1 Hamilton Drive LLC TELEPHONE 414-962-5250

MAILING ADDRESS 640 N Vel R Phillips Ave #200 Milwaukee WI 53203
(Street) (City) (State) (Zip)

PROPERTY OWNER NSH 1 Hamilton Drive LLC TELEPHONE 414-962-5250

MAILING ADDRESS 640 N Vel R Phillips Ave #200 Milwaukee WI 53203
(Street) (City) (State) (Zip)

REQUEST FOR:
___ Comprehensive Plan Amendment Conditional Use
___ Site/Architectural Plan Approval ___ Annexation Request
___ Subdivision Plat or CSM Review ___ Variance/Board of Appeals
___ Zoning District Change ___ Other

STATUS OF APPLICANT: Owner ___ Agent ___ Buyer ___ Other

PROJECT LOCATION 2500 Garfield St. Two Rivers, WI 54241 TYPE OF STRUCTURE Existing

PRESENT ZONING IPF REQUESTED ZONING IPF-CUP

PROPOSED LAND USE Continued use as an assisted living facility

PARCEL # 147-011-005-6 ACREAGE _____

LEGAL DESCRIPTION PICNIC HILL ADD 2ND PORTION ALL OF BLK K & PT OF W 1/2 OF SW 1/4 S31 T20N R25E REC V 825 P 666 & V 1015 P 629 EXC V 1015 P 641 & V 1103 P 218

NOTE: Attach a one-page written description of your proposal or request.

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed Brian Purtell Brian Purtell, General Counsel Date 11/23/24
(Property Owner)

Fee Required

- \$ 350 Comprehensive Plan Amendment
- \$ t/b/d Site/Architectural Plan Approval (Listed in Sec 1-2-1)
- \$ t/b/d CSM Review (\$10 lot/\$30 min)
- Subdivision Plat (fee to be determined)
- \$ 350 Zoning District Change
- \$ 350 Conditional Use
- \$ t/b/d Annexation Request (State Processing Fees Apply)
- \$ 350 Variance/Board of Appeals
- \$ t/b/d Other

Schedule

- Application Submittal Date _____
- Date Fee(s) Paid _____
- Plan(s) Submittal Date _____
- Plan Comm Appearance _____

\$ _____ TOTAL FEE PAID APPLICATION, PLANS & FEE RECEIVED BY _____

**Supplemental Page to
Conditional Use Permit Application
2500 Garfield Street, Two Rivers, WI**

The property owner NSH 1 Hamilton Drive LLC (“Applicant”) makes this application for the purposes of obtaining a conditional use permit (“CUP”) for the use of the property located at 2500 Garfield (tax parcel # 147-011-005-6) (the “Property”) for assisted living for the elderly, congregate housing for the elderly and/or residential care facility for the elderly. The property is zoned Institutional Public Facilities District (IPF). A skilled nursing facility is operated by NSH Two Rivers LLC under the name of Hamilton Health Services on the tax parcel and as a nursing home is a permitted use under Section 10-1-32 of the Two Rivers Ordinances.

An assisted living facility/residential care facility (RCAC) is also operated on the parcel by NSH Two Rivers Northland LLC under the name of Northland Lodge Assisted Living. These uses seemingly require a conditional use permit as assisted living facilities for the elderly, congregate housing for the elderly, and residential care facilities for the elderly under the ordinance. In conjunction with a zoning inquiry for an upcoming refinancing, the Applicant discovered that the CUP issued to a prior owner of the real estate (TR Real Estate LLC) on July 7, 2003, included a condition that the CUP would lapse upon a change in ownership. The Applicant acquired the Property in 2019 as part of a financially distressed sale via a receivership action, and as the 2019 transaction involved Applicant taking assignment of the prior term loan credit and security agreement with the existing lender, this was not discovered until the current zoning inquiry.

Operations have not significantly changed since the Applicant’s acquisition. The Northland Lodge facility has up to 39 residents and 12-15 employees. The intensity of use is consistent with the prior usage and there have been no significant changes to the buildings or ground since the 2019 application, nor are any anticipated in connection with this application. The Applicant believes that it is otherwise in compliance with all applicable zoning and site requirements.

Applicant and the two operators in the facilities are part of the North Shore Healthcare (NSH) group. Based in Milwaukee, NSH operates 70 nursing and assisted living facilities in Wisconsin, Minnesota, Michigan and North Dakota.



Section 5, Item A.

| | |
|-----------------|--|
| 948188 | CONDITIONAL USE PERMIT City of Two Rivers |
| Document Number | Permit No. 2003-05 |

COPY

Before the City Council of the City of Two Rivers, Manitowoc County, Wisconsin, in regard to premises at 2500 Garfield Street in the City of Two Rivers, Manitowoc County, State of Wisconsin, further described as follows:

Picnic Hill Addition 2nd Portion, All of Block K and part of West 1/2 of Southwest 1/4 in Section 31, Town 20 North, Range 25 East as recorded in Volume 825, Page 666 and Volume 1015, Page 629, except as recorded in Volume 1015, Page 641.

Property Address: 2500 Garfield Street, Two Rivers, WI 54241.

Property is zoned Institutional Public Facilities District (IPF) with conditional uses for Assisted Living for the Elderly, Congregate Housing for the Elderly and/or Residential Care Facility for the Elderly.

STATE OF WISCONSIN
 MANITOWOC COUNTY
 PRESTON JONES
 REGISTER OF DEEDS
 RECEIVED FOR RECORD
 21 AUG 2003 9:05:20 AM

Name and Return Address
 Inspections Department
 City of Two Rivers
 PO Box 87
 Two Rivers, WI 54241-0087

Parcel Identification Number 147-011-005-6

Mailing Address of the Premises is c/o TR Real Estate LLC, 1726 North Ballard Road, Appleton, WI 54911

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statute, provide that the premises may not be used by right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the City Council of the City of Two Rivers having determined that by reason of the particular nature, character and circumstances of the proposed use, permit of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, it is permitted, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of Assisted Living for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly, and an enclosed pedestrian walkway connecting the nursing home with the assisted living facility.

Permitted by action of the City Council of the City of Two Rivers on July 7, 2003.

Attest:



 Kim M. Graves, Deputy City Clerk



 William P. Glandt, Council President

Original filed in the office of the City Clerk of the City of Two Rivers, Wisconsin

The **CONDITIONS** of this Permit are:

1. This Permit shall become effective upon the execution and recording by the Owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This Permit shall be void unless proper application, pursuant to the building and zoning codes of the municipality, for appropriate Building and Zoning Use Permits in conformity to this Permit, is made within 12 months of the date hereof.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use permitted shall be in strict conformity to the approved site, building and operation plans filed in connection with the Petition for this Permit and such plans are incorporated herein by reference as if set forth in detail herein.
5. Any of the conditions of this Permit which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof as may be necessary to carry out the provisions.
6. Any substantial change or expansion of the facilities permitted by the initial issuance of this Conditional Use Permit would require approval by the Plan Commission and City Council as an amendment to this Conditional Use Permit.
7. This permit is granted specifically to TR Real Estate, LLC. If there is a change in ownership of the subject premises, this permit shall lapse upon such change in ownership. This permit may be reissued only after proper application is made to the City as if this permit were being issued anew.

(CONTINUED ON FOLLOWING PAGE)

8. Conditions on the Operation

- a. Hours of operation: No conditions.
- b. Performance standards relating to noise, vibration, odor, smoke or dust: As required in City Zoning Code and other applicable laws and regulations.
- c. Water supply requirements: No conditions.
- d. Provisions for sewage disposal: No conditions.
- e. Other: None.

9. Conditions on the Buildings

- a. Facade material of each building side: As shown on the approved Site and/or Architectural Plans.
- b. Entrances, Design and Location: As shown on the approved Site and/or Architectural Plans.
- c. Signs attached to the Building, Location, Size, Design (including lighting): As required in the City Sign Code.
- d. Exterior Lighting of the Building: As shown on the approved Lighting Plan.
- e. Other: None.

10. Conditions on the Site

- a. Street Access (number, location, design): As shown on the approved Site and/or Architectural Plans.
- b. Off-Street Parking (location and design including screening thereof): As shown on the approved Site and/or Architectural Plans.
- c. Loading and Service Areas (location and design): As shown on the approved Site and/or Architectural Plans.
- d. Outside Storage of Materials, Products or Refuse (location and screening thereof): As shown on the approved Site and/or Architectural Plans.
- e. Finished topography and building grades, retaining walls, storm water run-off: As shown on the approved Site and/or Architectural Plans.
- f. Landscaping of the Site and Buildings (including plant types, size, spacing): As shown on the approved Landscaping Plan.
- g. Pedestrian walkways, terraces, malls (location and design): As shown on the approved Site and/or Architectural Plans.
- h. Signs (free standing) location, size, design (including lighting): As required in the City Sign Code.
- i. Exterior Lighting of the Site, location design and power: As shown on the approved Lighting Plan.
- j. Other: Any expansion of the facilities permitted by the initial issuance of this Conditional Use Permit would require approval by the Plan Commission and City Council as an amendment to this Conditional Use Permit.

Receipt of a True Copy of this instrument on behalf of the
petitioner acknowledged on 7/12/03 VA.

THIS INSTRUMENT WAS DRAFTED BY Martin R. Marchek, AICP, City Planner

LAND COVENANT

Document Number

Relates to Conditional Use Permit No. 2003-05

Acceptance of Conditions of Conditional Use Permit.

THIS COVENANT, made on August 4, 2003 by TR Real Estate LLC, GRANTORS, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the City of Two Rivers, Manitowoc County, Wisconsin, and for the use and benefit of the said City of Two Rivers, in its own right and as agent for the purpose of enforcing this document on behalf of the above described class of persons, GRANTEES.

The premises affected by this document are the following described lands in the City of Two Rivers, County of Manitowoc, State of Wisconsin, to-wit:

Picnic Hill Addition 2nd Portion, All of Block K and part of West 1/2 of Southwest 1/4 in Section 31, Town 20 North, Range 25 East as recorded in Volume 825, Page 666 and Volume 1015, Page 629, except as recorded in Volume 1015, Page 641.

Property Address: 2500 Garfield Street, Two Rivers, WI 54241

Property is zoned Institutional Public Facilities District (IPF) with conditional uses for Assisted Living for the Elderly, congregate Housing for the Elderly, and/or Residential Care Facility for th Elderly.

Name and Return Address
Inspections Department
City of Two Rivers
P. O. Box 87
Two Rivers, WI 54241-0087

Parcel Identification Number 147-011-005-6

Mailing Address of the Premises is c/o TR Real Estate LLC, 1726 North Ballard Road, Appleton, WI 54911

Grantors warrant and covenant that at the time of the ensembling and delivery of this document they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

Grantors represent that petition on their behalf was made to the City of Two Rivers, pursuant to the Zoning Code of the said City of Two Rivers for grant of permission to erect and/or conduct on the premises a use there permissible not by right but only by Conditional Use; that in connection therewith Grantors made certain representations and agreements as to site, building and operation plans which were incorporated into the Conditional Use Permit; that based thereon Conditional Use Permit No. 2003-05 was issued on July 7, 2003 and that a true copy thereof is on file with the City Clerk of the City of Two Rivers.

NOW, THEREFORE, Grantors hereby accept the said Conditional Use Permit and covenant strictly to comply with all of the terms and conditions thereof. This covenant shall run with the land and shall be binding on the Grantors and on all persons claiming any estate or interest in the Premises by, through or under the Grantors, as long as the said Premises are used as described in the Conditional Use Permit for the purpose of Assisted Living Facilities for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.

In Witness Whereof, Grantors have hereunto set their hands and seals on August 4, 2003 (date)

By: [Signature]
Name/Title Larry D. Rice, Partner
Rice Enterprises, sole member

By:
Name/Title

INDIVIDUAL
STATE OF WISCONSIN,
outagamie County, ss
Personally came before me this 4th day of August, 2003
the above named Larry L. Rice

[Signature]
Thomas H. Suther

Notary Public, State of Wisconsin
My Commission expires to permanent.

THIS INSTRUMENT WAS DRAFTED BY
Martin R. Marchek, AICP, City Planner

CONDITIONAL USE
PERMIT
City of Two Rivers

Document Number

Permit No. 12-1-2024

Before the City Council of the City of Two Rivers, Manitowoc County, Wisconsin, regarding the premises at 2500 Garfield Street in the City of Two Rivers, Manitowoc County, State of Wisconsin, further described as:

PICNIC HILL ADD 2ND PORTION ALL OF BLK K & PT OF W 1/2 OF SW 1/4 S31 T20N R25E REC V 825 P 666 & V 1015 P 629 EXC V 1015 P 641 & V 1103 P 218

Inspections Department
City of Two Rivers
PO Box 87
Two Rivers, WI 54241-0087

Parcel ID Number: 053-147-011-005.06

Zoning Classification of the Premises is: IPF Institutional/Public Facilities District with conditional uses for Assisted Living for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.
Mailing Address of the Premises Operator: 2500 Garfield Street, Two Rivers WI 54241

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statute, state that the premises may not be used for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the City Council of the City of Two Rivers having determined that by reason of the nature, character and circumstances of the proposed use, and of the specific and contemporary conditions, permit of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, it is permitted, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of Assisted Living for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly, and an enclosed pedestrian walkway connecting the nursing home with the assisted living facility.

Permitted by action of the City Council of the City of Two Rivers on December 23, 2024.
Original filed in the office of the City Clerk of the City of Two Rivers, Wisconsin

The Conditions of this Permit are:

1. This Permit shall become effective upon the execution and recording by the Owner of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This Permit is subject to the conditions herein and is subject to amendment and termination in accordance with the provisions of the Zoning Code of this Municipality.
3. The operation of the use permitted shall be in strict conformity to the approved conditions identified with this Petition for this Permit and such plans are incorporated herein by reference as if set forth in detail herein.
4. Any of the conditions of this Permit which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof as may be necessary to carry out the provisions.
5. Any substantial change to the use or site as the conditions permitted by the issuance of this Permit would require approval by the Plan Commission and City Council as an amendment to this Permit.
6. This Permit is specifically issued to NSH 1 Hamilton Drive LLC and shall lapse upon a change in ownership of the business, tenancy of the subject premises or if the land uses ceases operation for more than 12 months. This permit may be reissued only after a proper application is made to the City as if this permit were being newly issued.
7. Conditions of Operations:
 - a. Hours of operation: No conditions
 - b. Performance standards relating to noise, vibration, odor, smoke or dust: As required in City Zoning Code and other applicable laws and regulations.
 - c. Water supply requirements: No conditions.
 - d. Provisions for sewage disposal: No conditions.
 - e. Other: None.

(CONTINUED ON THE FOLLOWING PAGE)

- 8. Conditions on the Buildings
 - a. Façade material of each building side: As shown on the approved Site and/or Architectural Plans.
 - b. Entrances, Design and Location: As shown on the approved Site and/or Architectural Plans.
 - c. Signs attached to the Building, Location, Size, Design (including lighting): As required in the City Sign Code.
 - d. Exterior Lighting of the Building: As shown on the approved Lighting Plan.
 - e. Other: None.

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 - a. Street Access (number, location, design): As shown on the approved Site and/or Architectural Plans.
 - b. Off-Street Parking (location and design including screening thereof): As shown on the approved Site and/or Architectural Plans.
 - c. Loading and Service Areas (location and design): As shown on the approved Site and/or Architectural Plans.
 - d. Outside Storage of Materials, Products or Refuse (location and screening thereof): As shown on the approved Site and/or Architectural Plans.
 - e. Finished topography and building grades, retaining walls, storm water run-off: As shown on the approved Site and/or Architectural Plans.
 - f. Landscaping of the Site and Buildings (including plant types, size, spacing): As shown on the approved Landscaping Plan.
 - g. Pedestrian walkways, terraces, malls (location and design): As shown on the approved Site and/or Architectural Plans.
 - h. Signs (free standing) location, size, design, (including lighting): As required in the City Sign Code.
 - i. Exterior Lighting of the Site, location design, and power: As shown on the approved Lighting Plan.
 - j. Other: Any expansion of the facilities permitted by the initial issuance of this Conditional Use Permit would require approval by the Plan Commission and City Council as an amendment to this Conditional Use Permit.

SIGNATURES OF PROPERTY OWNER(S) AND PERMITEE(S):

As Owner(s) of the Subject Property, I/we accept and understand the above-described conditions.

Printed Name: _____

Printed Name: _____

STATE OF WISCONSIN
MANITOWOC COUNTY

Personally came before me this _____ day of _____, 2024, the above named _____ and to be the person(s) who executed the foregoing instrument and acknowledge the same.

Notary Public

Printed Name

_____ County, Wisconsin

My commission expires: _____

SIGNATURES - CITY OF TWO RIVERS

Greg Buckley, City Manager

Amanda Baryenbruch, City Clerk

STATE OF WISCONSIN
MANITOWOC COUNTY

Personally, came before me this ____ day of ____ 2024, the above-named Greg Buckley and Amanda Baryenbruch known to be the person(s) who executed the foregoing instrument and acknowledge the same.

Printed Name: _____

Notary Public, Manitowoc County, Wisconsin

My commission expires: _____

THIS INSTRUMENT WAS DRAFTED BY:
Adam Taylor, Zoning Administrator

| | |
|------------------------|--|
| Document Number | LAND COVENANT |
| | Relates to Conditional Use Permit No. 12-1-2024 |

Acceptance of Conditions of Conditional Use Permit.

THIS COVENANT, made on by **GRANTORS**

, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the City of Two Rivers, Manitowoc County, Wisconsin, and for the use and benefit of the said City of Two Rivers, in its own right and as agent for the purpose of enforcing this document on behalf of the above described class of persons, **GRANTEES**.

The premises affected by this document are the following described lands in the City of Two Rivers, County of Manitowoc, State of Wisconsin, to-wit:

PICNIC HILL ADD 2ND PORTION ALL OF BLK K & PT OF W 1/2 OF SW 1/4 S31 T20N R25E REC V 825 P 666 & V 1015 P 629 EXC V 1015 P 641 & V 1103 P 218

Property Address: 2500 Garfield Street, Two Rivers, WI 54241

Property is zoned Institutional Public Facilities District (IPF) with conditional uses for Assisted Living for the Elderly, congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.

Name and Return Address
 Inspections Department
 City of Two Rivers
 P. O. Box 87
 Two Rivers, WI 54241-0087

Parcel Identification Number: 053-147-011-005.06

Mailing Address of the Premises is c/o NSH 1 Hamilton Drive LLC, 640 N Vel R Phillips Ave #200

Grantors warrant and covenant that at the time of the ensembling and delivery of this document they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

Grantors represent that petition on their behalf was made to the City of Two Rivers, pursuant to the Zoning Code of the said City of Two Rivers for grant of permission to erect and/or conduct on the premises a use there permissible not by right but only by Conditional Use; that in connection therewith Grantors made certain representations and agreements as to site, building and operation plans which were incorporated into the Conditional Use Permit; that based thereon Conditional Use Permit No. 12-1-2024 was issued on December 23, 2024 and that a true copy thereof is on file with the City Clerk of the City of Two Rivers.

NOW, THEREFORE, Grantors hereby accept the said Conditional Use Permit and covenant strictly to comply with all of the terms and conditions thereof. This covenant shall run with the land and shall be binding on the Grantors and on all persons claiming any estate or interest in the Premises by, through or under the Grantors, as long as the said Premises are used as described in the Conditional Use Permit for the purpose of Assisted Living Facilities for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.

In Witness Whereof, Grantors have hereunto set their hands and seals on (date)

By:
Name/Title _____

By:
Name/Title _____

INDIVIDUAL
 STATE OF WISCONSIN,)
) ss
 _____, County) Personally came before
 me this _____ day of _____,
 the above named _____

 to me known to be the person(s) who executed the
 foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

THIS INSTRUMENT WAS DRAFTED BY
Adam Taylor, Zoning Administrator



MEMO

DATE: December 19, 2024

TO: Two Rivers City Council and City Manager Greg Buckley

FROM: Amanda Baryenbruch, City Clerk/Human Resources Director

SUBJECT: Holiday Pay Revisions

Background:

Currently, City departments operate with varying work schedules, including 8-hour, 9-hour, and 10-hour workdays. As a result, there is a disparity in how holiday pay is applied across departments. To address these differences, a more uniform and transparent approach to holiday pay is necessary. This change will ensure consistency in holiday compensation while maintaining fairness for all employees, regardless of their specific department's work schedule.

Proposed Changes:

1. **Holiday Pay Bank:**

Each employee will receive 64 hours of holiday pay annually. This will reflect the eight recognized holidays observed by the City each year. Employees will have this time placed into a holiday bank that they can use throughout the year.

2. **Floating Holidays:**

Employees currently receive two personal days per year. These two days will now be added to their holiday bank and will be available as "floating" holidays. Floating holidays can be used at the employee's discretion or to offset additional hours worked, depending on their specific department's schedule.

3. **Holiday Pay Tracking:**

This policy will also enable better tracking of holiday pay usage. If an employee works on a holiday, they will be able to use their holiday pay at a later date. The new system will accurately record when the employee takes that holiday, improving transparency and reducing discrepancies in time off tracking.

4. **Forfeiture of Unused Hours:**

Any holiday hours remaining in an employee's holiday bank at the end of the year will be forfeited and will not be paid out. This encourages employees to use their allotted holiday time and ensures that unused hours do not accumulate or result in financial liabilities for the City.



**TWO
RIVERS**
WISCONSIN

CITY CLERK / HUMAN RESOURCES

Section 9, Item A.

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

Rationale:

This modification to the holiday pay policy is essential to:

- Ensure fairness across all departments, accounting for different work schedules (8, 9, or 10 hours per day).
- Provide employees with the flexibility to manage their holiday time, while allowing them to take advantage of floating holidays based on their work schedule.
- Improve the tracking of holiday time off, ensuring that all records are accurate and aligned with actual holiday usage.
- Promote consistency in the City's approach to holiday pay, reducing confusion and potential inequities.

Conclusion:

The proposed changes to the holiday pay policy will streamline the City's approach to holiday compensation, reflect the varying work schedules across departments, and improve tracking and transparency of holiday time off. I recommend that the City Council approve this policy change to ensure fair and equitable treatment for all employees.

Thank you for your attention to this matter.

Chapter 8 – Time Away from Work

8.01 Holidays

Effective Date: ~~1/30/2023~~

The City recognizes the following paid holidays:

- | | |
|------------------|---------------------------|
| New Year’s Day | Thanksgiving Day |
| Memorial Day | Friday after Thanksgiving |
| Independence Day | Christmas Eve |
| Labor Day | Christmas Day |

Whenever one of the above-designated holidays occurs on a Saturday, the Friday immediately preceding shall ~~generally become~~ be observed as the official holiday. Whenever a designated holiday occurs on a Sunday, the Monday immediately following shall ~~generally become~~ be observed as the official holiday.

The City may, however, deviate from this weekend substitution protocol and designate a different day for observation of the holiday. if needed.

~~Either Christmas Eve or~~ New Year’s Eve, in lieu of Christmas Eve, may be taken as a paid holiday at the discretion of the department head, but not both days. It is understood that minimum staffing should be available on both days to provide necessary municipal services.

Regardless of an employee’s normal work hours, they will receive eight hours of paid time off for each of the eight above-referenced City holidays. If an employee’s normal workday exceeds 8 hours, they may use floating personal leave (see Section 8.02, below) to supplement holiday pay for the remainder of their normal workday. For example, if an employee works four ten-hour shifts per week, they may—but are not required to—use two hours of personal leave time to supplement the eight hours of paid time off they receive for a particular holiday pursuant to this section.

Provisions for employees who are required to work on an observed holiday date:

Whenever it is necessary, as determined by the department head, for a non-exempt employee to ~~be scheduled, or called in, to~~ work a full their full normal workday on a holiday ~~to continue essential services,~~ compensation for the actual hours worked shall be at the rate of one and one-half times the regular rate of pay. ~~and the~~ The employee will also be given the option to either receive holiday pay for that date or be given receive ~~a compensatory day off~~ 8 hours of paid leave, to paid from his/her allotment of holiday hours. Any hours worked beyond ~~a full the employee’s normal~~ workday will be paid at double time.

Whenever it is necessary, as determined by the department head, for a non-exempt employee to ~~be scheduled, or called in, to~~ work less than a full their full normal workday on a holiday ~~to continue essential services,~~ compensation for the actual hours worked shall be at the rate of one and one-half times the regular rate of pay. ~~in addition to the~~ The employee shall also receive 8 hours of holiday pay. holiday pay they would have received had they not been scheduled, or called in, to work.

Provisions for employees who are required to work on a legal holiday when it differs from the City-observed holiday date. For example, an employee is required to work on a legal holiday on a Sunday

when the City is observing the holiday on Monday:

Whenever it is necessary, as determined by the department head, for a non-exempt employee to be scheduled, or called in, to work a full workday on a legal holiday, that is not the City-observed holiday date, to continue essential services, compensation for the actual hours worked shall be at the rate of one and one-half times the regular rate of pay. Any hours worked beyond a full workday will be paid at double time.

Whenever it is necessary, as determined by the department head, for a non-exempt employee to ~~be scheduled, or called in,~~ to work less than at their full normal workday on a legal holiday, that is not the City-observed holiday date i.e., a holiday that falls on a weekend, ~~to continue essential services,~~ compensation for the actual hours worked shall be at the rate on one and one-half times the regular rate of pay.

Police management personnel whose schedules require work on ~~these City holi-~~days (or for whom ~~such a~~ holiday is a regular rotation shift day off) will receive ~~a replacement holiday eight hours of time~~ off (at straight time) that will be taken by mutual agreement of the Chief of Police or his/her designee and that employee. ~~Holidays are not used until earned and cannot be carried over from year to year.~~ Police management personnel may not elect to receive pay in lieu of taking holiday time off.

Holiday time for eligible part-time employees is pro-rated based on the total hours worked in the prior year. For example, an employee who works 50% of the full-time hours for their position will receive four hours of holiday pay for each City holiday. Vacation, personal days, holidays, and any other paid days off are considered hours worked for the purposes of this calculation. ~~The anticipated annual hours will be used for employees with less than one full year of employment at the time of calculation.~~ In the case of new hires, estimated annual hours to be worked shall be the basis for this pro-ration, until such employees have completed one calendar year of service in that part-time position.

8.02 Personal ~~Days~~Leave

Effective Date: 3/7/2022

In addition to the holidays described in section 8.01, each eligible employee shall receive ~~two (2)~~sixteen hours of "floating" ~~personal days~~leave annually, to be scheduled with the ~~mutual~~ consent of the employee's department head. Floating Ppersonal ~~days~~leave must~~must~~ be used in the calendar year and cannot be carried forward. Floating Ppersonal ~~days~~leave must~~may~~ be used in increments of no less than one quarter of an eight (8) hour (15 minutes) increments.

New hires hired on or before November 1st will be eligible for this benefit in their year of hire.

Floating personal leave for eligible part-time employees is pro-rated based on the employee's total hours worked in the prior calendar year. For example, an employee who works 50% of the full-time hours for their position will receive eight hours of floating personal leave. Vacation, personal leave, holidays, and any other paid time off are considered hours worked for the purposes of this calculation. In the case of new hires, estimated annual hours to be worked shall be the basis for this pro-ration, until such employees have completed one calendar year of service in that part-time position.

CITY OF TWO RIVERS RESOLUTION

AUTHORIZATION OF REFUND OF OVERPAYMENT OF ROOM TAX DOLLARS

WHEREAS, the City of Two Rivers (the “City”), pursuant to Wis. Stat. § 66.0615(1m), collects Room Tax Dollars from the owners of residential dwellings that have been rented.

WHEREAS, the City, pursuant to Wis. Stat. § 66.0615(1r), collects room tax dollars from marketplace providers of short-term rentals.

WHEREAS, the City received a notice of claim from a tax payer, Baeten Lakeshore Properties LLC, who paid the room tax owed on income received from renting out several short-term rentals listed on a marketplace provider.

WHEREAS, said marketplace provider, Airbnb, Inc., also paid room tax owed on the same income received from renting out the same short-term rental.

WHEREAS, the City finds, upon audit of the City’s and Baeten Lakeshore Properties LLC’s records pursuant to Wis. Stat. § 66.0615(2), that Baeten Lakeshore Properties LLC has paid \$31,210.91 in duplicate and excess room tax payments to the City of Two Rivers in the years 2020-2024.

NOW, THEREFORE, The City Council of the City of Two Rivers, Wisconsin, does hereby ordain as follows:

SECTION 1. The City of Two Rivers shall allow the claim of Baeten Lakeshore Properties LLC in the amount of Thirty One Thousand, two hundred ten dollars and 91/100 dollars (\$31,210.91).

SECTION 2. The City of Two Rivers Council directs the City of Two Rivers Finance Director to refund to the property owner the balance allowed in Section 1.

SECTION 3. This resolution shall take effect after the date of its passage and upon publication.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this 23rd day of December, 2024.

Scott Stechmesser
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch, City Clerk Approved

as to form and legality:

Sean P. Griffin
City Attorney



**TWO
RIVERS**
WISCONSIN

CITY MANAGER

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



August 1, 2024

Mr. Joseph Baeten
The Wave TR, LLC
1522 Monroe Street
Two Rivers, WI 54241

RE: Façade Grant for Property at 2015 Jackson Street

Dear Mr. Baeten:

This letter agreement states the terms for a façade grant to be awarded to The Wave TR LLC for certain identified exterior improvements to the building owner by The Wave TR LLC at the above location. This agreement is between the City of Two Rivers and The Wave TR LLC.

The maximum amount of said façade grant is \$10,000, to be paid to The Wave TR LLC on a reimbursement basis following project completion. This grant is being funded from City of Two Rivers Tax Incremental District No. 8 (TID 8), whose Project Plan provides for developer grants to assist private investment in properties located within the boundaries of this blight elimination TID or within 0.5 mile of those boundaries. The grant is necessary for completion of the façade project described herein.

Conditions for payment of the grant to The Wave TR LLC are as follows:

1. Project must be completed consistent with the TIF funding application submitted by The Wave TR LLC, attached hereto as Exhibit A and the plans for the façade work, including elevation renderings of the west (front), north and south building facades, must be approved in advance by the Design Committee of Two Rivers Main Street. Such approval must be obtained not later than September 30, 2024.
2. Project must be completed not later than December 31, 2024.
3. Following project completion, The Wave TR LLC must present project cost documentation to the City Manager's Office, such documentation consisting of copies of invoices and proof of payment (cancelled checks, credit card statements) totaling at least \$20,000, for façade work items completed under this grant. The maximum façade grant payment is \$10,000 and is not to exceed 50 percent of total documented project costs.

If all façade work has been completed consistent with the application and total documented project costs are less than \$20,000, then The Wave TR LLC will be paid an amount equal to 50 percent of total documented project costs.

If the City Manager approves dividing the Project into two distinct phases and identifies the specific work items associated with each phase, then payment of the façade grant may be made in two payments, with payments following satisfactory completion of each phase and



the submission of required cost documentation as stated herein. This provision does not change any of the deadline dates nor the maximum grant amount as stated herein.

- 4. Following The Wave TR LLC's compliance with Conditions #1, #2 and #3 above, and upon approval of both the final work product and required financial documentation by the Main Street Design Committee and the City, payment will be issued for the façade grant.
- 5. All identified façade work must be completed not later than December 31, 2024 and all required financial documentation must be provided to the City Manager's Office not later than January 1, 2025. Failure to meet these deadlines may result in termination of the grant; such termination shall be in the City's sole discretion. In the event of such termination, the City of Two Rivers shall have no obligation to The Wave TR LLC under this letter agreement.

Should The Wave TR LLC encounter a situation where it does not expect to be able to meet these deadlines, it may contact the City Manager's Office as soon as possible, in advance of the deadline, to request an extension. Any decision regarding such request for extension shall be at the City's sole discretion.

- 6. The City will have 15 calendar days following receipt of the financial documentation as identified in Condition #3 above to make a determination regarding satisfactory project completion and the adequacy of the financial documentation provided by ~~RISK Properties~~ ^{The Wave TR} LLC. If additional façade work or financial documentation is required, the City shall so inform The Wave TR LLC in writing; The Wave LLC will be allowed at least 15 calendar days to complete the work and/or provide the requested financial documentation. *EB*
- 7. Payment of the façade grant amounts to The Wave TR LLC by the City will be made within 10 calendar days following final City approval of the completed façade work and City approval of the required financial documentation.
- 8. This Agreement shall be effective only following approval by the City Council of the City of Two Rivers and signature by the City Manager and Deputy City Clerk, as authorized by such action of the City Council, not later than August 5, 2024, which date marks the end of the statutory expenditure period for TID 8.

Please indicate your understanding and acceptance of the terms of this letter by signing below.

We look forward to the completion of this project; thank you for your investment in Two Rivers.

Sincerely,

Gregory E. Buckley
City Manager

Lisa Kuehn
Deputy City Clerk

By signing below, I affirm my understanding and agree to the terms of this façade grant award:

Joseph Baeten for The Wave TR LLC

8-5-2024

Date

Exhibit A Facade Grant 2015 Jackson Street

Section 9, Item C.



PROJECT FUNDS SPENT
\$0.00

PLANNED AMOUNT
\$28,550.00

REMAINING COST
\$28,550.00

| Item | Category | Planned Amount | Project Funds Spent | Financed Amount |
|------------------------------|-------------------|--------------------|---------------------|-----------------|
| Permitting | Permitting | | \$1,000.00 | |
| Demo & Disposal | Labor | | \$1,600.00 | |
| Framing | Labor & Materials | | | |
| Insulating | Labor & Materials | | | |
| Electrical | Contracted | \$1,500.00 | | |
| Plumbing (water & gas) | Contracted | | | |
| Drywall | Labor & Materials | | | |
| Plastering | Labor & Materials | | | |
| Drop Ceiling | Labor & Materials | | | |
| Ceiling, Flush | Labor & Materials | | | |
| Crown Molding / Ceiling Trim | Labor & Materials | | | |
| Wrapping Ceiling Beams | Labor & Materials | | | |
| Painting | Labor & Materials | | | |
| Subfloor Repair | Labor & Materials | | | |
| Floor Installation | Labor & Materials | | | |
| Floor Trim | Labor & Materials | | | |
| AC, Furnace, HVAC | Contracted | | | |
| Doors (1) | Contracted | \$2,200.00 | | |
| Windows | Contracted | \$6,000.00 | | |
| Exterior Brick Repair | Contracted | \$3,500.00 | | |
| Siding | Contracted | \$1,000.00 | | |
| Roofing | Contracted | | | |
| Awning Repair | Labor & Materials | \$7,500.00 | | |
| Mural | Contracted | \$750.00 | | |
| Signage | Labor & Materials | \$3,500.00 | | |
| Fence Installation | Labor & Materials | | | |
| Total | | \$28,550.00 | \$0.00 | \$0.00 |

Completed Underway