

THE CITY OF TWO RIVERS
vs.
VAN DER BROHE ARBORETUM

If I had been aware of the level of harassment The City of Two Rivers would impose on creation of the Arboretum, or if I had been aware of the character of the City Manager, I would never have founded VDBA within the City of Two Rivers. I sincerely regret that I have.

*John Durbrow
Founder; Van der Brohe Arboretum*

The people of Two Rivers are generally and genuinely wonderful people. The community is beautiful and blessed with natural areas and scenic settings. Van der Brohe Arboretum was founded in the City in 2019, and we have been delighted to freely share our trails and grounds with all those who wish to enjoy them. Most unfortunately, and peculiarly, the City government has adopted an antagonistic attitude to the Arboretum, and has stifled progress on the development of the organization and the realization of its mission.

The Arboretum operates with the dual role as a natural area and as a venue of public amenity. The grounds are in a conservation easement and will never be developed as anything other than a natural area. The City's actions primarily impact negatively those operational functions which serve the public and allow the creation of an Arboretum as a public amenity.

To offer a few examples of City imposed harassment:

- The City demanded an unwarranted +/- \$25,000 over normal utility connection costs to connect the new Propagation Center to City water and Sanitary mains. The City refused to discuss a reduction of the fees. VDBA appealed to The State Public Services Commission which ruled that the charges were in fact invalid and unenforceable. The City had to retract the demand for the costs associated with water service, but as the PSC has no enforcement capabilities over sanitary connections, the City still demands those invalidated payments. Akin to a playground bully, their attitude remains "Who is going to make me..."
- The Arboretum had been using a meter hydrant for irrigation. To force the utility issue, the City cut off access to that water supply. This forced the cancellation of the 2024 Spring Planting and has resulted in many trees and plants dying this summer. Mark Bittner interceded and later prompted Greg Buckley to reverse the shutdown, but that was too late for the 2024 planting season. When a commitment for use of that connection in future years, which would have justified the cost of connecting, was requested, that was denied. We are installing our own well. The City is attempting to block WPS from providing power to that well.
- The City of Two Rivers has blocked WPS from providing electrical services to VDBA. As we are located on the boundary of a service district, we require power in both the WPS zone (the well pumps) and in the City zone (the Propagation Center). Given the high horsepower of the irrigation pumps, that connection will likely be the primary energy user, and it is logical that WPS would be the incumbent utility. We have an underground cable installed to connect the two uses. It is common that one utility would provide the power and the other would allow the connection into the adjacent district. WPS states they would allow us to make the sub-

panel connection if we have the City connect to the Propagation Center. Conversely, the City will not allow us to make the connection if we contract with WPS. The City is demanding in excess of \$12,000 (down from their initial demand of \$22,000) to provide service that WPS would provide for \$5,000. Obviously, it is in the interest of the Arboretum to use WPS, and conventional practice would allow that selection. Without power, we remain unable to charge our fleet of mobility carts or power the well pump.

- Efforts to expand the parking lot were met with a demand by the City Planner for Planning Commission Review of the project. That type of review is not required for that scope of work. The city staff then proceeded to deny the applications for Plan Review three times, delaying the permit for over three months. The city engineer required a Stormwater Management Plan, which again was not required by ordinance for the extent of disturbed area or proposed cover. The resulting parking lot design mandated by the City was not in conformance with the Arboretum intention to use ecologically sound practices, and was then deemed to require an unnecessary and expensive Storm Water Management Plan.
- The City is illegally accessing the VDBA annex site. A year ago the City Manager was advised that the City should have their legal staff propose a comprehensive access easement. There has been no response from the City and they continue to trespass.
- VDBA attempted to address City Council, who instead met illegally in closed sessions without VDBA representation or participation. They voted to proceed with the extortionist demands, but did eventually drop those charges deemed illegal by the PSC.

Mr. Durbrow has always been readily available to present the plans for the Arboretum and document progress and status. He would be delighted to present to your service group or other organization. You may contact him at director@vanderbrohearboretum.org. If you wish to hear further regarding the actions by the City hindering Development of the grounds, he would suggest you also invite Greg Buckley and insure the presentation will be conducted on public record.