



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – FEBRUARY 22, 2023

Pursuant to adjournment on February 7, 2023 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Wednesday, February 22, 2023.

Roll call present: Antoine, Coenen, Eggleston, Kilgas, Moore, Schell, and Thiele.

Absent & Excused: DeCoster

Also present: Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel (via Zoom), Fin. Dir. Van Rossum, Police Chief Graff, Planner Stephenson (via Zoom), HR Dir. Swaney (via Zoom), Street Foreman Nelson, Deputy Clerk Nelson, and interested citizens.

Motion by Coenen, seconded by Moore to excuse the absent member.

All Ald. present voted aye.

Motion carried.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly.

Motion by Moore, seconded by Thiele to adopt the minutes of the Common Council meeting of February 7, 2023.

All Ald. present voted aye.

Motion carried.

PRESENTATION OF LETTERS, PETITIONS, REMONSTRANCES, MEMORIALS, AND ACCOUNTS

Bills Payable

Motion by Moore, seconded by Antoine to pay bills out of the proper accounts.

All Ald. present voted aye.

Motion carried.

PUBLIC APPEARANCES

Mayor Penterman informed the Council of the death of Bernard “Bud” Nelson. Bud served as a Kaukauna Police Officer from 1972 to 2006. Deepest sympathies go out to his family.

BUSINESS PRESENTED BY THE MAYOR

Public Hearing for amendment to City Zoning Code Section 17.22 – Commercial Highway District.

Mayor Penterman declared the public hearing open and asked if anyone in the Council Chambers or via Zoom wished to address the Council regarding City Zoning Code Section 17.22 – Commercial Highway District.

After asking two more times if anyone wished to address the council. No one appeared. Mayor Penterman declared the public hearing closed.

Retirement of Rex Swanson from the City of Kaukauna Police Department.

This item was pulled and placed on the March 7 agenda.

Reappointment of Kenneth Kavanaugh to the Board of Appeals.

Motion by Thiele, seconded by Moore to reappoint Kenneth Kavanaugh to the Board of Appeals.

All Ald. present voted aye.

Motion carried.

Reappointment of Bruce Werschem to the Board of Appeals.

Motion by Schell, seconded by Kilgas to reappoint Bruce Werschem to the Board of Appeals.

All Ald. present voted aye.

Motion carried.

Mayoral Proclamation Declaring Class III Snow Emergency Pursuant to 7.125 Traffic Regulations During Snow Emergencies.

Motion by Eggleston, seconded by Coenen to receive and place on file the Mayoral Proclamation Declaring Class III Snow Emergency Pursuant to 7.125 Traffic Regulations During Snow Emergencies.

All Ald. present voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of February 22, 2023.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Wednesday, February 22, 2023 at 6:00 P.M.

Members present: Antoine, Coenen, Eggleston, Kilgas, Moore, Schell, and Thiele.

Absent & Excused: DeCoster

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Finance Dir. Van Rossum, Planner Stephenson (via Zoom), HR Dir. Swaney (via Zoom), Police Chief Graff, Fire Chief Carrel (via Zoom), Street Foreman Nelson, Clerk Kenney and interested citizens.

Motion by Coenen, seconded by Kilgas to excuse the absent member.

All Ald. present voted aye.

Motion carried.

1. Correspondence – none.

2. Discussion Topics.

a. Award Bid for Project 2-23, Kenneth Avenue Area Relay-Phase 3.

DPW/Eng. Neumeier stated the Engineering Department has compared the seven bids received against the engineer's estimate. The two lowest bidders are within \$23,271.75 with their base bid, and within \$48,073.27 for their alternate bid, which is a good indication that they are competitive, yet the City is also getting a much better price. All seven bids were

within \$367,042.60 of one another, again showing the competitiveness and good prices. The engineer's estimate is compiled utilizing previous years' prices and adjusted for inflation and changes in work descriptions, and all seven bids were lower than that estimate. The comparison file showing the pricing differences between the received bids and the engineer's estimate was provided.

Motion by Moore, seconded by Coenen to award Project 2-23 Kenneth Avenue Area Utility Relay – Phase 3 to Carl Bowers & Sons, Kaukauna, WI for Unit A of the Base Bid, an amount of \$779,494.25 and all Alternate Bid Units (AA, BB, and CC) an amount of \$1,671,208.78 for a total bid price of \$2,450,703.03.

All members present voted aye.

Motion carried.

b. Authorization to seek bids for Project #6-23: LaFollette Park Playground Renovation.

American Rescue Plan (ARPA) funds of \$350,000 were proposed to renovate a playground in an area of the City that historically has more disadvantaged children. Staff sought information from the School District and found that LaFollette Park would be the best option for this renovation. Staff has been in contact with three vendors to evaluate a LaFollette Park playground renovation, potential layouts, and different equipment/amenities available. We are generating a final specifications manual with guidelines for the type of equipment, playground surfacing, and site amenities we would want to see installed. City staff will save costs by performing some of the site work in and around the playground area in conjunction with the project. Currently, staff is seeking authorization to seek competitive bids for providing a final design/layout based on specifications, the furnishing and installing of park equipment, and related surfacing work, utilizing funds made available by the ARPA funding. Questions from the Board were answered.

Motion by Eggleston, seconded by Schell to authorize staff to seek bids for Project #6-23: LaFollette Park Playground Renovation.

All members present voted aye.

Motion carried.

c. Alley Project Utility Discussion/Direction.

DPW/Eng. Neumeier indicated that the City is looking to improve some vacant lot spaces on Second and Third Street and make these spaces more usable by the public. In conjunction with this, on the CIP this year is to repave the alley between Second and Third Street. Staff would like to bury the utility lines during this process to add to the beautification process. The estimated cost to bury the lines is \$300,000 to \$400,000.

Questions from the Board were answered.

d. Application for Sidewalk Builders License to Dan Verbeten Construction.

Motion by Moore, seconded by Coenen to approve the Sidewalk Builders License to Dan Verbeten Construction.

All members voted aye.

Motion carried.

e. Update to Disposal Site Agreement and Online Renewal Fee.

DPW/Eng. Neumeier provided the Municipal Disposal Site Use Agreement and changes

proposed. The City Attorney worked with Superintendent VanGompel to create a more thorough agreement. The fee was also discussed and proposed to be the same for both in-person and online registrations.

Questions from the Board were answered.

f. Public Works Update.

DPW/Eng. Neumeier stated that traffic signal upgrades were done at the Catherine, Taylor, and Lawe Street lights, and they are now up to current standards.

DPW/Eng. Neumeier also thanked Street Superintendent VanGompel for his quick thinking with the recent fire in a garbage truck. His quick thinking led to no damage to the garbage truck and no injuries to the crew. The debris from the truck was dumped and the fire quickly put out by the fire department.

3. Adjourn.

Motion made by Antoine, seconded by Kilgas to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:30 p.m.

Christina Nelson

Deputy Clerk

Motion by Thiele, seconded by Moore to adopt the Board of Public Works Meeting Minutes of February 22, 2023.

All Ald. present voted aye.

Motion carried.

Finance & Personnel Committee Meeting Minutes of February 22, 2023.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Wednesday, February 22, 2023, at 6:32 pm.

Members present: Mayor Penterman, Alders Coenen, Moore, Kilgas, and Schell.

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng. Neumeier, HR Dir. Swaney, Street Foreman Nelson, Planner Stephenson, Fin. Dir. Van Rossum, Fire Chief Carrel, Police Chief Graff and interested citizens.

Motion by Moore, seconded by Schell to excuse the absent member.

All members present voted aye.

Motion carried.

1. **Correspondence** - None.
2. **Discussion Topics.**
3. **Adjourn to Closed Session.**

- a. Adjourn to Closed Session pursuant to State Statute 19.85(1)(c) to discuss employment, promotion, compensation, or performance evaluation data of any public employee.

Motion by Moore, seconded by Kilgas to adjourn to Closed Session.
All members present voted aye.
Motion carried.

Adjourned to Closed Session at 6:33 p.m.

- b. Return to Open Session for possible action.

Motion by Moore, seconded by Coenen to return to Open Session.
All members present voted aye.
Motion carried.

Returned to Open Session at 6:46 p.m.

Motion by Moore, seconded by Kilgas to approve the reclassification of Lieutenant of Training to Assistant Chief of Training with a salary range of \$67,448 to \$88,399.
All members present voted aye.
Motion carried.

Motion by Coenen, seconded by Schell to approve an updated job title of Naturalist to Director/Naturalist.
Motion carried 4 ayes – 1 nay (Moore).

4. Adjourn.

Motion by Moore, seconded by Kilgas to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 6:48 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Thiele to adopt the Finance & Personnel Committee Meeting Minutes of February 22, 2023 as read.
All Ald. present voted aye.
Motion carried.

Legislative Committee Meeting Minutes of February 22, 2023. **LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Vice-Chairman Coenen on Wednesday, February 22, 2023 at 6:48 P.M.

Members present: Antoine, Coenen, Moore, and Thiele.

Also present: Mayor Penterman, Attorney Davidson, Alder Eggleston, Alder Kilgas, Alder Schell, DPW/Eng. Neumeier, HR Dir. Swaney, Street Foreman Nelson, Fin. Dir. Van Rossum, Planner Stephenson, Fire Chief Carrel, Police Chief Graff and interested citizens.

1. Correspondence - none.

2. Discussion Topics.

a. Update to 11.11 Waste - Ordinance Review.

City Staff have been working on updates to Municipal Code 11.11 Waste Material for several months. We are bringing back a final draft with additional language recommended for Legislative Committee approval. Discussion was held and questions answered.

Motion by Thiele, seconded by Moore to approve, and recommend approval to the Common Council, proposed ordinance 1875-2023 Ordinance repealing and recreating Section 11.11 Waste Material with the additional provisions noted during discussion, and direct staff to present the proposed ordinance update in an informational campaign and/or hold a public informational meeting.

All members voted aye.

Motion carried.

3. Adjourn.

Motion by Moore, seconded by Antoine to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:58 p.m.

Sally Kenney, Clerk

Motion by Coenen, seconded by Antoine to adopt the Legislative Committee Meeting Minutes of February 22, 2023.

All Ald. present voted aye.

Motion carried.

Plan Commission Meeting Minutes of January 19, 2023.

Motion by Moore, seconded by Schell to receive and place on file the Plan Commission Meeting Minutes of January 19, 2023.

All Ald. present voted aye.

Motion carried.

Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of January 10, 2023.

Motion by Moore, seconded by Kilgas to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of January 10, 2023.

All Ald. present voted aye.

Motion carried.

Board of Appeals Meeting Minutes of January 25, 2023.

Motion by Moore, seconded by Eggleston to receive and place on file the Board of Appeals Meeting Minutes of January 25, 2023.

All Ald. present voted aye.

Motion carried.

Board of Appeals Meeting Minutes of February 15, 2023.

Motion by Moore, seconded by Eggleston to receive and place on file the Board of Appeals Meeting Minutes of February 15, 2023.

All Ald. present voted aye.

Motion carried.

Operator (Bartender) Licenses.

The following applicants have applied for an operator's license for the license year **2022-2024** and have been recommended for approval based on their record check by the police department:

Atkinson	Todd	D.	1452 Haen Dr.	Kaukauna
Bohm	Isaiah	K.	W2222 Gentry Dr. Apt. 02	Kaukauna
Lindberg	Andrea	M.	7 Armstong Ct.	Kaukauna
Schultz	Margarita	M.	216 Ravine St.	Little Chute

Motion by Eggleston, seconded by Antoine to approve the Operator (Bartender) Licenses.

All Ald. present voted aye.

Motion carried.

REPORTS OF CITY OFFICERS**Fire Report**

Motion by Moore, seconded by Schell to receive and place on file the January 2023 Fire Report.

All Ald. present voted aye.

Motion carried.

Ambulance Report

Motion by Moore, seconded by Kilgas to receive and place on file the January 2023 Ambulance Report.

All Ald. present voted aye.

Motion carried.

Police Report

Motion by Moore, seconded by Coenen to receive and place on file the January 2023 Police Report.

All Ald. present voted aye.

Motion carried.

Municipal Court Report

Motion by Moore, seconded by Antoine to receive and place on file the January 2023 Municipal Court Report.

All Ald. present voted aye.

Motion carried.

Clerk-Treasurer's Deposit Report

Motion by Moore, seconded by Coenen to receive and place on file the January 2023 Clerk-Treasurer's Deposit Report.

All Ald. present voted aye.

Motion carried.

Building Inspection Report.

Motion by Moore, seconded by Coenen to receive and place on file the January 2023 Building Inspection Report.

All Ald. present voted aye.

Motion carried.

2022 Tax Levy Collection Update.

Finance Director Van Rossum provided an overview of the 2022 Tax Levy Collection. The last day for collecting was on January 31. The team agrees it was another well-orchestrated collection season. The largest wave of payments proves to be the late December time frame. Many citizens as well as financial institutions wait for the last possible day making it a bit of a challenge. Between all taxing jurisdictions the total of taxes in 2022 levy are \$27,623,698. The City collected 80% of the total taxes in that first settlement. Over half of the tax payments were made by mail. This year we had 12% of the tax payments receipted in bulk which saves time. Settlement checks have been sent to the other taxing jurisdictions and the remaining \$5.5 million unpaid Real Estate property taxes have been turned over to the County for collection of the second installments. All remaining payments will need to be made at the County or on the County website.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2023-5374 A Resolution Approving a Lot Division for Parcel 322095500.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2023-5374.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2023-5374.

All Ald. present voted aye.

Motion carried.

Resolution 2023-5375 A Resolution Approving a Lot Division for Parcel 322095603.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2023-5375.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Resolution 2023-5375.

All Ald. present voted aye.

Motion carried.

Ordinance 1880-2023 An Ordinance Amending Commercial Highway District Ch. 17, Sec. 17.22 in the Municipal Code of Ordinances.

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1880-2023.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Kilgas to adopt Ordinance 1880-2023.

All Ald. present voted aye.

Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of public property – 2022-PL-08 Duquaine 2.

Motion by Moore, seconded by Eggleston to adjourn to closed session.

All Ald. present voted aye.

Motion carried.

Moved to closed session at 7:55 p.m.

Return to Open Session for possible action.

Motion by Antoine, seconded by Moore to return to Open Session.

All Ald. present voted aye.

Motion carried.

Returned to Open Session at 8:04 p.m.

Motion by Moore, seconded by Thiele to approve the amended WD-40 for PL-08 Duquaine 2.

All Ald. present voted aye.

Motion carried.

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss the disposition of public property – Commerce Crossing – 2022-PL-19 Grandstay Hotel.

Motion by Moore, seconded by Coenen to adjourn to closed session.

All Ald. present voted aye.

Motion carried.

Moved to closed session at 8:06 p.m.

Return to Open Session for possible action.

Motion by Moore, seconded by Coenen to return to Open Session.

All Ald. present voted aye.

Motion carried.

Returned to Open Session at 8:13 p.m.

Motion by Moore, seconded by Coenen to approve the WB-40 Amendment to the Offer to Purchase and the Developers Agreement for 2022-PL-19 Grandstay Hotel.

All Ald. present voted aye.

Motion carried.

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss the disposition of public funds - Commerce Crossing - 2022-PL-24 Arbor 55 Real Estate (The Reserve).

Motion by Moore, seconded by Schell to adjourn to closed session.

All Ald. present voted aye.

Motion carried.

Moved to closed session at 8:15 p.m.

Return to Open Session for possible action.

Motion by Eggleston, seconded by Moore to return to Open Session.

All Ald. present voted aye.

Motion carried.

Returned to Open Session at 8:26 p.m.

Motion by Moore, seconded by Antoine to approve WB-40 Commerce Crossing – 2022-PL-24 Arbor 55 Real Estate (The Reserve) with suggested edits by the City Attorney.

All Ald. present voted aye.
Motion carried.

ADJOURN

Motion by Coenen, seconded by Kilgas to adjourn.
All Ald. present voted aye.
Motion carried.

Meeting adjourned at 8:27 p.m.

Sally Kenney, Clerk

