



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – OCTOBER 4, 2022

Pursuant to adjournment on September 20, 2022, meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, October 4, 2022.

Roll call present: Antoine, Coenen, DeCoster (via phone), Eggleston, Kilgas, Schell, and Thiele.

Absent & Excused: Moore.

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fin. Dir. Van Rossum, Police Chief Graff, Fire Chief Carrel, Lib. Dir. Thiem-Menning, Com. Enrich. Serv. Dir. Vosters, Staff Acct. Roehl, Director/Naturalist Nowak and interested citizens.

Motion by Coenen, seconded by Thiele 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 Coenen, seconded by Antoine to adopt the minutes of the Common Council meeting of September 20, 2022.

All Ald. present voted aye.

Motion carried.

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

Bills Payable

Motion by Coenen, seconded by Schell to pay bills out of the proper accounts.

All Ald. present voted aye.

Motion carried.

PUBLIC APPEARANCES

No one appeared.

BUSINESS PRESENTED BY THE MAYOR

Public Hearing to consider the amendment of Ch. 17.32 of the Municipal Code of Ordinances.

Mayor Penterman declared the public hearing open and asked if anyone in the Council Chambers wished to speak for or against the amendment of Ch. 17.32 of the Municipal Code of Ordinances. After asking two more times if anyone wished to address the council. No one appeared. Mayor Penterman declared the public hearing closed.

Proclamation recognizing Public Power Week October 2-8, 2022.

Mayor Penterman read the proclamation.

Motion by Eggleston, seconded by Kilgas to receive and place on file the Proclamation recognizing Public Power Week October 2-8, 2022.

All Ald. present voted aye.

Motion carried.

Proclamation recognizing National Walk to School Day October 5, 2022.

Mayor Penterman read the proclamation.

Motion by Antoine, seconded by Coenen to receive and place on file the proclamation recognizing National Walk to School Day October 5, 2022.

All Ald. present voted aye.

Motion carried.

Proclamation recognizing White Cane Safety Day October 15, 2022.

Mayor Penterman read the proclamation.

Motion by Kilgas, seconded by Thiele to receive and place on file the proclamation recognizing White Cane Safety Day October 15, 2022.

All Ald. present voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of October 3, 2022.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, October 3, 2022 at 6:00 P.M.

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

Absent & Excused: DeCoster and Moore.

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, HR Dir. Swaney, Lib. Dir. Thiem-Menning, Street Sup. Van Gompel, Equip. Mechanic Hirschy, Police Chief Graff, Fire Chief Carrel, and interested citizens.

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

All Ald. present voted aye.

Motion carried.

1. Correspondence – none.

2. Discussion Topics.

a. Authorization to seek bids for replacement of Tractor 105.

Street Superintendent Van Gompel stated the Street Department has been using this multi-purpose tractor for ten years. The tractor has had multiple problems and is down for long periods of times due to its year-round use and issues with parts being available. MB no longer manufactures a multi service vehicle. All parts need to be manufactured to order. This is a critical piece of equipment for lawn mowing, leaf collection and sidewalk snow

removal. Questions from the Board were answered.

Motion by Antoine, seconded by Eggleston to authorize the Street Department to seek bids for a 2022 or newer MSV with attachments.

All Ald. present voted aye.

Motion carried.

b. Authorization to seek bids for replacement of Tractor 24.

Street Superintendent Van Gompel stated Tractor 24 is a year-round tractor used for multiple tasks like snow removal, loading of materials and landscaping projects. The tractor has been in operation for 12 years with the department and showing signs of its use; including decreased power and corrosion to its body. Its back box scraper attachment has been saved and used on multiple tractors in the past and has been repaired several times. Discussion was held and questions answered.

Motion by Schell, seconded by Coenen to authorize the Street Department to seek bids for a 2022 or newer 74 horse 4x4 Tractor with attachments.

All Ald. present voted aye.

Motion carried.

c. Recommendation on Award of Project 11-22 Jonen Park Pavilion.

DPW/Eng. Neumeier stated six bids for the Jonen Park Pavilion were received. The bid totals were significantly higher than the original budgeted amounts. With these numbers, McMahon and Associates was directed to work with the contractors to find cost savings and redesign parts of the building to come in closer to budget numbers.

Motion by Coenen, seconded by Kilgas to reject all bids for Project 11-22 Jonen Park Pavilion and come back to the Board of Public Works with a redesign and new budget numbers.

All Ald. present voted aye.

Motion carried.

d. 2023 Urban Forestry Grant.

DPW/Eng. Neumeier provided background on the grant. Regular urban forestry grants support projects that improve a community's capacity to manage its trees. Cities, villages, towns, counties, tribes and 501(c)(3) nonprofit organizations in or conducting their project in Wisconsin may apply for a regular urban forestry grant. The grant would be for the partial cost of taking down trees affected by the Emerald Ash Borer, replanting of trees and education. A formal resolution will be on the Common Council agenda giving formal authorization to apply for this grant.

Motion by Kilgas, seconded by Antoine to authorize DPW/Eng. Neumeier to apply for the 2023 Urban Forestry Grant.

All Ald. present voted aye.

Motion carried.

e. Seawall – Professional Services.

The City of Kaukauna is proposing McMahon Associates, Inc. proceed with final design of a timber seawall/dock structure in the navigational canal west of the Lawe Street Bridge and connection to the existing recreational trail along the canal based on the conceptual design

provided. Discussion was held and questions answered.

Motion by Eggleston, seconded by Schell to authorize DPW/Eng. Neumeier to enter into the agreement with McMahon Associates, Inc. and proceed with services for final design of a timber seawall/dock structure.

All Ald. present voted aye.

Motion carried.

Alder Thiele thanked City staff and volunteers for their hard work in making all activities in the City on Saturday, October 1, 2022 successful.

3. Adjourn.

Motion made by Coenen, seconded by Kilgas to adjourn.

All Ald. present voted aye.

Motion carried.

Meeting adjourned at 6:18 p.m.

Sally Kenney
Clerk

Motion by Thiele, seconded by Schell to adopt the Board of Public Works Meeting Minutes of October 3, 2022.

All Ald. present voted aye.

Motion carried.

Finance & Personnel Committee Meeting Minutes of October 3, 2022.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, October 3, 2022, at 6:18 pm.

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

Absent & Excused: DeCoster and Moore.

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Lib. Dir. Thiem-Menning, Equipment Mechanic Hirschy, and interested citizens.

Motion by Coenen, seconded by Schell to excuse the absent members.

All members present voted aye.

Motion carried.

1. Correspondence - None.

2. Discussion Topics.

a. Approval to post position and notification of library position changes.

Staff seeks authorization from the Finance and Personnel Committee to fill the Assistant Chief vacancy at the fire department due to the resignation of Travis Teesch. Staff seeks authorization from the Finance and Personnel Committee to fill a firefighter/paramedic

position. This will be backfilling a vacancy which will be created because of internal movement in the filling of the Assistant Chief role. Staff would like to notify Council that Assistant Library Director Angela Schneider has resigned from her position effective November 2, 2022. Through an assessment of job duties and in consideration of the best way to utilize City resources, it's been determined that at this time we will not fill the Assistant Library Director role. Instead, we will reorganize the duties of the position into two different positions: Children's Librarian and a full-time Library Assistant focusing on Communications and Community Outreach. The library would, however, like to consider filling the Assistant Library Director position again in the future.

Motion by Coenen, seconded by Schell to authorize staff to fill the Assistant Fire Chief position due to the resignation of Travis Teesch.

All members present voted aye.

Motion carried.

Motion by Kilgas, seconded by Schell to authorize staff to fill the Firefighter/Paramedic position due to vacancy created from the internal movement in the filling of the Assistant Chief role.

All members present voted aye.

Motion carried.

Motion by Schell, seconded by Kilgas to authorize staff to fill the Children's Librarian position and the part-time to full-time Library Assistant position.

All members present voted aye.

Motion carried.

3. Adjourn.

Motion by Coenen, seconded by Schell to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:23 pm.

Sally Kenney, Clerk

Motion by Coenen, seconded by Eggleston to adopt the Finance and Personnel Committee Meeting minutes of October 3, 2022.

All Ald. present voted aye.

Motion carried.

Health & Recreation Committee Meeting Minutes of October 3, 2022.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, October 3, 2022 at 6:25 P.M.

Members present: Antoine, Eggleston, and Kilgas.

Absent & Excused: DeCoster

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, HR Dir. Swaney, Lib. Dir. Thiem-Menning, Equipment Mechanic Hirschy, and interested citizens.

Motion by Kilgas, seconded by Antoine to excuse the absent member.
All members present voted aye.
Motion carried.

1. Correspondence – None.

2. Discussion Topics.

a. Temporary Class B License to Holy Cross, 309 Desnoyer Street, Kaukauna for Octoberfest on October 9, 2022.

Motion by Antoine, seconded by Kilgas to approve the Temporary Class B License to Holy Cross, 309 Desnoyer Street, Kaukauna for Octoberfest on October 9, 2022.
All members present voted aye.
Motion carried.

b. Combination Class B License to Sturber's Bar & Grill, LLC, Amy B. Steier, Agent, 220 Dodge Street, Kaukauna.

Motion by Antoine, seconded by Kilgas to approve the Combination Class B License to Sturber's Bar & Grill, LLC, Amy B. Steier, Agent, 220 Dodge Street, Kaukauna.
All members present voted aye.
Motion carried.

3. Adjourn.

Motion made by Antoine, seconded by Kilgas to adjourn.
All members present voted aye.
Motion carried.

Meeting adjourned at 6:28 P.M.

Sally Kenney
Clerk

Motion by Eggleston, seconded by Antoine to adopt the Health and Recreation Committee Meeting minutes of October 3, 2022.
All Ald. present voted aye.
Motion carried.

1000 Islands Environmental Center Committee Meeting Minutes of August 18, 2022.

Motion by Eggleston, seconded by Antoine to receive and place on file the 1000 Islands Environmental Center Committee Meeting Minutes of August 18, 2022.
All Ald. present voted aye.
Motion carried.

Grignon Mansion Board Meeting Minutes of August 22, 2022.

Motion by Thiele, seconded by Coenen to receive and place on file the Grignon Mansion Board Meeting Minutes of August 22, 2022.

All Ald. present voted aye.

Motion carried.

Kaukauna Public Library Board Meeting Minutes of August 23, 2022.

Motion by Kilgas, seconded by Eggleston to receive and place on file the Library Board Meeting Minutes of August 23, 2022.

All Ald. present voted aye.

Motion carried.

Operators/Bartenders License

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:

Eick	Michele	R.	204 W. Eighth St.	Kaukauna
Francek	Christopher	J.	515 N. Badger Ave.	Appleton
Gloudemans	Amanda	M.	656 Fern St.	Kaukauna
Lemes-Schuh	Michaela		427 S. Warner St.	Appleton
Loewenhagen	BreeAnna	L.	W2768 Ridgeview Ct.	Appleton
Nock	Jamie	L.	505 Richard St.	Combined Locks
O'Claire	James	K.	2200 Green Bay Rd. #202	Kaukauna
Olivas	Justine	F.	110 W. Fourth St.	Kaukauna
Shimek	Brandon	A.	3172 Windland Dr.	Green Bay

Motion by Eggleston, seconded by Kilgas to approve the operator/bartender licenses.

All Ald. present voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Presentation of 5-year Capital Improvement Plan (CIP) for comment and feedback.

Finance Director Van Rossum provided a list of Capital Projects for 2023-2027 for review. Items on the list were discussed and questions answered. Council members were asked to review the Capital Improvement Plan.

Presentation of non-personnel budget items for comment and feedback.

Finance Director Van Rossum presented the 2023 non-personnel budget items.

Background information and a break-down of various items was provided. The next steps will be to review the personnel items, roll up all the expenses from personnel and non-personnel, get additional information from the Department of Revenue on the tax rate and see what that affect is on the expenditure restraint and levy limits. Staff will regroup to align overall expenses. These items will be done and presented on October 18.

Outdoor Alcohol Beverage Area Open Hours – Discussion.

Motion by Kilgas, seconded by Schell to allow the public to speak regarding the Outdoor Alcohol Beverage Area Open Hours.

All Ald. present voted aye.

Motion carried.

Jason LaChance, owner of JJ's Bottle Room, 173 W. Wisconsin Ave., Kaukauna spoke asking the Council to extend the Outdoor Alcohol area open hours. Mr. LaChance recently invested a considerable amount of money into a back deck on his property and would like to see it utilized longer.

Director of Planning and Community Development Stephenson provided background. The Outdoor Alcohol Beverage Area ordinance has been discussed by both the Plan Commission and the Legislative Committee. The final ordinance is being presented that will allow for a better, more welcoming use of the City's outdoor serve areas. Several business owners reached out and were concerned with the recommended hours of operation. The existing ordinance dictates that the outdoor serve areas stop serving alcohol at 9 PM on weekdays and 10 PM on weekends (Friday and Saturday nights). Business owners pointed out that recreation leagues often get done after 9 PM, and they may want to patron the outdoor serve areas. In addition, it does not get dark until after 9 PM in the summer. After further review, the City's sidewalk café permits prohibit alcohol being served on the sidewalk after 11PM in all cases. Matching this ordinance seems intuitive and would not result in outdoor serve area guests being pushed to the sidewalks when the serve area closes at 9 PM or 10 PM. Discussion was held and questions answered.

Motion by Eggleston, seconded by Kilgas to amend the Outdoor Alcohol Beverage Area Ordinance, Chapter 12.03(11), and have the hours of operation close at 11 PM, for all days of the week. Director of Planning and Community Development Stephenson is instructed to investigate the downtown commercial core district for potential later hours of operation.
All Ald. present voted aye.
Motion carried.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2022-5357 Resolution Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

Motion by Coenen, seconded by Thiele to suspend the rules and waive the reading of Resolution 2022-5357.

All Ald. present voted aye.
Motion carried.

Motion by Coenen, seconded by Kilgas to approve Resolution 2022-5357.

All Ald. present voted aye.
Motion carried.

Resolution 2022-5358 Urban Forestry Grant.

Motion by Coenen, seconded by Schell to suspend the rules and waive the reading of Resolution 2022-5358.

All Ald. present voted aye.
Motion carried.

Motion by Coenen, seconded by Schell to approve Resolution 2022-5358.

All Ald. present voted aye.
Motion carried.

Resolution 2022-5359 Resolution in Recognition of Curt Witynski and Gail Sumi.

Motion by Coenen, seconded by Eggleston to suspend the rules and waive the reading of Resolution 2022-5359.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Eggleston to approve Resolution 2022-5359.

All Ald. present voted aye.

Motion carried.

Ordinance 1865-2022 Ordinance Amending Section 12.03(11) Permit for Outdoor Alcoholic Beverage Area of the Municipal Code.

Motion by Coenen, seconded by Thiele to suspend the rules and waive the reading of Ordinance 1865-2022 with amendments to section 12.03 (11)(e)(4) to read "The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10 am to 11 pm daily".

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Antoine to approve Ordinance 1865-2022 with amendments to section 12.03 (11)(e)(4) to read "The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10 am to 11 pm daily".

All Ald. present voted aye.

Motion carried.

Ordinance 1867-2022 Ordinance Amending certain accessory uses and structures: accessory parking and storage in Ch. 17.32 of the Municipal Code of Ordinances.

Motion by Coenen, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1867-2022.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Antoine to adopt Ordinance 1867-2022.

All Ald. present voted aye.

Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) with respect to litigation in which it is or is likely to become involved.

Motion by Coenen, seconded by Kilgas to Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) with respect to litigation in which it is or is likely to become involved.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 8:17 p.m.

Return to Open Session for possible action.

Motion by Coenen, seconded by Schell to return to open session for possible action.

All Ald. present voted aye.

Motion carried.

Returned to open session at 8:51 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations the investing of public funds or conducting other specified public business.

Motion by Thiele, seconded by Kilgas to Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations the investing of public funds or conducting other specified public business.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 8:52 p.m.

Return to Open Session for possible action.

Motion by Antoine, seconded by Coenen to return to open session for possible action.

All Ald. present voted aye.

Motion carried.

Returned to open session at 9:00 p.m.

Motion by Coenen, seconded by Kilgas to approve the 5 Year, \$600,000 loan to Randy Stadtmueller contingent upon approval of the background check by the Bank of Kaukauna and the Bank of Kaukauna providing the other portion of the loan to refinance the library building.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Kilgas to authorize the Mayor to sign the second lease amendment with Grand Kakalin and City of Kaukauna Public Library.

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 9:02 p.m.

Sally Kenney, Clerk