



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – MARCH 3, 2026

Pursuant to adjournment on February 18, 2026, a meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, March 3, 2026.

Roll call present: Antoine (Zoom), DeCoster (Zoom), Eggleston, Kilgas, Moore, Schell, Schumacher, and Thiele.

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Police Chief Graff, Associate Planner Nelson, Fire Chief Carrel, Street Foreman Nelson, Mark. and Com. Manager Fencil (Zoom), Library Director Thiem-Menning (Zoom), HR Director Hodge (Zoom), and interested citizens.

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

Mayor Penterman acknowledged the videographer in the Council chambers. The City of Kaukauna is set to receive the Friends of the Elderly award from the Retirement Housing Foundation, from Roundhouse Manor for the efforts during the tornado of May of 2024. The videographer was present to capture video for the awards ceremony.

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

Motion by Moore, seconded by Kilgas to receive and place on file letters from Kaukauna Street department employees Matt Wallace, Mel Knott, Pete Nelson, and Dakota King-Whitney.

All Ald. voted aye.

Motion carried.

### PUBLIC APPEARANCES

Roy Van Zeeland, 2200 Stafford Ln, Kaukauna, asked the Common Council to vote no on the OBBBA compliance. Van Zeeland stated this bill was intended to be a tax benefit to employees and that other municipalities are not making benefit changes to be compliant with the OBBBA.

Josh Karl, N2333 Maloney Rd, Kaukauna, stated he opposed the OBBBA compliance initiative. Karl stated this bill was intended to reduce the overall tax burden on extra labor and that it is not necessary to take away benefits to stay compliant with OBBBA.

### BUSINESS PRESENTED BY THE MAYOR

#### **Retirement of Sergeant Robert Momberg with the Kaukauna Police Department - 28 years.**

Mayor Penterman congratulated Sergeant Robert Momberg on 28 years with the Kaukauna Police Department and presented him with a gift.

#### **Retirement of Sergeant Thomas Raether with the Kaukauna Police Department - 25 years.**

Mayor Penterman congratulated Sergeant Thomas Raether on 25 years with the Kaukauna Police Department and presented him with a gift.

## CONSENT AGENDA

**Board of Public Works Meeting Minutes of March 2, 2026.**

**Finance and Personnel Committee Meeting Minutes of March 2, 2026.**

**Health and Recreation Committee Meeting Minutes of March 2, 2026.**

**Legislative Committee Meeting Minutes of March 2, 2026.**

**Common Council Meeting Minutes of February 18, 2026.**

**Library Board Meeting Minutes of January 27, 2026.**

**Plan Commission Meeting Minutes of January 22, 2026.**

**1000 Island Environmental Center Committee Meeting Minutes of January 15, 2026.**

### **Bills Payable.**

Motion by Moore, seconded by Schell, to adopt the remaining items of the consent agenda.

All Ald. Voted aye.

Motion carried.

## REPORTS OF STANDING AND SPECIAL COMMITTEES

### **Operator (Bartender) Licenses.**

The following applicant has applied for an operator's license for the license year 2024-2026 and has been recommended for approval based on their record check by the police department:

Larsen	A	Melissa	Neenah
Turner	M	Kelli	Menasha
Starkey	P	Madisyn	Kaukauna
Schwalbach	M	Jason	Appleton
White	L	Cheryl	Kimberly
Ruleford	E	Maggie	Kaukauna

Motion by Schell, seconded by Kilgas, to approve the operator/bartender license as listed.

All Ald. Voted aye.

Motion carried.

## REPORTS OF CITY OFFICERS

### **Request for Vacating Easement - 37 Ash Grove Place.**

Trevor and Mindi Hansmann are requesting that the City of Kaukauna vacate a 35' drainage easement located in the rear yard on their property at 37 Ash Grove Place. The Hansmanns have been working with City staff and Davel Engineering on the removal of this drainage easement. To the west of 37 Ash Grove Place is the Union Cemetery property which has an offsite catch basin within the cemetery. Union Cemetery has agreed to allow use of this offsite catch basin with a formal storm sewer and drainage easement agreement. If the 35' drainage easement were to be

removed and the agreement with Union Cemetery signed, the impact would be negligible, and the subdivision would continue to exceed City ordinance for stormwater quantity control.

**Wisconsin Department of Transportation – Right-of-way acquisition for Interstate 41.**

Wisconsin Department of Transportation (WisDOT) has completed a Transportation Project Plat (TPP) for Project 1130-63-20, I-41, Outagamie & Brown Counties. The TPP identifies two small areas of land adjacent to the I-41 project currently owned by the City of Kaukauna that are necessary for DOT to acquire to complete said project. There is also a small area of Temporary Limited Easement (TLE) that will be needed at one location for temporary access and grading purposes. The cover letter and TPP are enclosed for your review. Parcel 304 A is located on Parcel 322095603 in Commerce Crossing. The area of note is west of the large stormwater pond abutting the highway. Total Fee area is 860 sq ft. Parcel 304 B is located on Parcel 322098200 in Kaukauna Industrial Park North: specifically, on Outlot 1, also known as Kelso Park and Pond. Total Fee area is 315 sq ft and a TLE needed for 1,404 sf. Staff have reviewed the requested areas and do not see any substantial impacts from the acquisitions or from proposed grading.

Motion by Eggleston, seconded by Thiele to go out of order and return to 9C after the presentation of ordinances and resolutions.

All Ald. Voted aye.

Motion carried.

**Citywide Pay Practice for OBBBA Compliance.**

Recent federal legislation, the One Big Beautiful Bill Act (OBBBA), requires employers to identify, track, and report the exempt portion of true Fair Labor Standards Act (FLSA) overtime for all employees. This requirement applies citywide and must be reflected accurately in payroll records and annual W-2 reporting. Over the past several months, staff have reviewed the City's existing pay practices, evaluated payroll system capabilities, consulted with payroll professionals, met with affected departments, and consulted with the City's outside labor counsel from Von Briesen, Attorney Patrick Leigl, to ensure the proposed approach is legally compliant and defensible. This work identified inconsistencies in how overtime is treated across departments, particularly when overtime is paid on non-worked hours such as holidays, vacation, or sick leave.

Fire and Police operations already follow FLSA standards by calculating overtime only on hours actually worked. The proposal brings the remainder of the City into alignment with this same standard to ensure compliance, equity, consistency, and efficiency, while recognizing that the Street Department has unique operational overtime needs that require a tailored solution, with examples shown in the memo provided to this group of employees.

A key consideration is the City's obligation to accurately report OBBBA-exempt overtime on employees' W-2s. Manual tracking is technically possible, but it is inefficient, error-prone, and not scalable with roughly 150 employees who qualify for overtime. Reliance on manual processes increases the risk of W-2 reporting errors, amended filings, employee tax corrections, professional service costs, and potential audit or penalty exposure. The proposed approach allows the payroll system to accurately calculate and report the exempt portion of true FLSA overtime, significantly reducing compliance risk. As part of this update, the city will also implement a blended overtime calculation consistent with FLSA. Under this method, the overtime premium is based on the employee's average regular rate of pay for the workweek, including applicable premiums earned during hours worked. The payroll system will separately identify the base overtime and the overtime premium portion, allowing for accurate OBBBA reporting while minimizing manual intervention.

Alder Antoine expressed how the Council should consider reviewing these proposed pay practices after 3 months to see the impact and make adjustments as needed. Alder Moore stated that if the Council were to adopt these pay practices, it should be implemented for a year and get a response at the end of the year.

Motion by Moore, seconded by Eggleston to support the proposed citywide pay practice updates outlined in the Background section, to ensure OBBBA compliance through the automation available through the HR/Payroll software, and to ensure consistent application of FLSA standards.

Roll Call Vote: Antoine- aye, DeCoster- nay, Eggleston- aye, Kilgas- nay, Moore- nay, Schell- nay, Schumacher- nay, and Thiele- nay.

Motion failed (6-2).

## **PRESENTATION OF ORDINANCES AND RESOLUTIONS**

### **Ordinance 1949-2026 Ordinance Amending Section 12.01(1) Fermented Malt Beverages.**

Motion by Moore, seconded by Eggleston to suspend the rules and waive the reading of Ordinance 1949-2026 Ordinance Amending Section 12.01(1) Fermented Malt Beverages.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Ordinance 1949-2026 Ordinance Amending Section 12.01(1) Fermented Malt Beverages.

All Ald. Voted aye.

Motion carried.

### **Ordinance 1950-2026 Ordinance Amending Section 12.03(3) Classes of Licenses and Fees.**

Motion by Moore, seconded by Schumacher to suspend the rules and waive the reading of Ordinance 1950-2026 Ordinance Amending Section 12.03(3) Classes of Licenses and Fees.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Schumacher to adopt Ordinance 1950-2026 Ordinance Amending Section 12.03(3) Classes of Licenses and Fees.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston, to return to item 9C.

All Ald. Voted aye.

Motion carried.

### **Ordinance 1951-2026 Ordinance Repealing and Replacing Section 1.30 Board of Public Works.**

Motion by Moore, seconded by Schumacher to suspend the rules and waive the reading of Ordinance 1951-2026 Ordinance Repealing and Replacing Section 1.30 Board of Public Works.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Ordinance 1951-2026 Ordinance Repealing and Replacing Section 1.30 Board of Public Works.

All Ald. Voted aye.

Motion carried.

**Ordinance 1952-2026 Ordinance Repealing and Replacing Section 1.44 1000 Island Environmental Center Committee.**

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1952-2026 Ordinance Repealing and Replacing Section 1.44 1000 Island Environmental Center Committee.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston to adopt Ordinance 1952-2026 Ordinance Repealing and Replacing Section 1.44 1000 Island Environmental Center Committee.

All Ald. Voted aye.

Motion carried.

**Ordinance 1953-2026 Ordinance Repealing and Replacing Section 2.12 Rule 12: Standing Committees.**

Motion by Moore, seconded by Schumacher to suspend the rules and waive the reading of Ordinance 1953-2026 Ordinance Repealing and Replacing Section 2.12 Rule 12: Standing Committees.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Schumacher to adopt Ordinance 1953-2026 Ordinance Repealing and Replacing Section 2.12 Rule 12: Standing Committees.

All Ald. Voted aye.

Motion carried.

**Resolution 2026-5499 Resolution Vacating a Drainage Easement on Lot 1 of the Ash Grove Estates Subdivision, Parcel 323166403.**

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2026-5499 Resolution Vacating a Drainage Easement on Lot 1 of the Ash Grove Estates Subdivision, Parcel 323166403.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to adopt Resolution 2026-5499 Resolution Vacating a Drainage Easement on Lot 1 of the Ash Grove Estates Subdivision, Parcel 323166403.

All Ald. Voted aye.

Motion carried.

**Resolution 2026-5500 Resolution Authorizing Execution and Recording a Satisfaction and Release of the Development Agreement Recorded as Document No. 2051494.**

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Resolution 2026-5500 Resolution Authorizing Execution and Recording a Satisfaction and Release of the Development Agreement Recorded as Document No. 2051494.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston to adopt Resolution 2026-5500 Resolution Authorizing Execution and Recording a Satisfaction and Release of the Development Agreement Recorded as Document No. 2051494.

All Ald. Voted aye.

Motion carried.

**Resolution 2026-5501 Resolution Authorizing the sale of Real Estate to the Wisconsin Department of Transportation.**

Motion by Moore, seconded by Schumacher to suspend the rules and waive the reading of Resolution 2026-5501 Resolution Authorizing the sale of Real Estate to the Wisconsin Department of Transportation.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2026-5501 Resolution Authorizing the sale of Real Estate to the Wisconsin Department of Transportation.

All Ald. Voted aye.

Motion carried.

**ALDER REQUESTS FOR DISCUSSION AT THE NEXT COMMON COUNCIL MEETING**

Alder Eggleston requested to re-look at the chicken ordinances.

**CLOSED SESSION**

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive bargaining reasons require a closed session – Wayfinding Sign Project.**

Motion by Moore, seconded by Schumacher to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive bargaining reasons require a closed session – Wayfinding Sign Project.

All Ald. voted aye.

Motion carried.

Adjourned to closed session at 8:01 PM.

**Return to Open Session for possible action.**

Motion by Moore, seconded by Schell to return to open session.

All Ald. voted aye.

Motion carried.

Returned to open session at 8:15 PM.

Motion by Moore, seconded by Schell to rescind the motion from December 16, 2025, to terminate the contract with ACSM and direct staff to solicit bids for the completion of the project.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston, to enforce the contract with ACSM and take control of the project.

All Ald. Voted aye.

Motion carried.

**ADJOURN**

Motion by Schell, seconded by Moore to adjourn.  
All Ald. voted aye.  
Motion carried.

Meeting adjourned at 8:17 p.m.

Kayla Nessmann, Clerk

