



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – AUGUST 1, 2023

Pursuant to adjournment on July 18, 2023, the meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, August 1, 2023.

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

Absent & Excused: Schell.

Also present: Attorney Davidson, DPW/Eng. Neumeier, Assoc. Planner Paul, Police Chief Graff, Fire Chief Carrel, 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 July 18, 2023.

All Ald. present voted aye.

Motion carried.

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

Bills Payable

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

All Ald. present voted aye.

Motion carried.

PUBLIC APPEARANCES

None.

BUSINESS PRESENTED BY THE MAYOR

2024 Budget Preparation and Approval Process Schedule.

Mayor Penterman provided the 2024 Budget Preparation and Approval Process Schedule with dates starting in August with the Public Hearing and Adoption of the Budget in mid-November.

Day's Inn Delinquent Room Tax.

The matter regarding the Day's Inn hotel operator's failure to fulfill their room tax obligations was brought to the Council's attention. As of the latest update, the operator is behind on paying required room taxes for quarter two of 2023, causing significant concerns for both City staff and the room tax commission. Despite continuous efforts by City staff to assist the operator in establishing an

efficient tax collection process, no progress has been made. It is evident that a streamlined approach is desperately needed to avoid further delays and unpaid taxes. Our recommended solution is straightforward and in line with adopted Ordinance 1773. The operator must collect the room tax from guests. All collected room taxes should be deposited into a designated account. A comprehensive quarterly report, along with the corresponding payment, must be submitted to the room tax commission fiscal agent within 30 days after the end of each quarter. Failure to adhere to this process has resulted in mounting issues for City staff and room tax commission personnel. Both are expending additional staff time and resources to chase down outstanding payments. To rectify this situation, we've set a deadline of July 31, 2023, for the Day's Inn hotel operator to settle all outstanding room taxes. Failure to meet this deadline, the city must take decisive action to enforce compliance. In 2018, a similar situation necessitated the issuance of a cease-and-desist order to the same operator, which proved effective in resolving the delinquent room taxes. Discussion was held and questions answered.

Motion by DeCoster, seconded by Eggleston to grant the City Attorney permission to initiate the legal action of a cease-and-desist order against the Day's Inn Hotel operator allowing a three-day grace period from the receipt of the notice and direct City Attorney to initiate this order anytime a payment is late.

All Ald. present voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Public Protection and Safety Committee Meeting Minutes of July 17, 2023.

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Chairman DeCoster on Monday, July 17, 2023 at 6:50 P.M.

Members present: Antoine, DeCoster, Kilgas, Thiele.

Also present: Mayor Penterman, Ald. Coenen, Ald. Eggleston, Ald. Moore, Ald. Schell, DPW/Eng. Neumeier, Attorney Davidson, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir. Vosters, Grignon Mansion Dir. Mickelson, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Pedestrian and School Zone Safety Efforts Discussion/Update.**

DPW/Eng. Neumeier stated several calls have been received on pedestrian and school zone safety, therefore he wanted to update the Public Protection and Safety Committee on what the City does to help create a safer environment. Some of the things being done are having the Street Superintendent, Street Foreman and himself attend a highway safety program from the Department of Transportation. Staff members are currently doing a school zone signage and equipment inventory and making updates to signs and crossings to meet current standards. Staff have reached out to KASD and Kobussen Bus Safety Manager regarding safety concerns on walking routes and bus routes for possible improvements. Staff have been working with consultants and other government agencies on completing studies and looking at possible improvements. This Council has been a strong proponent for rehabilitation and installation of sidewalks to provide safer walking and biking. Staff will be putting

together social media posts and get word out to drivers about creating a safer place for bikers and walkers. The important message for both drivers and pedestrians is to slow down and pay attention. Discussion held and questions answered.

b. Equipment Sharing Agreement - Fire Department.

Fire Chief Carrel stated this Equipment Sharing Agreement was shared with the Public Protection and Safety Committee about a month ago. Since first sharing, the agreement was reviewed further by Attorney Davidson and was recommended to have the agreement put into a resolution for approval. No changes were made from the original version. Resolution 2023-5395 will be brought to the Common Council at the July 18 meeting.

3. Adjourn.

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

Meeting adjourned at 7:02 p.m.

Sally Kenney, Clerk

Motion by DeCoster, seconded by Coenen to adopt the Public Protection and Safety Committee Meeting Minutes of July 17, 2023, as presented.
All Ald. present voted aye.
Motion carried.

Board of Public Works Meeting Minutes of July 31, 2023.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Monday, July 31, 2023 at 6:00 P.M.

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

Absent and Excused: Schell.

Also present: Mayor Penterman, DPW/Eng. Neumeier, Com. Enrich. Serv. Dir. Vosters, HR Dir. Swaney, Fire Chief Carrel 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. Authorization to seek bids for Project 13-23, Company Woods Pond.

The Engineering Department is requesting authorization to seek bids for the Company Woods Pond retrofit project. The pond modifications are part of the approved Total Maximum Daily

Loading (TMDL) action plan and budgeted work plan submitted to DNR for the City. The project will take an existing pond, that does not meet current standards, for removal of suspended solids or phosphorus and will increase the depth and surface area to allow for enhanced treatment of the stormwater before it enters the company woods stream and the Lower Fox River. A second phase of this project will create a wetland safety shelf and mesic prairies, as well as planting trees around the pond area. The additions will provide habitat and a low maintenance natural area within the 1000 Islands Conservancy Zone. An urban non-point source grant for the retrofit project was received from WI DNR and will reimburse up to 50% of the project cost. Questions from the Board were answered.

Motion by Antoine, seconded by Eggleston to authorize the Engineering Department to seek bids for Project 13-23, Company Woods Pond.

All Ald. present voted aye.

Motion carried.

b. Municipal Pool Project Update - Mini Golf Discussion.

DPW/Eng. Neumeier provided the original bids received along with the change order information. Items changed were the waterslide, pump house addition, dense graded basecourse, concrete pavement and earthwork. The staff is looking for direction from the Board of Public Works on the continuation of installing mini golf or eliminating this project. There could be an option to install mini golf in the future. Options to be considered are to work with local contractors to come back with a more suitable price for the project; not installing mini golf currently and possibly fundraising for installation later; or keeping it under the same contract with Miron Construction and try to save some money by installing the mini golf with the project. Discussion was held and questions answered. ????????This item will come back to the Board for future recommendations.

Motion by Moore, seconded by Kilgas to recognize that Ader Schell joined the meeting via phone at 6:16 p.m.

All Ald. present voted aye.

Motion carried.

c. Public Works Update.

DPW/Eng. Neumeier updated the Board on current projects. The Veteran's Memorial Lift Bridge will be closed tomorrow from 9 am to 2 pm. This Friday, lane closures on Highway 55 will begin for a utility project around 4th Street and again next week for concrete patches. Main Avenue pedestrian bridge will be closed for crack repairs. DPW is working with a flail mower along Nelson Trail and Konkapot Trail to remove overgrowth. These trails will be closed for a short time for this work. The Dog Park will be closed Tuesday, August 1 for invasive plants treatment. ATC Transmission Company will be spraying under their power lines along the Konkapot trail this week. Questions from the Board were answered.

3. Adjourn.

Motion made by Moore, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:39 p.m.

Sally Kenney, Clerk

Motion by Thiele, seconded by Moore to adopt the Board of Public Works Meeting Minutes of July 31, 2023, as presented.
All Ald. voted aye.
Motion carried.

Finance and Personnel Committee Meeting Minutes of July 31, 2023.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Monday, July 31, 2023, at 6:40 p.m.

Members present: Mayor Penterman, Antoine, Coenen, Eggleston, Moore, and Thiele.

Also present: Ald. Schell (via phone), Ald. DeCoster, Ald. Kilgas, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir. Vosters and interested citizens.

1. **Correspondence** - None.
2. **Discussion Topics** - None.
3. **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 Eggleston, seconded by Antoine to 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.
All members voted aye.
Motion carried.

Moved to closed session at 6:41 p.m.

- b. **Return to Open Session for possible action.**
Motion by Moore, seconded by Coenen to return to Open Session.
All members voted aye.
Motion carried.

Returned to Open Session at 7:09 p.m.

Motion by Moore, seconded by Antoine to re-grade the Recreation Program Manager from a grade 17 to grade 14.
All members voted aye.
Motion carried.

Motion by Thiele, seconded by Antoine to fill the vacant Recreation Program Manager position.
All members voted aye.
Motion carried.

4. **Adjourn.**

Motion by Antoine, seconded Coenen to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 7:12 p.m.

Sally Kenney, Clerk

Motion by Eggleston, seconded by Thiele to adopt the Finance and Personnel Committee Meeting Minutes of July 31, 2023, as presented.
All Ald. present voted aye.
Motion carried.

Health & Recreation Meeting Minutes of July 31, 2023.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Kilgas on Monday, July 31, 2023 at 7:12 P.M.

Members present: Coenen, DeCoster, Kilgas and Schell (via phone).

Also present: Mayor Penterman, Ald. Antoine, Ald. Eggleston, Ald. Moore, Ald. Thiele, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir. Vosters and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Temporary Class "B" License to St. Paul Elder Services, 316 E. 14th Street, on August 21, 2023 or rain date of August 28, 2023 for Brat Fry/Car Show – Alzheimer's Fundraiser.

Motion by Schell, seconded by DeCoster to approve the Temporary Class "B" License to St. Paul Elder Services, 316 E. 14th Street, on August 21, 2023 or rain date of August 28, 2023 for Brat Fry/Car Show – Alzheimer's Fundraiser.

All members voted aye.

Motion carried.

3. Adjourn.

Motion made by Coenen, seconded by DeCoster to adjourn.

All members voted aye.

Motion carried.

The meeting adjourned at 7:14 P.M.

Sally Kenney
Clerk

Motion by Kilgas, seconded by Eggleston to adopt the Health & Recreation Meeting Minutes of July 31, 2023, as presented.

All Ald. voted aye.

Motion carried.

Legislative Committee Meeting Minutes of July 31, 2023.

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chair Coenen on Monday, July 31, 2023 at 7:15 P.M.

Members present: Coenen, Eggleston, Moore, and Schell (via phone).

Also present: Mayor Penterman, Ald. DeCoster, Kilgas, Antoine, Thiele, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir. Vosters and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Ordinance Amending Section 7.12(2)(A)(3) Parking Regulations Lot 3.

Staff have become aware of an outdated parking restriction in the old fire department parking lot. (S/W corner of Reaume Ave. and W 3rd St.) Since the construction of the new fire department this lot is no longer needed for fire department employees. Staff believe that Lot 3 should have the same restrictions as Lot 4 (the SPAR parking lot). The recommended change is on page 24 of the attached ordinance, approving the same time restricted parking to lot 3 as other city owned parking lots to better utilize this lot for downtown parking.

Motion by Eggleston, seconded by Moore to recommend approval of the proposed ordinance, amending section 7.12(2)(A)(3) for Lot 3 and recommend the same to Common Council.

All members voted aye.

Motion carried.

b. Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2023.

Chief Carrel stated this MOU is intended to form the basis of a Unified Command (UC). The UC can be filled by any Department personnel and would have the authority to: Dispatch units to needs within the FCM route; relocate Departments assets as needed throughout the FCM route; and be in contact with participating department(s) duty commanders to end or extend the commitment of assets. This MOU shall only be in effect for 2023 FCM event, commencing Friday September 15, and ending September 17, 2023.

Motion Moore, seconded by Eggleston to recommend approval of Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2023 to the Common Council.

All members voted aye.

Motion carried.

3. General Matters – none.

4. Adjourn.

Motion by Moore, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:20 p.m.

Sally Kenney, Clerk

Motion by Coenen, seconded by Thiele to adopt the Legislative Committee Meeting Minutes of July 31, 2023, as presented.

All Ald. present voted aye.

Motion carried.

Grignon Mansion Board Meeting Minutes of June 26, 2023.

Motion by Thiele, seconded by Kilgas to receive and place on file the Grignon Mansion Board Meeting Minutes of June 26, 2023.

All Ald. present voted aye.

Motion carried.

1000 Islands Environmental Center Committee Meeting Minutes of June 15, 2023.

Motion by Eggleston, seconded by Coenen to receive and place on file the 1000 Islands Environmental Center Committee Meeting Minutes of June 15, 2023.

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:

Becerra	DeEtta	M.	616 S. Memorial Dr.	Appleton
Becker	Sky	R.	114 W. Foster St.	Appleton
Hietpas	Shelby	M.	220 Jefferson St.	Kaukauna
Leon	Kendra	R.	660 Frances St.	Kaukauna
Raether	Taylor	J.	104 W. 11 th St.	Kaukauna

Motion by Kilgas, seconded by Moore to approve the operators/bartender Licenses.

All Ald. present voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

None.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2023-5397 Resolution Approving the Final Plat for Legacy Acres Subdivision.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Resolution 2023-5397.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Kilgas to adopt Resolution 2023-5397.

All Ald. present voted aye.

Motion carried.

Resolution 2023-5398 A Resolution Approving a Lot Division for Part of Parcel 325118158 and all of Parcels 325118159, 325118160, and 325118161.

Associate Planner Paul explained that Davel Engineering has submitted a certified survey map for Dercks DeWitt LLC, owner, to split lots 122, 121, 120 and 119 of Blue Steam Meadows 3. All the lots are zoned Residential Single-Family (RSF). The new lot width for these parcels will be 74 feet to 75 feet. Per section 17.16(4) RSF of the City of Kaukauna Zoning Code the required lot width is 60 feet and side yard setbacks are seven (7) feet. This lot split has created one additional lot within the subdivision on White Dove Lane. Cottage style houses are proposed to be built on these lots.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2023-5398.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2023-5398.

All Ald. present voted aye.

Motion carried.

Resolution 2023-5399 A Resolution Approving a Lot Division for Part of Parcel 325118158 and all of Parcels 325118157 and 325118156.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2023-5399.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2023-5399.

All Ald. present voted aye.

Motion carried.

Resolution 2023-5400 A Resolution Approving a Lot Division for Parcel 130044800.

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2023-5400.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2023-5400.

All Ald. present voted aye.

Motion carried.

Resolution 2023-5401 Resolution Authorizing the Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2023.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2023-5401.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Kilgas to adopt Resolution 2023-5401.

All Ald. present voted aye.

Motion carried.

Ordinance 1885-2023 Ordinance Amending Section 7.12(2)(A)(3) Parking Regulations Lot 3.

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1885-2023.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to adopt Ordinance 1885-2023.

All Ald. present voted aye.

Motion carried.

ADJOURN

Motion by Kilgas, seconded by Coenen to adjourn.

All Ald. present voted aye.

Motion carried.

Meeting adjourned at 7:50 p.m.

Sally Kenney, Clerk

