



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – SEPTEMBER 20, 2022

Pursuant to adjournment on September 6, 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, September 20, 2022.

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

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Police Chief Graff, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Fire Chief Carrel, HR Swaney, Rec. Manager Malloy and interested citizens.

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

Motion by Moore, seconded by Coenen to adopt the minutes of the Common Council meeting of September 6, 2022.

All Ald. voted aye.

Motion carried.

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

Bills Payable

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

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

No one appeared.

BUSINESS PRESENTED BY THE MAYOR

Appointment of Quin Lenz to the Redevelopment Authority of the City of Kaukauna.

Motion by Coenen, seconded by Kilgas to appoint Quin Lenz to the Redevelopment Authority of the City of Kaukauna.

All Ald. voted aye.

Motion carried.

Reappointment of John Moore to the Utilities Commission.

Motion by Thiele, seconded by Antoine to reappoint John Moore to the Utilities Commission.

7 Ald. voted aye, 1 Ald. Abstained (Moore)

Motion carried.

Reappointment of John Manion to the 1000 Islands Environmental Center Committee.

Motion by Moore, seconded by Eggleston to reappoint John Manion to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

Reappointment of Penni Pautz to the 1000 Islands Environmental Center Committee.

Motion by Schell, seconded by Moore to reappoint Penni Pautz to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

Reappointment of Deb Jakel to the 1000 Islands Environmental Center Committee.

Motion by Antoine, seconded by Kilgas to reappoint Deb Jakel to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

Reappointment of Paul Van Berkel to the 1000 Islands Environmental Center Committee.

Motion by Moore, seconded by Eggleston to reappoint Paul Van Berkel to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

Proclamation Recognizing National Drive Electric Week - September 26 to October 2, 2022.

Mayor Penterman read the proclamation recognizing National Drive Electric Week – September 26 to October 2, 2022.

Motion by Antoine, seconded by Kilgas to receive and place on file the proclamation.

7 Ald. voted aye, 1 Ald. voted nay (DeCoster)

Motion carried.

Request to review Municipal Court operations and staff.

On September 14, 2022 I received a memo from Municipal Judge Windorff requesting the review of municipal court operations and staff. In the memo, Municipal Judge Windorff requested the review of the following items: The governing body clarify whether it is their intention to move the municipal judge's office; The Municipal Judge stipend be increased to \$91,000; The hours of court clerk be increased to 30-32 hours; A bailiff or armed guard be provided for court sessions.

In reviewing the information provided by Municipal Judge Windorff, the Mayor stated he would support the City providing a bailiff for court sessions and will direct staff internally to determine a plan to staff this position. The volume of citations from the Police Department and Code Enforcement does not substantiate an increase in court hours of operations at this time but this is something that the City will monitor for future consideration should the volume increase. As previously noted, the City recommends 20 hours per week for court clerk with established and posted hours which are adhered to in order to provide customer service to the public and support other departments internally. Previous concerns noted regarding court operation were not surrounding the number of hours per week, but the level of customer service and accessibility of the court. Kaukauna Municipal Code requires that a Judge be a resident of Kaukauna and over the age of 18. The Code does not require that the Judge be a licensed attorney. While prior study of law may seem relevant for the position, this is not a requirement, and the position is not intended or designed to provide full-time employment and compensation for a licensed attorney. Historically, the Judge position has been held and successfully completed by other individuals with relevant experience such as retired law enforcement officers. Staff will collect some relevant historical data on volume of citations, court activity, stipends for other area municipal judges, and municipal code

provisions from other area municipalities with municipal courts, to have a clearer context and more relevant comparisons to review considering these requests. More information will be released following the next agenda item 5j. Discussion was held and questions were answered.

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

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

Adjourned to closed session at 7:13 pm.

Return to open session for possible action.

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

All Ald. voted aye.

Motion carried.

Return to open session at 8:15 pm.

Motion by Moore, seconded by Eggleston to receive and place on file the request to review municipal court operations and staff and the West Bend Mutual Insurance Policy Bond #2399698

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to allow Judge Windorff to speak in regard to the request to review municipal court operations and staff and the West Bend Mutual Insurance Policy Bond

#2399698

All Ald. voted aye.

Motion carried.

Judge Carley Windorff, 2909 Hendricks Ave., Kaukauna thanked the Council for allowing her to speak and said she'd rely on her memo stating it was comprehensive.

Motion by Moore, seconded by Coenen to receive and place on file the City staff response to Judge Windorff's request to review municipal court operations and staff and the Windorff Law Facebook post story.

All Ald. voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of September 19, 2022.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, September 19, 2022 at 6:00 P.M.

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

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, and interested citizens.

1. **Correspondence** – none.

2. **Discussion Topics.**

a. Authorization to seek bids for Project 12-22 Grignon Park Stream Restoration and Utility Relay.

DPW/Eng. Neumeier stated the Engineering Department is seeking authorization to seek bids for the Grignon Park Stream Bank Restoration project and replacement of the sanitary sewer main in the same corridor. The City has applied for, and received, a DNR grant not to exceed \$135,000 for the stream restoration work. A map of the area was provided. The unnamed tributary to the Fox River running through Grignon Park has significant stream bank erosion, contributing to habitat loss and increased sediment and phosphorus loads being washed downstream to the Fox River. The erosion is also causing damage to the trail and disc golf course and contributing to loss of trees through the corridor. In addition, the sanitary sewer main located along this corridor is clay pipe and in need of rehabilitation. The primary purpose of the project is to reduce urban non-point source pollution prior to discharge into the Fox River by stopping the significant stream bank erosion occurring, but it will also improve many aspects of the park and City utilities. Questions from the Board were answered.

Motion by Antoine, seconded by Coenen to authorize the Engineering Department to seek bids for Project 12-22 Grignon Park Stream Restoration and Utility Relay.

All Ald. vote aye.

Motion carried.

b. Waste Collection Discussion and Ordinance Review.

DPW/Eng. Neumeier provided background information on the current and proposed code information and waste collection. City staff discussed waste collection and agreed an overhaul is needed of the ordinance. DPW/Eng. Neumeier presented a slideshow of the proposed changes. Discussion was held and questions answered.

DPW/Eng. Neumeier will meet with staff and make the recommended changes to firm up costs and find suitable locations for waste collection containers. The draft ordinance will be brought to the Legislative Committee, then to the Common Council for approval.

c. Public Works update.

DPW/Eng. Neumeier provided a list of projects happening in the City. The bridge project is currently ahead of schedule. The County Highways are paved, but several manholes need adjustment on Hillcrest Drive. The street sweeper needs repairs to the vacuum motor (approximately \$20,000). The Town of Buchanan has approved the proposed speed limit change on Loderbauer. Engineering is working with DNR and our consultant to close the Phase 4 soil contamination site case dealing with historic pVOC. (approximately \$12,000).

Board members should contact the Engineering Department with questions and concerns.

3. **Adjourn.**

Motion made by Moore, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:13 p.m.

Sally Kenney
Clerk

Motion by Thiele, seconded by Antoine to adopt the Board of Public Works Meeting Minutes of September 19, 2022.

All Ald. voted aye.

Motion carried.

Health & Recreation Committee Meeting Minutes of September 19, 2022.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, September 19, 2022 at 7:14 P.M.

Members present: Antoine, DeCoster, Eggleston and Kilgas.

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder Moore, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

- a. Request for amplified music to Mary Petit, 157 Woodland Court, Kaukauna on November 12, 2022 for a wedding in the Community Room.**

Motion by Kilgas, seconded by DeCoster to approve the amplified music request to Mary Petit, 157 Woodland Court, Kaukauna on November 12, 2022 for a wedding in the Community Room.

All members voted aye.

Motion carried.

- b. Change from a Combination Class B Reserve License to a Combination Class B Regular License to The X, 124 W. Third Street Kaukauna for the 2022-2023 license year.**

Motion by DeCoster, seconded by Antoine to approve the change from a Combination Class B Reserve License to a Combination Class B Regular License to The X, 124 W. Third Street Kaukauna for the 2022-2023 license year.

All members voted aye.

Motion carried.

3. Adjourn.

Motion made by Antoine, seconded by Kilgas to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:16 P.M.

Sally Kenney
Clerk

Motion by Eggleston, seconded by Thiele to adopt the Health & Recreation Committee Meeting Minutes of September 19, 2022.

All Ald. present voted aye.

Motion carried.

Legislative Committee Meeting Minutes of September 19, 2022.

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, September 19, 2022 at 7:15 P.M.

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

Also present: Mayor Penterman, Attorney Davidson, Alder DeCoster, Alder Eggleston, Alder Kilgas, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Outdoor Alcohol Beverage Area Ordinance Review.**

Planner Stephenson stated Chapter 12.03 (11) governs how the City of Kaukauna handles outdoor alcoholic beverage areas. In recent months we have gotten inquiries from a number of businesses that would like to establish outdoor seating areas for their patrons to eat and drink in. The legislative committee discussed the changes recommended by plan commission and discussed other changes that should be addressed in the updated ordinance. A summary of the changes was provided. Questions from the committee were answered.

Motion by Thiele, seconded by Coenen to approve Chapter 12.03(11), Permit Required for Outdoor Alcohol Beverage Area, as presented and forward the updated ordinance to the Common Council.

All members voted aye.

Motion carried.

3. **Adjourn.**

Motion by Coenen, seconded by Moore to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:23 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Moore to adopt the Legislative Committee Meeting Minutes of September 19, 2022.

All Ald. voted aye.

Motion carried.

Plan Commission Meeting Minutes of July 21, 2022.

Motion by Moore, seconded by Coenen to receive and place on file the Plan Commission Meeting Minutes of July 21, 2022.

All Ald. voted aye.

Motion carried.

Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 9, 2022.

Motion by Moore, seconded by Eggleston to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 9, 2022.

All Ald. voted aye.

Motion carried.

Operators/Bartenders License

The following applicant has applied for an operator’s license for the license year 2022-2024 and has been recommended for approval based on their record check by the police department:

VandeWettering	Sheryl	A.	W2130 County Rd. S	Freedom
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Motion by Eggleston, seconded by Kilgas to approve the operator/bartender license.

All Ald. voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Fire Report

Motion by Moore, seconded by Antoine to receive and place on file the August 2022 Fire Report.

All Ald. voted aye.

Motion carried.

Ambulance Report

Motion by Moore, seconded by Kilgas to receive and place on file the August 2022 Ambulance Report.

All Ald. voted aye.

Motion carried.

Police Report

Motion made by Moore, seconded by Schell to receive and place on file the August 2022 Police Report.

All Ald. voted aye.

Motion carried.

Municipal Court Report

No Report.

Clerk-Treasurer’s Deposit Report

Motion by Moore, seconded by Coenen to receive and place on file the August 2022 Clerk-Treasurer’s Deposit Report.

All Ald. voted aye.

Motion carried.

Building Permit Summary Report

Motion by Moore, seconded by Antoine to receive and place on file the August 2022 Building Permit Summary Report.

All Ald. voted aye.

Motion carried.

Code Enforcement Report as of 9-15-22.

Motion by Moore, seconded by Kilgas to receive and place on file the Code Enforcement Report as of 9-15-22.

All Ald. voted aye.

Motion carried.

With this being the first Code Enforcement Report, discussion was held on what Council liked about the report and things they would like to see on the report in the future.

Pool Project Update

Staff continues to work with the Sweeney Group on the Kaukauna Pool Project Capital Campaign. Kelly Kelly has agreed to Co-chair the Campaign with Mayor Penterman. Staff will begin fundraising in October of 2022. Staff also continues to work with Parkitecture + Planning on the Design Concept that includes the bathhouse, mechanical building, splash pad, mini-golf course, water slide, climbing wall, yard games, shade structures and in-pool play structure. Staff will continue to work on interior furnishing design and color schematics for the interior buildings and outdoor amenities.

Community Enrichment Services Director Vosters and Recreation Manager Malloy provided an update on the pool. Katie MacDonald, PE Principal from Parkitecture + Planning was present via ZOOM to answer questions from Council. Discussion was held and questions were answered.

Motion by Moore, seconded by Thiele to accept the recommendations in the memo from Terri Vosters to the Council:

- Staff recommends accepting the Design Concept from Parkitecture & Planning at the price of approximately \$5.8 million dollars with a possible 10% contingency totaling approximately \$6.4 million.
- Staff recommends accepting funding this project by \$1.5 million in TIF funds, \$1.5 million in fund balance, \$2 million in CIP and \$1 million in Capital Campaign funds.
- Staff recommends accepting the appointment of Kelly Kelly as the Kaukauna Pool Project Capital Campaign Co-Chair.
- Staff recommends accepting the Capital Campaign Committee establish a timeline of: - Fundraising: 2022 and Early 2023 -Bid: Spring 2023 Construction: -End of Summer 2023 - Dedication: Summer 2024

All Ald. voted aye.

Motion carried.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2022-5356 Resolution Approving a Lot Consolidation for 1020 W Hyland Ave and 1006 W Hyland Ave.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2022-5356.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2022-5356.

All Ald. voted aye.
Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property – 624 Hyland Ave.

Motion by Moore, seconded by Schell to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property – 624 Hyland Ave.

All Ald. voted aye.
Motion carried.

Adjourned to closed session at 9:26 p.m.

Motion by DeCoster, seconded by Kilgas to return to open session for possible action.

All Ald. voted aye.
Motion carried.

Returned to open session at 9:35 p.m.

Motion by Moore, seconded by Eggleston to authorize Planning Director to enter into an agreement to sell the property at 624 Hyland Avenue at the offer price contingent on the developer's agreement and approved by the Common Council as is.

All Ald. voted aye.
Motion carried.

ADJOURN

Motion by Kilgas, seconded by Moore to adjourn.

All Ald. voted aye.
Motion carried.

Meeting adjourned at 9:37 p.m.

Christina Nelson, Deputy Clerk

