

**June 6<sup>th</sup>, 2022**

**Agenda Item #2a**

**Review of Municipal Code 17.32(3)(c) Accessory parking and storage**

**Background**

Common Council has directed staff to bring section 17.32(3)(c) "the driveway ordinance" back to Legislative Committee for discussion.

In 2021, the Planning Department and Plan Commission began discussion on driveway expansion/extensions in the City. This was in response to multiple code violations for paving of side and front yards for additional vehicle/trailer/wood/storage. The discussions grew to include maximum widths of driveways at the property line and maximum curb opening width. Enclosed you will find the current ordinance, Plan Commission meeting minutes, proposed ordinances and scenarios discussed, notices for the public hearing, and minutes from the public hearing and ordinance adoption at Common Council.

**Recommended Actions**

- 1) Direct the City Attorney to draft any changes to section 17.32(3)(c) discussed/agreed upon by this committee

Or

- 2) Recommend to Common Council that no changes be made to section 17.32(3)(c)

**ORDINANCE 2021-1833**  
**ORDINANCE AMENDING CERTAIN ACCESSORY USES AND STRUCTURES; ACCESSORY**  
**PARKING AND STORAGE IN CH. 17.32 OF THE MUNICIPAL CODE OF ORDINANCES.**

WHEREAS, to protect and preserve future land use in the City of Kaukauna's various zoning districts, the Common Council amends Section 17.32(3)(c)(1-2); to further specify restrictions on accessory structures, parking and storage; and

WHEREAS, the matter was referred to, acted upon, and recommended for approval by the City Plan Commission on May 20, 2021; and

WHEREAS, after due notice as required by law, a public hearing was held before the Common Council on July 6, 2021, at 7:00 p.m.

NOW, THEREFORE, the Common Council of the City of Kaukauna do ordain that Section 17.32(3)(c)(1-2) of the Kaukauna Municipal Code shall be stricken and shall be replaced with the following:

**17.32 – Supplementary district regulations**

**3. Accessory uses and structures.**

**c. Accessory parking and storage.**

1. In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. In RSF, driveways shall not exceed 25' maximum width at the property line and shall not exceed 35' maximum width at the curb. Expansions of driveways after construction require a permit from the Building Inspection department.

Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum of two feet off of a property line.

2. Persons who shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-driven camper, or any like business or recreational vehicle in the required front yard of any residential district, shall store such vehicles on the driveway emplaced to provide access to the garage. Such vehicles may be stored on driveway expansions in the side yard setback that extend beyond the width of the garage provided that the storage is in the side yard only – behind the garage opening, but not in the rear yard behind the garage or house. Any of the vehicles in this subsection parked within the front or side yards on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface.

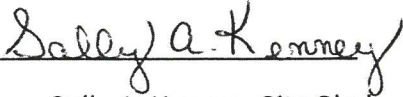
This ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED: \_\_\_\_\_



Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_



Sally A. Kenney, City Clerk

Adopted: 07-06-2021

Published: 07-14-2021



## CITY OF KAUKAUNA PLAN COMMISSION

Thursday, May 6, 2021

4:00 p.m.

HYBRID MEETING (May attend in-person or via Zoom)

In-Person in Common Council Chambers, City of Kaukauna

Remote attendance option available via Zoom

### AGENDA

Roll Call.

Approval of Minutes of April 22, 2021, meeting.

Public Hearing on Request for a Special Exception for a Professional Office Use at 500 Hendricks Avenue

New Business.

1. Review 2-Lot Certified Survey Map at 1213 Crooks Avenue, submitted by Lorri Kavanaugh.
2. Request for special exception for the placement and operation of a 67-room hotel at 222 Lawe Street, submitted by Jim Walter of Harvest Development, LLC.
3. Memorandum on Driveway Ordinance in City of Kaukauna.
4. Memorandum on Request from Modern Dairy to move detached garage from Town of Buchanan to 2201 Badger Road, City of Kaukauna.

Other Business.

Adjourn.

TELECONFERENCE ACCESS INFORMATION	
Telephone:	<ul style="list-style-type: none"><li>• Dial 1-312-626-6799</li><li>• When prompted, enter Meeting ID 841 5300 4630 followed by #</li><li>• When prompted, enter Password 990655 followed by #</li></ul>
Computer:	<ul style="list-style-type: none"><li>• Go to <a href="https://us02web.zoom.us/j/84153004630?pwd=b0dhNjZvc1VENmZheUxmRkZySS9lUT09">https://us02web.zoom.us/j/84153004630?pwd=b0dhNjZvc1VENmZheUxmRkZySS9lUT09</a></li><li>• Click the blue link in the upper right hand side that says Join a Meeting</li><li>• Enter Meeting ID 841 5300 4630</li><li>• Enter Password 990655</li><li>• Allow access to microphone or camera if you wish to speak during the meeting</li></ul>
Smart phone or Tablet:	<ul style="list-style-type: none"><li>• Download the free Zoom app to your device</li><li>• Click the blue button that says Join a Meeting</li><li>• Enter Meeting ID 841 5300 4630</li><li>• Enter Password 990655</li><li>• Allow access to microphone or camera to if you wish to speak during the meeting</li></ul>
<b>*Members of the public will be muted unless there is an agenda item that allows for public comment or if a motion is made to open the floor to public comment.*</b>	

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.

**MASKS ARE REQUIRED TO ENTER THE MUNICIPAL SERVICES BUILDING.**



## PLAN COMMISSION

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A meeting of the City of Kaukauna Plan Commission was called to order at 4:00 p.m. on Thursday, May 6, 2021, by Chairman Penterman.

Members Present: Feldt, Feller, Moore, Penterman, Schoenike, Sundelius, Thiele.

Also Present: Principal Planner Brunette, Engineering Technician Holmes, Project Engineer Neumeier, Dustin Wolff, Tim Eichstaedt, Gail Popp.

Members Absent: None

1. **Absent Members**. A motion to excuse the absent member was made by Moore, seconded by Schoenike. All members voted aye. Motion carried.
2. **Minutes**. A motion to approve the minutes of the April 22, 2021 meeting was made by Moore, seconded by Feldt. All members voted aye, motion carried.
3. **Public Hearing – Special Exception for Professional Office use at 500 Hendricks Avenue**. Chairman Penterman declared the public hearing open at 4:02 p.m. and asked three times if anyone present wanted to speak in favor of or in opposition to the Special Exception permitting the placement and operation of a Professional Office use at 500 Hendricks Avenue. No one appeared. Chairman Penterman declared the public hearing closed at 4:03 p.m. Following the open session, discussion was had about the meeting on April 6<sup>th</sup>, when the special exception was first proposed. Issues were presented regarding parking implications regarding current staff and any potential growth. The process of special exception was readdressed and a list of questions for the proposed new occupant were compiled. A motion was made to allow the prospective owners of 500 Hendricks Ave to address the commissioners by Moore, seconded by Schoenike. All members voted aye. Motion carried. Mr. Eichstaedt addressed the parking concerns brought up by commissioners along with a plan to renovate the current garage on site for additional space. Other concerns such as customer traffic and signage were questioned with plans by the prospective owner to address. A motion was made to approve the proposed special exception use at 500 Hendricks Ave, and recommend the same to the City Council, with the following conditions:
  - a. Sign dimension is not to exceed size of existing dimensions.
  - b. Employee parking to remain on site only.by Sundelius, seconded by Feller. All members voted aye. Motion carried.
4. **Review 2-Lot Certified Survey Map at 1213 Crooks Avenue, submitted by Lorri Kavanaugh**. Mrs. Brunette explained the situation where the lot combination is required in order for expansion by the owners. Mrs. Kavanaugh already own both lots, and this procedure will not result in creating any new lots. No questions from the commissioners. A motion was made to approve the proposed retracement (2) lot Certified Survey Map, and recommend the same to the City Council, without conditions by Feldt, seconded by Thiele. All members voted aye. Motion carried.
5. **Request for special exception for the placement and operation of a 67-room hotel at 222 Lawe Street, submitted by Jim Walter of Harvest Development, LLC**. Mrs. Brunette presented the request to the commissioners regarding plans that have already been presented to staff. Comments about precedence for this type of exception were made as well as questions regarding parking requirements and timeframe. It was also made of note that this new proposed use would not have the condition of ingress/egress through the neighboring Kwik Trip. A motion was made to forward the proposed special exception to for the placement and operation of a 67-room hotel at 222 Law Street to the City Council, without conditions by Feldt, seconded by Thiele. All members voted aye. Motion carried.

6. **Memorandum on Driveway Ordinance in City of Kaukauna.**

Mr. Holmes addressed residential concerns and inquiries about driveway and concrete extensions. Examples of neighboring practices and precautions taken were reported to explain the proposal to be more in line with local ordinances. Commissioner Sundelius addressed concerns with examples of current implementations that violate the proposed ordinance. Various situations were discussed that need to be accounted for before approval, and Mr. Wolff addressed the importance of community feedback and consideration for addressing commonly questioned zoning questions. A motion was made to direct staff to review and bring forward a recommended ordinance to propose to Plan Commission by Sundelius, seconded by Moore. All members voted aye. Motion carried.

7. **Memorandum on Request from Modern Dairy to move detached garage from Town of Buchanan to 2201 Badger Road, City of Kaukauna.** Discussion was had about moving forward with the process of this request and all subsequent steps necessary to proceed. Modern Dairy is requesting to move a garage into the city for storage of general equipment and storage on site. A motion was made to approve the request of Modern Dairy to move detached garage from Town of Buchanan to 2201 Badger Road, City of Kaukauna assuming the subsequent steps are approved by Schoenike, seconded by Moore. All members voted aye. Motion carried.

There being no further business to be brought before the Commission, a motion to adjourn the meeting at 4:57 p.m. was made by Feldt, seconded by Sundelius. All members voted aye, motion carried.

Martin West  
Planning and Community Development Coordinator

## Driveway Ordinance City of Kaukauna

The current Ordinance requires driveways in the front yard to be no wider than the width of the garage. Resident of the City have been installing a side yard parking area along the garage for storage of recreational and other vehicles. The standard response from City staff was the side parking area is not allowed per code but it is a low enforcement priority for the Inspection Department. There are numerous examples of side yard driveways throughout the community where the resident chose to construct the driveway without a permit.

With the frequency of requests for a side yard parking area increasing City staff contacted the neighboring municipalities regarding how they handle the side yard parking issue. Below is a summary of the findings from the Building Inspection Departments who responded.

City of Neenah – No restrictions

City of De Pere – 2 feet from the lot line and a \$50 driveway permit

City of Menasha – 2 feet from the lot line

City of Appleton – 12 foot max width or the lot line to the rear of the garage, 4 feet to the interior of the lot from the edge of the garage and a \$40 driveway permit

City staff feels it would be better to permit the construction of side parking areas and driveway expansions with some limitations than to continue the current process as outlined above.

The recommendation is to allow a driveway to be expanded into the side yard remaining 1 foot from the lot line to the rear of the garage. Create a driveway permit similar in cost to the above for all drive way expansions but not the construction of a new drive way for a new home as that can be covered by the home permit.



(c) Accessory parking and storage.

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Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall not be greater than the width of such garage or carport.

2. No person shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-drawn camper, or any like business or recreational vehicle in the required front yard of any residential district, except upon the customary driveway emplaced to provide access to a garage attached or adjacent to the principal building, carport, or a rear parking area. Any of the vehicles in this subsection parked within the front yard on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface. For the purposes of this subsection, the term "store" means leaving any such vehicle unattended for more than four hours.
3. No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the city except for those places where the common council has authorized the removal of a terrace for the purpose of parking.
4. The parking and storage of unregistered or inoperable vehicles shall be as governed under [section 10.07](#).
5. No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.





# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Plan Commissioners  
From: Allyson Watson Brunette  
Date: May 11, 2021  
Re: Driveway Ordinance Update

Based on the discussion at the May 6, 2021 Plan Commission meeting, the following proposed ordinance verbiage has been drafted for Commission review.

Accompanying this verbiage are three sample scenarios demonstrating maximum widths and storage areas on three types of residential lots.

**Staff seeks a motion directing staff to advance the proposed ordinance change to Common Council and to create a permit for driveway expansions to ensure staff review of all new proposals of this type.**

City of Kaukauna Municipal Code of Ordinances

Ch. 17.32

(3) Accessory uses and structures.

(c) Accessory parking and storage.

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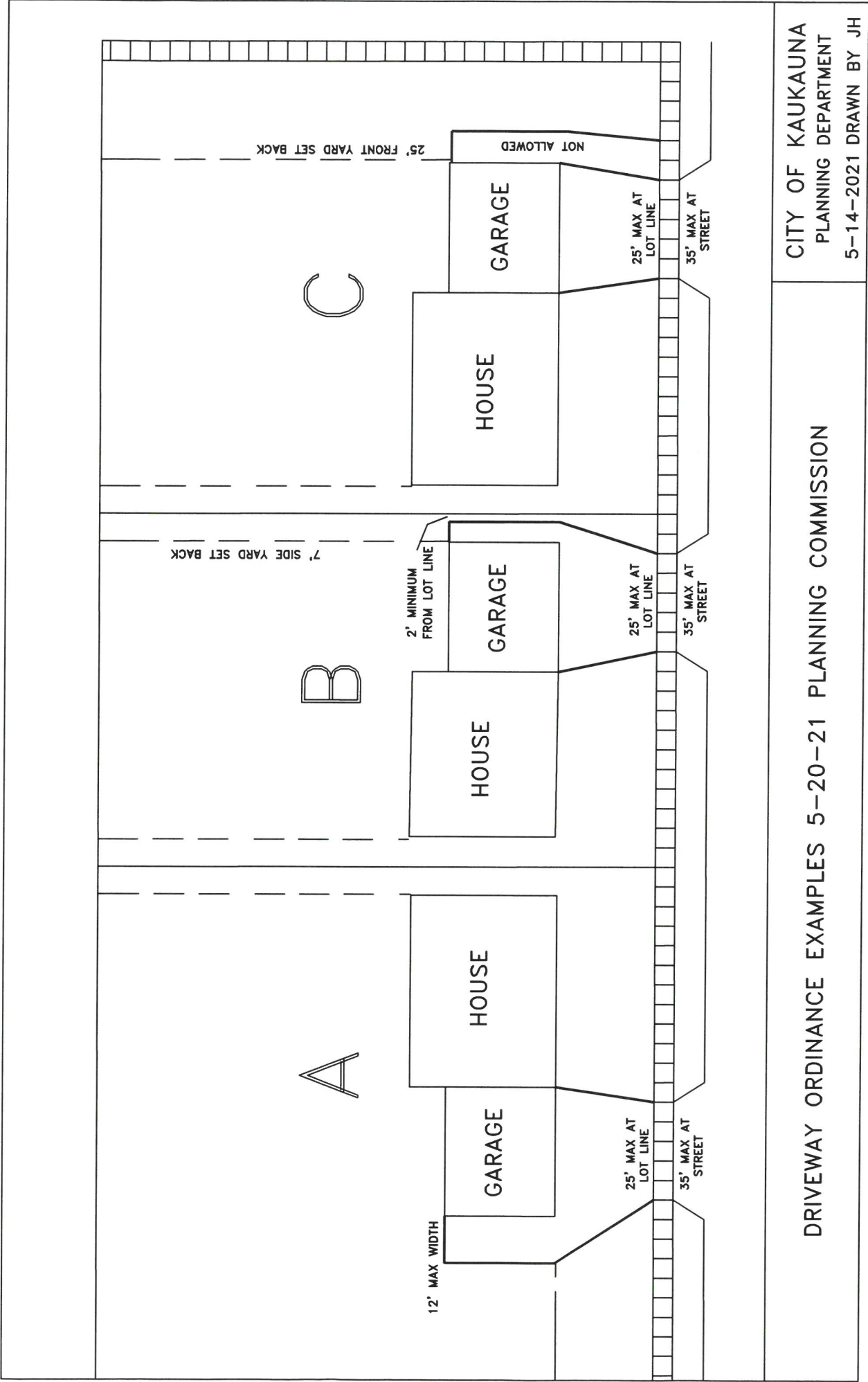
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DRIVEWAY ORDINANCE EXAMPLES 5-20-21 PLANNING COMMISSION

CITY OF KAUKAUNA  
PLANNING DEPARTMENT

5-14-2021 DRAWN BY JH



## PLAN COMMISSION

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A meeting of the City of Kaukauna Plan Commission was called to order at 4:02 p.m. on Thursday, May 20, 2021, by Chairman Penterman.

Members Present: Feller, Penterman, Schoenike, Sundelius, Thiele.

Also Present: Principal Planner Brunette, Engineering Technician Holmes, Project Engineer Neumeier, Finance Director Van Rossum, Dustin Wolff, Brandon Cesafsky, James Walter, Paul and James Mentink, Alderman Mike Counen.

Members Absent: Feldt, Moore

1. **Absent Members.** A motion to excuse the absent member was made by Thiele, seconded by Sundelius. All members voted aye. Motion carried.
2. **Minutes.** A motion to approve the minutes of the May 6, 2021 meeting was made by Moore, seconded by Feldt. All members voted aye, motion carried.
3. **Review draft of revised driveway ordinance for City of Kaukauna.** Mrs. Brunette provided context on previous meeting topics of discussion regarding the proposed ordinance for driveway and concrete expansions. A new outline was shown reflecting how the proposed ordinance would affect various lots and home descriptions. The commission asked questions regarding the existing code surrounding the ordinance, and what changes would be made going forward. Discussion was also discussed about a current limitation in the code enforcing a 4 hour time frame for keeping vehicles parked unattended on the driveway in front of a principle structure. It was proposed to change the current structure of the code and time enforcement. A discussion was had about enforcement of previous construction not following code. City Staff addressed the limitations in citing previous code enforcement, and the focus on providing new standards going forward. A motion was made to allow audience member Michael Weaver to address the commission. All members voted aye. Motion passed. Mr. Weaver has previously poured a driveway extension to store his camper in summer months. His comments addressed all types of other code enforcement observations, and is hopeful that drafting a new ordinance will be thought out in their ability to deter future issues.  
A motion was made to recommend the driveway and concrete extension ordinance with the last sentence of subsection 3C stricken from the original ordinance regarding time limitations on parking recreational vehicles on extended slabs by Sundelius, seconded by Schoenike. All members voted aye, motion carried.
4. **Review lot sale procedures for Inside the Park Place Subdivision.**  
Mrs. Brunette addressed the upcoming sale of Lots within the Inside the Park Place Subdivision. An issue of residents of neighboring lot owners within the new lots have reached out regarding a verbal agreement with a former employer that they would be granted first access in purchasing these lots adjacent to their homes. A review of the process for the upcoming sale was proposed with consideration for the resident complaints while still providing an equitable and fair sale of the property. Offers are to be presented to the Commission with the ability to approve the "best offer", with adjacent owner offers also being presented. City Staff also addressed concern with the current list price of the lots, with indications that they are below market value in a competitive buying season. A timeline was proposed outlining the procedure by staff. A suggestion was made to include a form of down payment made on the auction offers to assure bid security, as well as the City being allowed to reject any bid that they deem unfit. The Commission was asked about proper marketing of the sale and how they wanted to proceed with recommendations. A motion was made to direct staff to proceed with the lot sales as proposed by Thiele, seconded by Feller. All members voted aye, motion carried.
5. **Review 1-lot Certified Survey Map for 120 E. Wisconsin Avenue, Submitted by City of Kaukauna.** Discussion was had about the development agreement with the Bank of Kaukauna, with the contingency of the lot being squared off. Staff addressed the procedures required behind the CSM and any concerns that may have come up moving forward with the project. A motion was made to approve the certified survey map for 120 E Wisconsin Ave, and





## CITY OF KAUKAUNA

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Common Council of the City of Kaukauna on **Tuesday, July 6, 2021 at 7:00 p.m.** at the meeting of the Common Council to consider amending the Municipal Code of Ordinances Ch. 17, Sec 32 (3)(c)(1-2) regarding accessory uses and structures, accessory parking and storage at the recommendation of the City Plan Commission. The purpose of the Public Hearing is to accept public comments on the proposed amendment.

The amendment of this section of Municipal Code revises restrictions on driveway expansions and front and side yard storage in residential districts.

Beginning on Friday, June 4, 2021, materials (including the full proposed ordinance language) will be available for public inspection on the City of Kaukauna Planning and Community Development webpage located here: <http://www.cityofkaukauna.com/public-inspection>. These materials may also be requested to be mailed to parties by contacting Allyson Brunette ([abrunette@kaukauna-wi.org](mailto:abrunette@kaukauna-wi.org), 920.766.6315).

Persons wishing to submit comments with regard to the ordinance repeal and recreation are encouraged to join the meeting with meeting access information posted on the meeting agenda in accordance with Open Meetings law. Persons unable to attend the public hearing but who wish to comment may do so by contacting the City of Kaukauna Planning Department by mail at P.O. Box 890, Kaukauna, WI 54130 or by phone at 920.766.6315 or by email at [abrunette@kaukauna-wi.org](mailto:abrunette@kaukauna-wi.org) prior to the meeting.

Posting Date:  
Friday, June 4, 2021

Class 2 Notice Publication Dates:  
Wednesday, June 16, 2021  
Wednesday, June 23, 2021

Allyson Watson Brunette, Principal Planner, City of Kaukauna, Outagamie County

# STATE OF WISCONSIN AFFIDAVIT OF PUBLICATION

June 16 & 23, 2021  
CITY OF KAUKAUNA  
NOTICE OF PUBLIC HEARING

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Posting Date:  
Friday, June 4, 2021

Allyson Watson Brunette, Principal Planner, City of Kaukauna, Outagamie County

WNAXLP

CHAD BREWER  
Notary Public  
State of Wisconsin

Laurie Hammen

being duly sworn doth depose and say that he/she is an authorized representative of the **TIMES-VILLAGER**, a weekly newspaper published by News Publishing Co., Inc. at **Kaukauna, Wisconsin, in Outagamie County**, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on:

06/16/2021

06/23/2021

SIGNED

Laurie A. Hammen

DATED

06/24/2021

[Signature]  
Notary Public, State of Wisconsin

My Commission Expires

4/25/2023

# of Lines

34

# of Weeks Published

2

Publication Fee \$ 101.28

Proof of Publication \$ 1.00

Total \$ 102.28





## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – JULY 6, 2021

Pursuant to adjournment on June 15, 2021 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:54 P.M. on Tuesday, July 6, 2021 in-person and with remote teleconference via ZOOM.

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

Also present: Attorney Davidson, Sen. Proj. Eng. Neumeier, Asst. Fire Chief Foss, Police Chief Graff, Prin. Planner Brunette, Library Dir. Thiem-Menning, IT Dir. Krause, and interested citizens.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly in-person and with remote teleconference via ZOOM.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of the minutes of the previous meeting of June 15, 2021.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt the minutes of the meeting of June 15, 2021.

All Ald. voted aye.

Motion carried.

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

#### **Bills Payable**

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

All Ald. voted aye.

Motion carried.

### PUBLIC APPEARANCES

Mark Schroeder, 431 E. Glendale Ave., Appleton introduced himself as the newly appointed Outagamie County Circuit Court Judge.

### BUSINESS PRESENTED BY THE MAYOR

#### **Public Hearing regarding Ordinance Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.**

Mayor Penterman declared the Public Hearing regarding Ordinance Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances open and asked if anyone in person or via ZOOM wished to address the Council.

Mayor Penterman asked two more times if anyone in person or via ZOOM wished to address the Council regarding Ordinance Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances. No one appeared. The Public Hearing was declared closed.

**Appointment of James Van De Hey to the Kaukauna Public Library Board.**

Motion by Kilgas, seconded by Antoine to appoint James Van De Hey to the Kaukauna Public Library Board.

All Ald. voted aye.

Motion carried.

**Appointment of Sandy Coenen to the Grignon Mansion Board.**

Motion by Thiele, seconded by Schell to appoint Sandy Coenen to the Grignon Mansion Board.

All Ald. voted aye.

Motion carried.

**Veteran's Memorial Lift Bridge/Fox Locks Dedication – July 13, 3 to 5 p.m.**

Mayor Penterman informed the Council the Veteran's Memorial Lift Bridge/Fox Locks Dedication – July 13, 3 to 5 p.m.

**Committee/Council Meetings to resume in-person starting Monday August 2, 2021.**

Mayor Penterman informed the Council and City officials that starting on Monday, August 2, 2021 all Committee and Council meetings will resume to in-person only.

**REPORTS OF STANDING AND SPECIAL COMMITTEES**

**Board of Public Works Meeting Minutes of July 6, 2021.**

**BOARD OF PUBLIC WORKS**

A meeting of the Board of Public Works was called to order by Chairman Thiele on Tuesday, July 6, 2021 at 6:00 P.M. in person and remote teleconference via ZOOM.

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

Absent & Excused: Schell.

Also present: Mayor Penterman, Sen. Proj. Eng. Neumeier, Attorney Davidson, Police Chief Graff, Asst. Fire Chief Foss, IT Dir. Krause, HR Dir. Audette, Proj. Eng. Cesafsky, and interested citizens.

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

All members present voted aye.

Motion carried.

**1. Correspondence.**

Letter from Gary and Sarah Landreman, 2951 Nature View Court, Kaukauna was read. The letter was explaining their opposition to the sidewalk installation on Nature View Court.

Motion by Coenen, seconded by Moore to receive and place on file the letter from Gary and Sarah



Motion carried.

**Resolution 2021-5287 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.**

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2021-5287 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2021-5287 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

All Ald. voted aye.

Motion carried.

**Resolution 2021-5288 Final Resolution Authorizing Public Improvements to Asphalt Streets abutting properties along Thilmany Road, Augustine Street, and Plank Road.**

Ald. Moore asked about exceptions to the property owners receiving credit or reduction in special assessment rates. Senior Project Engineer Neumeier stated that out of the requests made tonight, current city ordinance only allows for the corner lots and double frontage lots (through-lots) to receive a credit. The Council would have to change the existing ordinance, or direct staff to issue specific credits for the other requests not addressed in the ordinance. Ald. DeCoster inquired about charges for the truck route and how much of this road is a truck route. Senior Project Engineer Neumeier stated the only the access to the truck route is on Plank Road, from Green Bay Road to the MCC Inc. driveway. The sections of Plank Road paved under this project are not on the truck route and were not designed or constructed to be a truck route.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Resolution 2021-5288 Final Resolution Authorizing Public Improvements to Asphalt Streets abutting properties along Thilmany Road, Augustine Street, and Plank Road.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2021-5288 Final Resolution Authorizing Public Improvements to Asphalt Streets abutting properties along Thilmany Road, Augustine Street, and Plank Road.

All Ald. voted aye.

Motion carried.

**Ordinance 1833 Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.**

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Ordinance 1833 Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Ordinance 1833 Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.  
All Ald. voted aye.  
Motion carried.

**Ordinance 1834 Annexing Land from the Town of Buchanan to the City of Kaukauna.**

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1834 Annexing Land from the Town of Buchanan to the City of Kaukauna.  
All Ald. voted aye.  
Motion carried.

Motion by Moore, seconded by Kilgas to adopt Ordinance 1834 Annexing Land from the Town of Buchanan to the City of Kaukauna.  
All Ald. voted aye.  
Motion carried.

**ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 19.85(1)(E) TO DISCUSS THE SALE AND DEVELOPMENT OF MUNICIPAL PROPERTY IN COMMERCE CROSSING BUSINESS PARK.**

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss the sale and development of municipal property in Commerce Crossing Business Park.  
All Ald. voted aye.  
Motion carried.

Moved to closed session at 8:38 p.m.

**RETURN TO OPEN SESSION FOR POSSIBLE ACTION**

Motion by DeCoster, seconded by Moore to return to open session for possible action.  
All Ald. voted aye.  
Motion carried.

Returned to open session at 8:46 p.m.

Motion by Moore, seconded by Thiele to authorize staff to enter into the WB-45 Cancellation Agreement and Mutual Release for Lot 1, Part of Lot 3 in Commerce Crossing with 1617 Cass Street, LLC.  
All Ald. voted aye.  
Motion carried.

Motion by Moore, seconded by Coenen to authorize staff to enter into an Offer to Purchase Agreement with Harvest Development, LLC and/or assigns for Parcel 2-0957, Commerce Crossing  
All Ald. voted aye.  
Motion carried.