



## **COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – SEPTEMBER 19, 2023**

Pursuant to adjournment on September 5, 2023 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 19, 2023.

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

Absent & Excused: Moore and Thiele.

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fire Chief Carrel (via ZOOM), Fin. Dir. Van Rossum, Dir./Naturalist Nowak, Street Sup. Van Gompel, Lib. Dir. Thiem-Manning, and interested citizens.

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

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 5, 2023.

All Ald. present voted aye.

Motion carried.

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

#### **Bills Payable**

Motion by Coenen, 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**

##### **Reappointment of Lee Meyerhofer to the Utilities Commission.**

Motion by Eggleston, seconded by Kilgas to reappoint Lee Meyerhofer to the Utilities Commission.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Schell to move out of order and come back to item 5b.

All Ald. present voted aye.

Motion carried.

## REPORTS OF STANDING AND SPECIAL COMMITTEES

### Board of Public Works Meeting Minutes of September 18, 2023.

#### BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Monday, September 18, 2023 at 6:00 P.M.

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

Absent & Excused: Moore

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, Street Sup. Van Gompel, Street Foreman Nelson, Com. Enrich. & Rec. Dir. Vosters, Rec. Prog. Mgr. Zimmer, Police Chief Graff, and interested citizens.

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

All Ald. present voted aye.

Motion carried.

#### 1. Correspondence – none.

#### 2. Discussion Topics.

##### a. Comments/Update on Waste Ordinance Public Information Meeting.

DPW/Eng. Neumeier provided information on the public meeting on the Waste Ordinance which was held prior to this meeting. After the public meeting, he felt no changes needed to be made to the proposed ordinance. DPW/Eng. Neumeier recommends having staff give regular updates after the ordinance goes into effect. Discussion was held and questions answered.

##### b. Recommendation for award of Project 11-22R Jonen Park Pavilion Re-Bid.

DPW/Eng. Neumeier stated after reviewing the bids and the deductive alternate bids received from the five contractors, the bids from Milbach and Blue Sky are comparable and competitive. It is the opinion that the project cost will not be significantly reduced in the near future, so if the City desires to have a quality facility at Jonen Park, we should complete the project under this contract with City staff participating where possible to reduce project cost. Discussion was held and questions answered.

Motion by Schell, seconded by Coenen to award Project 11-22R Jonen Park Pavilion Re-bid to Milbach Construction Services, Kaukauna, including the base bid price of \$654,697.00, with deductive Alternate Bid Units #1- 5 for a total deduct of -\$35,298.00; a total contract award price of \$619,399.00.

All Ald. present voted aye.

Motion carried.

##### c. Request to install groundwater monitoring well – CTH CE at old Weiler Road.

The University of Wisconsin-Green Bay (UWGB) along with the Wisconsin Geological and Natural History Survey (WGNHS) have reached out to the City and Kaukauna Utilities to drill a test/research well for a project focused on groundwater arsenic and the cones of depression in Green Bay and the Fox Cities areas. UWGB and WGNHS are requesting to install a well at a location near the old Weiler Road on CTH CE. This request has been reviewed and recommended for approval by Plan Commission. The City has requested that an easement agreement be in

place, like the agreement for a well in LaFollette Park from 2021. The City has requested that UWGB provide the easement legal description and exhibit. City Attorney has been working with UW legal counsel to develop the agreement.

Motion by Kilgas, seconded by Eggleston to recommend to Common Council the approval of a resolution authorizing the Mayor and Clerk to enter into a Groundwater Monitoring Station Easement agreement with UWGB and WGNHS.

All Ald. present voted aye.

Motion carried.

**d. 2024 Urban Forestry Grant Application.**

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 project sponsor must initially fund 100% of project costs with cash, in-kind contributions and/or donations. Upon completion, the project sponsor requests reimbursement for 50% of eligible costs. Projects must relate to community tree management, maintenance or education within Wisconsin cities, villages, or other areas of concentrated development. City staff would like to apply for up to \$25,000 in a 2024 DNR Urban Forestry Grant to be matched with City funds for the removal of ash trees and reforestation of the same areas. Work areas would mostly include City parks. A resolution authorizing the Director of Public Works/City Engineer to apply for and administer a 2024 Urban Forestry Grant on behalf of the City is on the Common Council agenda for tomorrow night.

Motion by Antoine, seconded by DeCoster to recommend to Common Council the approval of a resolution authorizing the Director of Public Works/City Engineer to apply for and administer a 2024 Urban Forestry Grant on behalf of the City.

All Ald. present vote aye.

Motion carried.

**e. Public Works Update.**

DPW/Eng. Neumeier provided an update on City projects. The paving projects are starting to wrap up. The second half of the neighborhood in the Quinney/Metoxen area will be paved this week. The new construct areas just need some landscaping to be completed. The alley project is going to start soon. There will be a pre-construction meeting for that project along with Blue Stem Meadows and Hurkman Heights 4 subdivisions, which will be starting soon. Focus on the Fox is this Saturday September 23, 10am-3pm at 1000 Islands. It is a great chance to help clean up and learn about the Fox River. Quiet Zone Permitting update: The railroad put out their crossing Inventory so the City can now continue our application for the quiet zone permit.

Community Enrichment Service and Recreation Program Director Vosters provided the Board with an update on the Pool Renovation Project. Miron Construction is actively working on the project. They finished the locating utilities, have applied for storm water permits, and started site mobilization. The contents of the building have been emptied. Tree removal on-site started today. Temporary fencing followed by demolition of the old building will start later this week or early next week. Discussion was held and questions answered.

**3. Adjourn.**

Motion made by Coenen, seconded by Eggleston to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:22 pm.

Sally Kenney  
Clerk

Motion by Coenen, seconded by Eggleston to adopt the Board of Public Works Meeting Minutes of September 18, 2023.  
All Ald. present voted aye.  
Motion carried.

### **Health and Recreation Committee Meeting Minutes of September 18, 2023.**

#### **HEALTH AND RECREATION COMMITTEE**

A meeting of the Health and Recreation Committee was called to order by Chair Kilgas on Monday, September 18, 2023 at 6:22 P.M.

Members present: Coenen, DeCoster, Kilgas and Schell.

Also present: Mayor Penterman, Ald. Antoine, Ald. Eggleston, Ald. Thiele, Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, Police Chief Graff, Com. Enrich. Serv. Dir. Vosters, Rec. Prog. Mgr. Zimmer, Street Sup. Van Gompel and interested citizens.

#### **1. Correspondence – None.**

#### **2. Discussion Topics.**

##### **a. Amplified Music request to Adam Vander Hyden, Kaukauna Area School District, on October 4, 2023, from 5:45 pm to 6:45 pm at Upper Riverside Park/Wisconsin Ave./Lawe Street for the Homecoming Parade.**

Motion by Schell, seconded by DeCoster to approve the Amplified Music request to Adam Vander Hyden, Kaukauna Area School District, on October 4, 2023, from 5:45 pm to 6:45 pm at Upper Riverside Park/Wisconsin Ave./Lawe Street for the Homecoming Parade.

All members voted aye.

Motion carried.

##### **b. Amplified music request and use of City parking lot to Kristy Stumpf, Uptown Girl Beauty & Boutique on October 14, 2023, from 9 am to 5 pm for Fall Boutique Blowout Tent Sale.**

Motion by Coenen, seconded by Schell to approve the amplified music request and use of City parking lot to Kristy Stumpf, Uptown Girl Beauty & Boutique on October 14, 2023, from 9 am to 5 pm for Fall Boutique Blowout Tent Sale. The businesses adjacent will be made aware of event.

All members voted aye.

Motion carried.

##### **c. Class B Beer and Liquor license for Prime Steer Supper Club LLC, Gary L. Natrop Agent, 704 E. Hyland Ave., Kaukauna.**

Motion by Coenen, seconded by DeCoster to approve the Class B Beer and Liquor license to Prime Steer Supper Club LLC, Gary L. Natrop Agent, 704 E. Hyland Ave., Kaukauna.

All members voted aye.

Motion carried.

##### **d. Permission to allow St. Ignatius to sell Christmas trees in Farmer's Market Lot.**

Motion by DeCoster, seconded by Schell to grant permission to allow St. Ignatius to sell Christmas trees in Farmer's Market Lot.

All members voted aye.

Motion carried.

**e. Introduction of Carly Zimmer, Recreation Program Manager.**

Community Enrichment Services Director Vosters introduced newly hired Recreation Program Manager Carly Zimmer. Carly has experience in aquatics, athletics, event planning, budgeting and has a degree in HR. She has successfully started nine programs in the last eight days. She has reached out to almost every recreation club and organization and is already making positive connections.

**f. Request from Brittany Simonson, Kaukauna Utilities for the use of Hydro Park/KU Parking Lot on October 5, 2023, from 4-6 PM for the Customer and Community Appreciation Event.**

Motion by Schell, seconded by Coenen to approve the request from Brittany Simonson, Kaukauna Utilities for the use of Hydro Park/KU Parking Lot on October 5, 2023, from 4-6 PM for the Customer and Community Appreciation event.

All members voted aye.

Motion carried.

**3. Adjourn.**

Motion made by DeCoster, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

The meeting adjourned at 6:29 P.M.

Sally Kenney

Clerk

Motion by Kilgas, seconded by Antoine to adopt the Health and Recreation Committee Meeting Minutes of September 18, 2023.

All Ald. present voted aye.

Motion carried.

**Legislative Committee Meeting Minutes of September 18, 2023.**

**LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Chair Coenen on Monday, September 18, 2023, at 6:30 P.M.

Members present: Coenen, Eggleston, and Schell.

Absent & Excused: Moore.

Also present: Mayor Penterman, Ald. DeCoster, Kilgas, Antoine, Thiele, Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, Police Chief Graff, Street Sup. Van Gompel, Com. Enrich. Serv. & Rec. Dir. Vosters, Rec. Prog. Mgr. Zimmer and interested citizens.

Motion by Eggleston, seconded by Schell to excuse the absent member.

All members present voted aye.  
Motion carried.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. Waste Ordinance 11.11.

A public information meeting was held earlier today. This ordinance is being considered at the Common Council meeting tomorrow.

3. **Adjourn.**

Motion by Eggleston, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:34 p.m.

Sally Kenney, Clerk

Motion by Coenen, seconded by Schell to adopt the Legislative Committee Meeting Minutes of September 18, 2023.

All Ald. present voted aye.

Motion carried.

**Board of Appeals Meeting Minutes of September 6, 2023.**

Motion by Coenen, seconded by Kilgas to receive and place on file the Board of Appeals Meeting Minutes of September 6, 2023.

All Ald. present voted aye.

Motion carried.

**Plan Commission Meeting Minutes of August 17, 2023.**

Motion by Coenen, seconded by Eggleston to receive and place on file the Plan Commission Meeting Minutes of August 17, 2023.

All Ald. present voted aye.

Motion carried.

**Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 8, 2023.**

Motion by Coenen, seconded by Antoine to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 8, 2023.

All Ald. present voted aye.

Motion carried.

**Operator (Bartender) Licenses.**

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:

Barlow	Amanda	F.	1215 E. Wisconsin Ave.	Little Chute
Helms	Tanner	F.	160 Garfield St.	Kaukauna
Manders	Shari	J.	124 Morningside Dr.	Kaukauna
Nagan	Kimberly	A.	409 Turner St.	Wrightstown
Schink	Noah	C.	128 E. Tobacnoir St.	Kaukauna
Waldrop	Michelle	L.	204 Lawson St.	Menasha

Williams	Lisa	G.	338 S. Birch St.	Kimberly
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Motion by Kilgas, seconded by Schell to approve the Operator (Bartender) Licenses.  
All Ald. present voted aye.  
Motion carried.

## REPORTS OF CITY OFFICERS

### Fire Report

Motion by Coenen, seconded by DeCoster to receive and place on file the August 2023 Fire Report.  
All Ald. present voted aye.  
Motion carried.

### Ambulance Report

Motion by Coenen, seconded by Eggleston to receive and place on file the August 2023 Ambulance Report.  
All Ald. present voted aye.  
Motion carried.

### Police Report

Motion by Coenen, seconded by Kilgas to receive and place on file the August 2023 Police Report.  
All Ald. present voted aye.  
Motion carried.

### Municipal Court Report

Motion by Coenen, seconded by Schell to receive and place on file the August 2023 Municipal Court Report.  
All Ald. present voted aye.  
Motion carried.

### Clerk-Treasurer's Deposit Report

Motion by Coenen, seconded by Kilgas to receive and place on file the August 2023 Clerk-Treasurer's Deposit Report.  
All Ald. present voted aye.  
Motion carried.

### Building Inspection Report.

Motion by Coenen, seconded by Antoine to receive and place on file the August 2023 Building Inspection Report.  
All Ald. present voted aye.  
Motion carried.

### Presentation of the Capital Improvement Plan (CIP) for the 2024 Budget.

Finance Director Van Rossum provided a list of Capital Projects for 2024-2028 for review. Items on the list were discussed and questions answered. Council members were asked to review the Capital Improvement Plan.



### **Community Development Block Grant Funds.**

Planning and Community Development Director Stephenson stated the Community Development Block Grant (CDBG) is an allocation of money given to the City of Kaukauna to administer a series of loans for eligible low-income residents to fix their homes. Loans are given to the resident and upon the sale of their home the loan is paid back in full. While the program has a direct benefit to many of our residents the staff time to administer the loan and fill out the needed paperwork for the state and federal government is time intensive. Brown County's housing division has started administering the CDBG money on behalf of the state for the entire Outagamie/Brown County Region, but they will not fund projects in communities that still have CDBG funds. If the City of Kaukauna were to give their funds back to the state, Brown County Housing would administer the same program we have now but also allow for downpayment assistance as an increased service to low-income residents. The City currently holds \$229,931.44 in CDBG funds. Staff is looking for guidance on whether or not we should continue to administer this program ourselves or give the money back to the state and let Brown County administer it for us. Discussion was held and questions answered.

This item will be brought back to the Council at a future meeting.

### **Approval of First Amendment to the Memorandum of Understanding between the City of Appleton Fire Department and the Participating Partner Agencies for the Fiscal Year 2021 Assistance to Firefighters Grant Program.**

This Firefighters Grant Program is to replace portable radios. The Fire Department will no longer be able to purchase batteries for portable radios. These radios are fourteen years old and are used to communicate outside of the fire station or a vehicle. Additional funding sources were sought to cover the cost of replacing these radios. In January of 2022, the City of Kaukauna Fire Department entered into a grant with seventeen other Outagamie County fire departments. The funding match for this grant was originally five percent but has changed to ten percent. The amendment to this memorandum of understanding is to reflect this change in the percentage of grant match.

Motion by Antoine, seconded by DeCoster to approve the First Amendment to the Memorandum of Understanding between the City of Appleton Fire Department and the Participating Partner Agencies for the Fiscal Year 2021 Assistance to Firefighters Grant Program.

All Ald. present voted aye.

Motion carried.

## **PRESENTATION OF ORDINANCES AND RESOLUTIONS**

### **Resolution 2023-5403 Authorizing Resolution for 2024 Urban Forestry Grant.**

Motion by Coenen, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2023-5403.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Kilgas to adopt Resolution 2023-5403.

All Ald. present voted aye.

Motion carried.

**Resolution 2023-5404 Resolution Authorizing Mayor Anthony Penterman and Clerk Sally Kenney to enter into a Groundwater Monitoring Station Agreement with the University of Wisconsin-Green Bay and the Wisconsin Geological and Natural History Survey.**



Motion by Coenen, seconded by Eggleston to suspend the rules and waive the reading of Resolution 2023-5404.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by DeCoster to adopt Resolution 2023-5404.

All Ald. present voted aye.

Motion carried.

**Resolution 2023-5405 Resolution Accepting Plan Commission Approval of a Special Exception for Parcel 322095700 and 322095705.**

Motion by Coenen, seconded by Antoine to suspend the rules and waive the reading of Resolution 2023-5405.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Antoine to adopt Resolution 2023-5405.

All Ald. present voted aye.

Motion carried.

**Ordinance 1887-2023 - Ordinance Repealing and Recreating Section 11.11 Waste Material.**

Motion by Coenen, seconded by Schell to suspend the rules and waive the reading of Ordinance 1887-2023.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Schell to adopt Ordinance 1887-2023.

All Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by Eggleston to go back into order and take up item 5b 2023 Electric City Experience Recap.

All Ald. present voted aye.

Motion carried.

**2023 Electric City Experience Recap.**

Event Coordinators Jason Lipsky, 2000 Ashland Street, Oshkosh, and Jim Collar, 812 N. Clark Street, Appleton, provided a recap of the event. It was another successful year with the help and willingness from the City. The event is giving back \$15,000 back to the community. Discussion was held and questions were answered.

**CLOSED SESSION**

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Parcel 325021200.**

Motion by Coenen, seconded by Antoine to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Parcel 325021200.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 8:12 p.m.

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

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

All Ald. present voted aye.

Motion carried.

Returned to open session at 8:19 p.m.

Motion by Antoine, seconded by Kilgas to direct staff to purchase parcel 325021200 from Outagamie County.

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 8:20 p.m.

Sally Kenney, Clerk

