



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – JANUARY 17, 2023

Pursuant to adjournment on January 3, 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, January 17, 2023.

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

Also present: Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, Asst. Fire Chief Schneider, Police Chief Graff, Asst. Police Chief Sanderfoot, Police Lieutenant Bartolazzi, Police Sergeant Treichel, Police Officers Frank and Schaefer, Planner Stephenson (via Zoom) 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 Antoine to adopt the minutes of the Common Council meeting of January 3, 2023.

All Ald. voted aye.

Motion carried.

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

Bills Payable

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

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

Mark Frahm, W3287 Heartland Court, Appleton spoke about property he owns on Lawe Street in Kaukauna. He has dealt with the police department and the code enforcement officer about getting rid of tenants for nuisance violations. He is concerned that properties on both sides of his are not getting fined. Mayor Penterman asked him to call his office to discuss.

BUSINESS PRESENTED BY THE MAYOR

Congratulations to Craig Schneider on 25 years with the City of Kaukauna Fire Department.

Mayor Penterman thanked Assistant Fire Chief/Paramedic Craig Schneider on his 25 years with the City of Kaukauna and presented him with a gift.

Swearing in of Police Officer Jorge Del Carmen.

Police Chief Graff welcomed Jorge Del Carmen to the police department. He started with the City about two weeks ago. Clerk Kenney swore in Police Officer Jorge Del Carmen and his wife pinned his badge.

Proclamation School Choice Week January 22 through January 28, 2023.

Mayor Penterman read the proclamation.

Motion by Moore, seconded by Schell to receive and place on file the Proclamation School Choice Week January 22 through January 28, 2023.

All Ald. voted aye.

Motion carried.

Appointment of temporary substitute judge.

Mayor Penterman stated the 8th Judicial Court appointed John Van Drunen.

Motion by Kilgas, seconded by Coenen to appoint John Van Drunen as the temporary substitute Judge.

All Ald. voted aye.

Motion carried.

Attorney Davidson stated John Van Drunen sat as judge for municipal court last week and today. All matters are recorded and up to date as of today. Judge Van Drunen is a temporary substitute, and a permanent substitute will be assigned by the 8th Judicial Court until the April 2024 election.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of January 16, 2023.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, January 16, 2023 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, Street Sup. Van Gompel, Fire Chief Carrel, Com. Enrich. Serv. Dir. Vosters, HR Dir. Swaney, and interested citizens.

Chair Thiele acknowledged the holiday – Martin Luther King Jr. Day. Today our country celebrated the life of Martin Luther King Jr. and his impact on giving equal rights to everyone.

1. Correspondence – none.

2. Discussion Topics.

a. Red Hills Landfill Update.

Representative Heath Hoffman-Operations Manager from the Ahlstrom-Munksjo was present to provide information, along with photos, on their efforts and plans. Construction on Phase 6 sequence 2 is complete and the DNR is reviewing construction documentation for approval to place waste in the sequence. Approval is expected before May, and the plan would be to start putting waste in the sequence by August. The plan was to put material in Phase 5 for the winter. They have been putting material into Phase 5 until the last week. Due to warmer temperatures and thawing, they are temporarily putting waste in the east module of Phase 6. The plan is to return to Phase 5 as soon as the temperature drops for the remainder of the winter. Once the temperatures consistently are above freezing, they will focus on removing surface leachate from the center module. Questions from the Board

were answered.

b. Wisconsin Avenue Seawall Project Update.

DPW/Eng. Neumeier provided an update with photos of the project. McMahon Engineering put together some concept plans for the project for the Nelson Grant. The second grant being applied for is through the DNR, which is fifty percent of the cost. The City is in talks with Fox Locks expecting a letter of support to go with the grant application. There is a resolution on the council agenda for tomorrow night. Questions from the Board were answered.

c. Authorization to seek bids for Project #1-23, 2023 Concrete Street Paving.

The Engineering Department has completed survey and is finalizing design for installation of concrete streets for the listed roads. The new construction streets outlined are in need of the final driving surface, sidewalk, and driveway apron installation. The Street Reconstruction areas will include removal of asphalt and replacement with concrete street, driveway aprons and extension or replacement of sidewalks where needed. A preliminary resolution declaring intent to exercise special assessments is included in your packets for Council consideration on Tuesday night.

Motion by Moore, seconded by Schell to authorize the Engineering Department to seek bids for Project #1-23, 2023 Concrete Street Paving.

All members voted aye.

Motion carried.

d. Authorization to seek bids for Project #2-23, Kenneth Avenue Area Utility Relay – Phase 3.

The Engineering Department is completing plans for the annual utility relay project with Kaukauna Utilities. The proposed project is in the Kenneth Avenue to Crooks Avenue neighborhoods. The project will include replacement of sanitary sewer, water mains, private laterals from the main to the homes, and restoration of the affected areas.

Motion by Kilgas, seconded by Antoine to authorize the Engineering Department to seek bids for Project #2-23, Kenneth Avenue Area Utility Relay – Phase 3.

All Ald. voted aye.

Motion carried.

e. Authorization to seek bids for Project #4-23, 2023 Concrete Street Patch Program.

The Engineering Department and Street Department have identified various areas in need of concrete street panel replacement for which we have budgeted funds in the 2023 CIP. The City would also contract with KU to add any winter water main break patches with our larger replacement project in an effort to save money, staff resources, and to simplify project coordination. Due to several high traffic and school-adjacent patches on this project, we intend to seek bids early in 2023, and require contractors to complete any work on STH 55 or near schools, during the summer months.

Motion by DeCoster, seconded by Coenen to authorize the Engineering Department to seek bids for Project #4-23 – 2023 Concrete Street Patch Program.

All members voted aye.

Motion carried.

f. Municipal Pool Project Update.

Community Enrichment Services Director Vosters provided an update on the Municipal Pool

Project. Parkitecture and Planning is currently working on the pump building for the slide, the tower and the pool wall interface where slide will connect to the vessel. Splash pad design is currently being developed. Nearly complete is the design for the concession building and bathhouse. The next step is the mini-golf course and pump buildings for the splash pad. We believe to be on track for the bid to go out in February.

The Capital Campaign Committee is Mayor Penterman, Kelly Kelly, Nicci Sprangers, Dr. Chris Berkers, Bob Jakel and TJ Minnehan. The Committee has met three times with the last time being last week. Each committee member is making calls to meet with local businesses. The City has received one donation in addition to the Nelson Fund gift. A Campaign website went live last week. Social media platforms, newspaper ads and other forms of press releases are being developed and will go out to the public this week.

g. Public Works Update.

DPW/Eng. Neumeier provided a list of projects happening in the City. The City was informed last week that TDS is no longer working with Broadband Infrastructure. TDS is doing some of the cleanup work and are currently looking for a new contractor. TDS is hoping to have a new contractor in place by March or April. In the meantime, anywhere they have fiber optic live they can still do connections from the mains to the houses. They are currently not installing any new fiber mains at this time. The other project is the Vibrant Spaces Grant having to do with our alley project and also activating some vacant lots in the City downtown. The Planning Department has a resolution on the Common Council agenda for tomorrow night which would authorize staff to apply for the Vibrant Spaces Grant. Specifically for making improvements to downtown areas, increasing the number and types of audiences using the space, creating visible and lasting transformations that foster public activity to improve our downtown. Questions from the Board were answered.

3. Adjourn.

Motion made by Moore, seconded by Kilgas to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 6:31 p.m.

Sally Kenney
Clerk

Motion by Thiele, seconded by Kilgas to adopt the Board of Public Works Meeting Minutes of January 16, 2023.

All Ald. voted aye.

Motion carried.

Finance & Personnel Committee Meeting Minutes of January 16, 2023.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, January 16, 2023, at 6:32 pm.

Members present: Mayor Penterman, Alders Coenen, DeCoster, Moore, Kilgas, and Schell.

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Fire Chief Carrel, Com

Enrich. Serv. Dir. Vosters, HR Dir. Swaney and interested citizens.

1. **Correspondence** - None.
2. **Discussion Topics** - None.
3. **Adjourn to 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 Moore, seconded by Kilgas to adjourn to Closed Session.
All members voted aye.
Motion carried.

Adjourned to Closed Session at 6:33 p.m.

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

Motion by DeCoster, seconded by Schell to return to Open Session.
All members voted aye.
Motion carried.

Returned to Open Session at 6:42 p.m.

Motion by Moore, seconded by Coenen to adopt the 2023 Deputy Court Clerk stipend as presented.
All members voted aye.
Motion carried.

Motion by Kilgas, seconded by Schell to adopt the 2023 Deputy Clerk stipend as presented.
All members voted aye.
Motion carried.

4. **Adjourn.**

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

Meeting adjourned at 6:44 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Eggleston to adopt the Finance & Personnel Committee Meeting Minutes of January 16, 2023.
All Ald. voted aye.
Motion carried.

Health & Recreation Committee Meeting Minutes of January 16, 2023.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, January 16, 2023 at 6:45 P.M.

Members present: Antoine, DeCoster, Eggleston, and Kilgas.

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder Schell, Alder Moore, Street Sup. Van Gompel, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir. Vosters and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Solicitors Licenses.

The following applicants have applied for a solicitor's license for the license year 2023 and have been recommended for approval based on their record check by the police department:

| | | | | |
|-----------|---------|------|-----------------------|----------|
| Anderson | Trey | S. | 462 Marion Road | Oshkosh |
| Ayala | Edvardo | B.J. | 888 E. Shady Ln. #108 | Neenah |
| Bessette | Gavin | M. | W1962 Vandenberg St. | Freedom |
| Budzynski | Matthew | T. | 1621 Schaefer Circle | Appleton |
| Reategui | Lance | R. | 888 E. Shady Ln. #224 | Neenah |
| Zierler | Wyatt | L. | 142 Frances St. | Kaukauna |

Motion by DeCoster, seconded by Antoine to grant the Solicitors Licenses.

All members voted aye.

Motion carried.

b. Ordinance amending section 12.03.3 of the Municipal Code to include Class B Winery License.

Motion by Antoine, seconded by Kilgas to send the ordinance amending section 12.03.3 of the Municipal Code to include Class B Winery to the Common Council for approval.

All members voted aye.

Motion carried.

c. Class B Winery License to Hex Meadery, Lexie Lau Agent, 175 W. Wisconsin Aveune.

Motion by DeCoster, seconded by Antoine to approve the Class B Winery License to Hex Meadery, Lexie Lau Agent, 175 W. Wisconsin Ave., Kaukauna.

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 6:54 pm.

Sally Kenney
Clerk

Motion by Eggleston, seconded by Antoine to adopt the Health & Recreation Committee Meeting Minutes of January 16, 2023.

All Ald. voted aye.
Motion carried.

Legislative Committee Meeting Minutes of January 16, 2023.

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, January 16, 2023 at 6:54 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, HR Dir. Swaney, Fire Chief Carrel, Com. Enrich. Serv. Dir. Vosters, KU Moureau and interested citizens.

1. **Correspondence** - none.

2. **Discussion Topics.**

a. Cross Connection Ordinance.

Kaukauna Utilities (KU) Representative Zach Moureau, KU Environmental & Compliance Manager was present to provide background information. As a result of the Wisconsin Department of Natural Resources (WDNR) 2022 Sanitary Survey, the WDNR recommended modification to the City of Kaukauna ordinance Chapter 13.06(3) "Cross Connection Control and Backflow Prevention – Inspections" to align with State of Wisconsin regulatory code. Current ordinance language requires cross connection inspections at all non-residential facilities on a two-year interval; however, s. NR 810.15(1)(c) allows commercial properties that are similar or less risk than a residential property to be inspected on a ten-year interval. Revision of the language in the ordinance will lead to easier identification of the higher risk facilities. Cross connection ordinances for surrounding communities were researched and these revisions bring the ordinance in line with other communities. The Utility Commission approved the language change at the December 22, 2022 Utility Commission Meeting.

Motion by Moore, seconded by Coenen to approve and forward Ordinance 1879-2023 to the City Council.

All members voted aye.

Motion carried.

3. **Adjourn.**

Motion by Moore, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:58 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Moore to adopt the Legislative Committee Meeting Minutes of January 16, 2023.

All Ald. voted aye.

Motion carried.

Public Protection & Safety Committee Meeting Minutes of January 16, 2023.

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Chairman Kilgas on Monday, January 16, 2023 at 6:58 pm.

Members present: Eggleston, Kilgas, Schell, Thiele.

Also present: Mayor Penterman, Ald. Antoine, Coenen, DeCoster, Moore, Atty. Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir. Vosters, KU Moureau and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Firefighting Foam Bank Agreement.

Fire Chief Carrel provided the Firefighter Foam Bank Agreement, which includes seventeen area communities. The agreement is to jointly collaborate to purchase a Class B firefighting foam bank. The communities agree to mutually share the cost of the foam; prorated based on the population each community serves. The City of Appleton Fire Department agrees to facilitate the purchase of 265 gallons of Class B Firefighting Foam, transport the Foam from point of purchase and store the Foam at the City of Appleton Fire Department for the duration of this Agreement at no additional cost to the communities. Questions were answered.

Motion by Thiele, seconded by Eggleston to approve the Firefighting Foam Bank Agreement.
All members voted aye.
Motion carried.

3. Adjourn.

Motion by Schell, seconded by Eggleston to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 7:05 p.m.

Sally Kenney
Clerk

Motion by Kilgas, seconded by Schell to adopt the Public Protection & Safety Committee Meeting Minutes of January 16, 2023 as amended.
All Ald. voted aye.
Motion carried.

Plan Commission Meeting Minutes of October 20, 2022.

Motion by Moore, seconded by Coenen to receive and place on file the Plan Commission Meeting Minutes of October 20, 2022.
All Ald. voted aye.
Motion carried.

Plan Commission Meeting Minutes of November 17, 2022.

Motion by Moore, seconded by Antoine to receive and place on file the Plan Commission Meeting Minutes of November 17, 2022.
All Ald. voted aye.
Motion carried.

Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of December 13, 2022.

Motion by Moore, seconded by Kilgas to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of December 13, 2022.

All Ald. 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:

| | | | | |
|-----------|-----------|----|----------------------|--------------|
| Brokaw | Shawn | M. | 412 Hammen Ct. | Kaukauna |
| Franczek | John | A. | 9 Armstrong Ct. | Kaukauna |
| Harvey | Leah | E. | 1406 Biscayne Dr. | Little Chute |
| Keberlein | Mary | J. | 209 W. Seventh St. | Kaukauna |
| Keddell | Jennifer | V. | 700 W. Main St. | Little Chute |
| Kizewski | Joel | P. | 3125 N. Durkee St. | Appleton |
| Mader | Mackenzie | L. | 613 George St. | Kaukauna |
| Momberg | Jane | E. | 144 E. Tobacnoir St. | Kaukauna |
| Oakley | Michael | T. | 211 Oak St. | Kaukauna |
| Torud | Amanda | L. | N1922 Swanee Circle | Greenville |
| Van Abel | Lisa | A. | 609 W. Ninth St. | Kaukauna |
| Verstegen | Nicole | M. | 513 Third St. | Menasha |

Motion by Eggleston, seconded by Antoine to approve the Operator (Bartender) Licenses.

All Ald. voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Fire Report

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

All Ald. voted aye.

Motion carried.

Ambulance Report

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

All Ald. voted aye.

Motion carried.

Police Report

Motion by Moore, seconded by Coenen to receive and place on file the December 2022 Police Report.

All Ald. voted aye.

Motion carried.

Municipal Court Report

Motion by Moore, seconded by Thiele to receive and place on file the December 2022 Municipal Court Report.

All Ald. voted aye.

Motion carried.

Clerk-Treasurer's Deposit Report

Motion by Moore, seconded by Eggleston to receive and place on file the December 2022 Clerk-Treasurer's Deposit Report.

All Ald. voted aye.

Motion carried.

Building Inspection Report.

Motion by Moore, seconded by Kilgas to receive and place on file the December 2022 Building Inspection Report.

All Ald. voted aye.

Motion carried.

PRESENTATION OF ORDINANCES AND RESOLUTIONS**Ordinance 1878-2023 Ordinance Amending Section 12.03 (3)**

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Ordinance 1878-2023.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Ordinance 1878-2023.

All Ald. voted aye.

Motion carried.

Ordinance 1879-2023 Ordinance Amending Chapter 13.06 (3) Cross Connection Control and Backflow Prevention.

Motion by Moore, seconded by DeCoster to suspend the rules and waive the reading of Ordinance 1879-2023.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Ordinance 1879-2023.

All Ald. voted aye.

Motion carried.

Resolution 2023-5368 Resolution Designating the Municipal Services Building as the Polling Site.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Resolution 2023-5368.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by DeCoster to adopt Resolution 2023-5368.

All Ald. voted aye.

Motion carried.

Resolution 2023-5369 Resolution by the City of Kaukauna Requesting Utilization of Wisconsin Department of Natural Resources Grant for Wisconsin Avenue Seawall.

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Resolution 2023-5369.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Kilgas to adopt Resolution 2023-5369.

All Ald. voted aye.

Motion carried.

Resolution 2023-5370 Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for Public Improvements to Concrete Streets on Greyhound Street, Boxer Street, Setter Drive, Loderbauer Road, White Dove Lane, White Birch Street, Dixon Street, Seventh Street, Metoxen Avenue, Quinney Avenue, Canal Street, Oak Street and Schultheis Street.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2023-5370.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2023-5370.

All Ald. voted aye.

Motion carried.

Resolution 2023-5371 Governmental Responsibility Resolution for Wisconsin Economic Development Corporation Community Development Investment-Vibrant Spaces Grant (CDIVS GRANT) – 2ND & 3RD Street Pedestrian Walkways and Alley.

Motion by Moore, seconded by DeCoster to suspend the rules and waive the reading of Resolution 2023-5371.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to adopt Resolution 2023-5371.

All Ald. voted aye.

Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of public property - Commerce Crossing - Evergreen Drive.

Motion by Moore, seconded by Kilgas to adjourn to closed session.

All Ald. voted aye.

Motion carried.

Moved to closed session at 7:45 p.m.

Return to Open Session for possible action.

Motion by Coenen, seconded by Moore to return to Open Session.

All Ald. voted aye.

Motion carried.

Returned to Open Session at 8:19 p.m.

Motion by Moore, seconded by Schell to reject the offer by Commonwealth Real Estate Acquisitions LLC, and direct staff to work with the developer to get proper forms and financial obligation.

All Ald. voted aye.

Motion carried.

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss the disposition of public funds - New Prosperity Industrial Park.

Motion by Coenen, seconded by Moore to adjourn to closed session.

All Ald. voted aye.

Motion carried.

Moved to closed session at 8:21 p.m.

Return to Open Session for possible action.

Motion by Coenen, seconded by DeCoster to return to Open Session.

All Ald. voted aye.

Motion carried.

Returned to Open Session at 8:29 p.m.

Motion by Moore, seconded by Antoine to approve the agreement to provide a seven percent commission to Jim Esler for the proposed property in New Prosperity Center if the developer buys to property from the City of Kaukauna.

All Ald. voted aye.

Motion carried.

ADJOURN

Motion by Coenen, seconded by Eggleston to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:31 p.m.

Sally Kenney, Clerk

