

COUNCIL PROCEEDINGS - Council Chambers - Kaukauna, Wisconsin – December 20, 2016

Pursuant to adjournment on December 6, 2016, meeting of the Common Council of the City of Kaukauna called to order by Mayor Rosin at 7:00 P.M. on Tuesday, December 20, 2016.

Roll call, present: Coenen, Collins, Driessen, Leon, McGinnis, Meyerhofer, Penterman, and Roehrig.

Also present: Atty. Davidson, DPW/Eng. Sundelius, Fin. Dir. VanRossum, HR Dir. Vanderloop, Planner Jakel, Police Chief Manion, Fire Chief Hirte, IT Mgr. Krause, and interested citizens.

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

Motion by Meyerhofer, seconded by Leon, to suspend the rules and waive the reading of the minutes of the previous meeting of December 6, 2016.

All Ald. voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Penterman, to adopt the minutes of the previous meeting of December 6, 2016.

All Ald. voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Leon, that Vouchers No. 101103 through No. 101188 be approved and placed on file with the Clerk/Treasurer.

Upon roll call, all Ald. voted aye.

Motion carried.

Police Chief Manion introduced Matt Kohl and Stephanie Maas, police officers who have just completed their probation period. The pinning of the badge for Matt was done by his wife and the pinning of the badge for Stephanie was done by her mother.

The Civic Engagement Class gave a presentation on how they assisted with the web site for the ring of honor. They took pictures of all the individuals bricks and where they were located at the park and placed them on the website so any visitor can visit the website and see where their brick is. They reviewed the process they used and showed their results. They thanked Fin. Dir. VanRossum for his help.

Another Civic Engagement Class gave a presentation on how they would be proceeding on making updates to Fassbender Park. Meghan VanZeeland, Matthew Neubauer, and Luke Uitenbroek chose to incorporate a statue of the state's first public teacher, Electa Quinney, in the center of the park. There will be intersecting paths from the outside sidewalks to the center statue. The crock of cheese statue currently in the park will remain in the park but moved to a different location. They will have flowering trees in the park so one will always be in bloom. Twilight trees will also be placed in the park and provide light every night. They will be doing fundraising and applying for grants to pay for these items. Completion is expected in six years.

Motion by Meyerhofer, seconded by Penterman, to approve the concept of the Civic Engagement Class for Fassbender Park and allow construction to begin once the class has \$40,000 in hand and plans get approved by the Director of Public Works.

All Ald. voted aye.

Motion carried.

Motion by McGinnis, seconded by Coenen, to reappoint Karen Koch and Julie Schroeder to the Board of Canvassers.

All Ald. voted aye.

Motion carried.

Ald. Leon presented and read the following report:

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Chairman Leon on Monday, December 19, 2016, at 6:17 P.M.

Members present: Leon, McGinnis, Penterman, and Roehrig.

Members present: Coenen, Collins, Driessen, and Meyerhofer, Mayor Rosin, Atty. Davidson, DPW/Eng. Sundelius, Fire Chief Hirte, Fin. Dir. VanRossum, Planner Jakel, HR Dir. Vanderloop, and interested citizens.

1. DPW/Eng. Sundelius presented a map proposing a parking restriction of 50 feet at 224 E. 14th Street and a 20 foot 15 minute drop off zone for residents. Discussion held.

Motion by Penterman, seconded by McGinnis, to direct the City Attorney to draft an ordinance restricting parking 50 feet in front of 225 E. 14th Street and create a 20 foot 15 minute resident drop off zone.

All members voted aye.

Motion carried.

2. DPW/Eng. Sundelius presented a map reflecting an additional 25 feet of no parking on Kenneth Avenue by Tenth Street. There currently is no parking in the 15 foot section near the intersection at Tenth Street. There currently is no parking on the east side of Kenneth Avenue.

Motion by McGinnis, seconded by Penterman, to direct the City Attorney to draft an ordinance restricting parking for an additional 25 feet on the west of Kenneth Avenue

All members voted aye.

Motion carried.

Meeting adjourned at 6:21P.M.

Susan Duda
Clerk/Treasurer

and moved for its adoption, seconded by McGinnis.

All Ald. voted aye.

Motion carried.

Ald. McGinnis presented the following report:

CITY PLAN COMMISSION

A meeting of the City Plan Commission was called to order at 4:00 p.m. on Thursday, December 8, 2016, by Chairman Rosin.

Members Present: Feldt, McGinnis, Oldenburg, Penterman, Rosin, and Sundelius.

Absent and Excused: Schoenike and VanderSanden.

Also Present: Planning Director Jakel, City Attorney Davidson, Planning/Engineering Technician Holmes, Project Engineer Neumeier, and Applicants.

1. A motion to excuse the absent Commission members was made by Penterman, seconded by Oldenburg. All members voted aye. Motion carried.
2. A motion to approve the minutes of the October 27, 2016, meetings was made by McGinnis, seconded by Oldenburg. All members voted aye. Motion carried.
3. Mr. Jakel gave an update on the Fox River Board Walk and explained that there are four major existing and long-range trail segments including the CE Trail to the east, Konkapot Trail from CTH CE to downtown, downtown to the Grignon Mansion and marina area and west to Little Chute, Kimberly, Combined Locks and Appleton. Graef has been contracted to complete a feasibility study of the river crossing and a trail along the power canal for pedestrian and bike traffic. The study includes a number of options with some variation of a wood boardwalk along the shore. Mr. Jakel explained that Option #1 was the least expensive, Option #2 was eliminated due to the grade, and Option #3 has a long boulevard and a shorter bridge span. All options meet ADA guidelines of accessibility. The project has received a lot of support however some neighbors are apprehensive of the potential loss of privacy and prefer to shift the crossing as far south as possible. The options range in cost from \$2.4 million to \$3.1 million. There have been three public informational meetings so far with most participants looking for concrete decking. Mr. Jakel explained that the cost would be prohibitive and that composite is more favorable relative to cost and maintenance. Mr. Sundelius explained that the surface for the Hydro Park decking is actually Ipe wood – not composite. Mr. Penterman asked if a cost breakdown or final numbers were available. Mr. Jakel explained that it was too early in the process for final numbers and that more public input needs to be collected and the design needs to be finalized. Mr. Feldt asked which option was preferred. Mr. Jakel explained that Option #1 was likely the most feasible. Mr. Feldt asked how significant the land owner issue is to the project. Mr. Jakel explained that it is a potential issue and that care would be taken to mitigate adverse impacts however, objections would not stop the project if a decision was made to proceed. Attorney Davidson explained that the neighbor's primary concern is the aesthetics of the river and changing of the view. Mr. Jakel explained that neighbor concerns will be addressed.
4. Mr. Jakel explained that the property along with a portion of the WDOT right of way for I-41 has now been acquired by the developer for the preliminary plat for Phase 1 and 2 of Wildenberg North. The plat includes 61 lots however that could change as easements need to be secured. Phase 1 includes a looped water line along with the development of the lots – the proposed placement of the utilities looks okay however Lots 8 and 9 don't have the utility easement shown. Mr. Sehloff representing the developer explained that the utility and drainage easements are located across the front of the lots. Mr. Jakel asked about plans for Outlot 1. Mr. Sehloff explained that a storm water pond is planned and a berm will be placed along with pine trees and a white vinyl fence to mitigate highway noise. A deed restriction will also be placed regarding ownership of the outlot or it will be combined with another lot. Mr. McGinnis asked if the proposed street names have been approved by Outagamie County. Mr. Sehloff explained that they had been reserved. Mr. Sundelius expressed his concern about potential issues with approving Phase 1 without securing WDOT approval first. Mr. Sehloff explained that the property is owned by the developer and if they do not receive WDOT approval, they would keep the road as it is and eliminate four or five lots. Mr. Jakel asked about the relocation of a cable line. Mr. Sehloff explained that Time Warner Cable is monitoring the line. Mr. Sundelius explained that the concept plan shows the street tying into Harrison Street and that he wanted to prevent the street from reverting to City property for maintenance. Mr. Sundelius also explained that there are newer storm water requirements which may require adjustments to the plat. Mr. Neumeier explained that he is working with Davel Engineering and Outagamie County on the storm water issue. Mr. Sundelius explained that there are issues relative to mitigating the wetlands that all parties should be made aware of as well as a large future special assessment for Lots 35 and 36. A motion to recommend to the Council approval of the preliminary plat subject to the terms and conditions noted above was made by Sundelius, seconded by

Penterman. All members voted aye. Motion carried.

5. Mr. Jakel explained that WDOT Trans 233 at STH 55 and CTH CE requires that property adjoining a county road needed a 55' setback for building with no provision to waive or for a variance. However courts found it difficult to enforce and ruled that the requirement could be amended or modified. In this case, the developer is asking that the setback is moved to 25'. Chairman Rosin asked if the plat needed to be revised. Mr. Sundelius explained that it would not and that a search would show the rescission. A motion to recommend to the Council modifying the 110' highway setback line of Lot 1 and 2 at STH 55 and CTH CE to 50' was made by Sundelius, seconded by Feldt. All members voted aye. Motion carried.

There being no further business to be brought before the Commission, a motion to adjourn the meeting at 4:50 p.m. was made by Penterman, seconded by Sundelius. All members voted aye. Motion carried.

Julianne Schroeder, Executive Secretary

and moved it be accepted and placed on file, seconded by Leon.

All Ald. voted aye.

Motion carried.

Ald. Meyerhofer presented and read the following report:

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Rosin on Monday, December 19, 2016, at 6:00 P.M.

Members present: Collins, Driessen, Meyerhofer, and Roehrig.

Absent & excused: Coenen.

Also present: Ald. Leon, McGinnis, and Penterman, Atty. Davidson, DPW/Eng. Sundelius, Fin. Dir. VanRossum, Planner Jakel, Fire Chief Hirte, HR Dir. Vanderloop, and interested citizens.

1. Motion by Meyerhofer, seconded by Roehrig, to adopt the 2017 pay grade classifications as presented.

All members present voted aye.

Motion carried.

2. HR Dir. Vanderloop presented the 2017 pay schedule reflecting a 2.5% across the board increase over the 2016 schedule as adopted in the budget. This schedule is effective December 22, 2016.

Motion by Meyerhofer, seconded by Collins, to adopt the 2017 pay schedule as presented.

All members present voted aye.

Motion carried.

3. Motion by Meyerhofer, seconded by Collins, to adopt the 2017 salaries for the seasonal and part-time non-represented as presented.

All members present voted aye except Ald. Roehrig abstained.

Motion carried.

Ald. Coenen arrived at this time – 6:07 P.M.

4. HR Dir. Vanderloop reviewed the changes in the Standard Operating Guidelines (SOG) for the Department of Public Works from the last adopted version in 2014.

Motion by Meyerhofer, seconded by Roehrig, to adopt the Standard Operating Guidelines for the Department of Public Works/Street and Park Department which includes the table of organization and wage schedule effective December 22, 2016.

All members present voted aye.

Motion carried.

5. Motion by Meyerhofer, seconded by Driessen, to start the process to fill the position of Assistant Police Chief to replace Kevin Shepardson who is retiring in January.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:16 P.M.

Susan Duda
Clerk/Treasurer

and moved for its adoption, seconded by Collins.

All Ald. voted aye.

Motion carried.

Ald. Meyerhofer presented the minutes of the Heart of the Valley Metropolitan Sewerage District Commission of November 8, 2016, and moved it be accepted and placed on file, seconded by Coenen.

All Ald. voted aye.

Motion carried.

Ald. Coenen presented and read the following report:

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Coenen on Monday, December 19, 2016, at 6:22 p.m.

Members present: Coenen, Collins, Leon, and McGinnis.

Also present: Ald. Driessen, Meyerhofer, Penterman, and Roehrig, Atty. Davidson, Mayor Rosin, Planner Jakel, Fire Chief Hirte, Fin. Dir. VanRossum, HR Dir. Vanderloop, DPW/Eng. Sundelius, and interested citizens.

1. Motion by McGinnis, seconded by Collins, to grant a Temporary Class B Retailers License to St. Ignatius Catholic School, 220 Doty Street, for the Grand Event on January 27, 2017.

All members voted aye.

Motion carried.

2. Motion by Leon, seconded by Collins, to grant a Combination Class B Beer and Liquor License to Verbetens Bowling Lanes, LLC, Ryan VanSchyndel, Agent, 154 E. Third Street.

All members voted aye.

Motion carried.

Meeting adjourned at 6:24 P.M.

Susan J. Duda
Clerk/Treasurer

and moved for its adoption, seconded by Collins.
All Ald. voted aye.
Motion carried.

Ald. Collins presented the following applications for operator licenses for the 2016-2018 License Year:

Eric R. Forbes - W6069 Paige Way, Appleton
Theresa A. Gietman - 525 Whitney Street, Kaukauna
Chloe M. Griesbach - 907 Roosevelt Street, Kaukauna
Nathan P. Liebhauser - 1049 Crestview Drive, Wrightstown
Kelynn L. Sporer - 1749 N. Outagamie Street, Appleton
Trevor L. VanStiphout - 501 E. 20th Street, Kaukauna

and moved that they be granted as presented, seconded by Penterman.
All Ald. voted aye.
Motion carried.

Ald. Coenen presented the following applications for operator licenses for the 2016-2018 License Year:

Joseph R. Vazquez - 701 1/2 Dodge Street, Kaukauna

and moved that it be denied based on the recommendation of the Police Department due to his record,
seconded by McGinnis.
All Ald. voted aye.
Motion carried.

Ald. Meyerhofer presented the Fire Report for the month of November, 2016, and moved it be accepted and
placed on file, seconded by Collins.
All Ald. voted aye.
Motion carried.

Ald. Meyerhofer presented the Ambulance Report for the month of November, 2016, and moved it be
accepted and placed on file, seconded by Penterman.
All Ald. voted aye.
Motion carried.

Ald. Meyerhofer presented the Police Department Report for the month of November, 2016, and moved it be
accepted and placed on file, seconded by Leon.
All Ald. voted aye.
Motion carried.

Ald. Meyerhofer presented the Municipal Court Report for the month of November, 2016, and moved it be
accepted and placed on file, seconded by Driessen.
All Ald. voted aye.
Motion carried.

Ald. Meyerhofer presented the Treasurer Deposit Report for the month of November, 2016, and moved it be
accepted and placed on file, seconded by Leon.
All Ald. voted aye.
Motion carried.

Ald. Meyerhofer presented the Summary of Permits and Fees for the month of November, 2016, and moved it be accepted and placed on file, seconded by McGinnis.

All Ald. voted aye.

Motion carried.

Ald. Meyerhofer presented the Finance Report for the month ended November 30, 2016, and moved it be accepted and placed on file, seconded by Driessen.

All Ald. voted aye.

Motion carried.

Planner explained that WDOT Trans 233 requires that property adjoining a county road needs a 55 foot setback for building with no provision to waive or get a variance. However, courts found it difficult to enforce and ruled that the requirement could be amended or modified. The developer is requesting that the 110 foot highway setback be removed on Lots 1 and 2 of the Certified Survey Map. WDOT has approved this request and the City Plan Commission is recommending it be modified to 50 feet.

Motion by Meyerhofer, seconded by Coenen, to approve the rescission of Trans 233 restriction on Lots 1 and 2 of certified survey map #4672 for the 110 foot highway setback line.

All Ald. voted aye.

Motion carried.

Planner Jakel reviewed the preliminary plat for Wildenberg North. The plat will be completed in two phases and is located at the intersection of I-41 and CTH CC. Ald. McGinnis questioned if the street names were reserved with Outagamie County. Planner Jakel stated that the names were approved by Outagamie County.

Motion by Meyerhofer, seconded by Penterman, to approve the layout of the preliminary plat for Wildenberg North.

All Ald. voted aye.

Motion carried.

Planner Jakel explained that when Precision Papers Converters applied for a permit to expand its facility, the DNR required them to build a storm water pond that would treat the water that drained into the city's storm water facility. They incurred unanticipated costs with the incompatible soils. The funds would be used for storm water management on site, installation of a fire lane turn around, and unknown adverse soil conditions and will be paid out of monies from TIF Dist. No. 6.

Motion by Meyerhofer, seconded by Leon, to authorize and direct the City Attorney to prepare a Developers Agreement for the disbursement of \$25,000 to Precision Paper Converters.

All Ald. voted aye.

Motion carried.

DPW/Eng. Sundelius gave an update on the internal meeting held with Kaukauna Youth Baseball. Our present athletic facilities were evaluated and we discussed our plans for future facilities. A meeting is scheduled next week with the Kaukauna Area School District. DPW/Eng. Sundelius stressed that we will do whatever we can to accommodate Kaukauna Youth Baseball.

Motion by Meyerhofer, seconded by Driessen, to suspend the rules and waive the reading of Ordinance No. 1753.

All Ald. voted aye.

Motion carried.

Ald. Meyerhofer presented Ordinance No. 1753 establishing salaries for various elected officials and moved for its adoption, seconded by McGinnis.

All Ald. voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Driessen, to suspend the rules and waive the reading of Resolution No. 4016.

All Ald. voted aye.

Motion carried.

Ald. Meyerhofer presented Resolution No. 4016 adopting nunc pro tunc Resolution No. 4003 creating Tax Increment District No. 9 and moved for its adoption, seconded by Penterman.

All Ald. voted aye.

Motion carried.

Atty. Davidson stated that the litigation with Highline Development has been dismissed and the case is now closed.

Chris Berkers, CHB Properties LLC., was present and asked if anyone had any questions regarding his offer to purchase Lot 8 of Commerce Crossing. He is planning a multi-tenant commercial building of approximately 6,000 square feet with approximately 4,000 square feet dedicated to a general dentistry clinic. The estimated timeline for building is the summer of 2017 and the latest is 2019. Anticipated building most likely would occur in 2018.

Motion by Coenen, seconded by Driessen, to convene to Closed Session at 8:11 P.M. pursuant to Wisconsin State Statutes 19.85 (1) (e) to discuss disposition of property in Commerce Crossing.

All Ald. voted aye.

Motion carried.

Motion by Collins, seconded by Driessen, to reconvene to Open Session at 8:32 P.M.

All Ald. voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Penterman, to direct City Attorney to draft a counter offer to CHB Properties LLC and add a guarantee for the start of construction within twelve months and if not add an extension clause with \$5,000 deposit if longer than a year for the start of construction.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:36 P.M.

Susan J. Duda

Clerk/Treasurer