

COUNCIL PROCEEDINGS - Council Chambers - Kaukauna, Wisconsin – February 7, 2017

Regular meeting of the Common Council of the City of Kaukauna called to order by Mayor Rosin in the Council Chambers at 7:00 P.M. on Tuesday, February 7, 2017.

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

Absent & excused: Collins.

Also present: Atty. Davidson, DPW/Eng. Sundelius, Police Chief Manion, Fin. Dir. VanRossum, Planner Jakel, 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 January 17, 2017.

All Ald. present voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Leon, to adopt the minutes of the previous meeting of January 17, 2017.

All Ald. present voted aye.

Motion carried.

Motion by Meyerhofer, seconded by McGinnis, that Vouchers No. 101631 through No. 101773 be approved and placed on file with the Clerk/Treasurer.

Upon roll call, all Ald. present voted aye.

Motion carried.

Motion by Coenen, seconded by McGinnis, to approve the appointment of Bruce Werschem to the Board of Appeals to replace Ron Welch.

All Ald. present voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Leon, to approve the appointment of Pahl Ploetz to the Grignon Mansion Board to replace Mary VanderSanden.

All Ald. present voted aye.

Motion carried.

Motion by McGinnis, seconded by Coenen, to approve the reappointment of Ken Kavanaugh to the Board of Appeals.

All Ald. present voted aye.

Motion carried.

Motion by McGinnis, seconded by Meyerhofer, to approve the reappointment of John Neumeier III to the Public Housing Authority.

All Ald. present voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Leon, to approve the appointment of Craig Koch to the Board of Appeals as an alternate.

All Ald. present voted aye.

Motion carried.

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

Brianna M. Huss - 416 W. 8th Street, Kaukauna
Kelly J. Hussin - 1700 Fieldcrest Drive, Kaukauna
Heather L. LaRue - 409 Plank Road, Kaukauna
Shane H. Mrotek - 104 E. 5th Street, Kaukauna
Sarah E. Ochowicz - 920 Metoxen Avenue, Kaukauna
Lisa A. Portillo - 176 Lamplighter Drive, Kaukauna
Kelly J. Tank - 817 Augustine Street, Kaukauna
Jennifer E. Woods - 200 Fort Howard Avenue, DePere

and moved that they be granted as presented, seconded by McGinnis.

All Ald. present 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, February 6, 2017, at 8:03 P.M.

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

Also present: Coenen, Driessen, and Meyerhofer, Mayor Rosin, Atty. Davidson, DPW/Eng. Sundelius, Fire Chief Hirte, Police Chief Manion, Fin. Dir. VanRossum, Planner Jakel, Eng./GIS Spec. Neumeier, and interested citizens.

1. DPW/Eng. Sundelius presented a map proposing stop signs and yield signs in Hurkman Heights and Wildenberg IV. Discussion held.

Motion by Roehrig, seconded by McGinnis, to direct the City Attorney to draft an ordinance for the installation of traffic signs in Hurkman Heights and Wildenberg IV.

All members voted aye.

Motion carried.

Meeting adjourned at 8:08 P.M.

Susan Duda
Clerk/Treasurer

and moved for its adoption, seconded by Meyerhofer.

All Ald. present 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, January 26, 2017, 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, Finance Director Van Rossum, Planning/Engineering Technician Holmes, Project Engineer Neumeier, and Applicants.

1. A motion to excuse the absent Commission members was made by McGinnis, seconded by Feldt. All members voted aye. Motion carried.
2. A motion to approve the minutes of the December 8, 2016, meeting was made by Penterman, seconded by Sundelius. All members voted aye. Motion carried.
3. Mr. Jakel explained that the St. Paul Home owns property on three sides of their property and has previously petitioned for vacation of other parts of the street. Two lots will be combined into one with 60' of frontage, making it a legal lot – the street can then be vacated and added to the St. Paul property where they will be responsible for maintenance. Mr. Sundelius asked if the adjoining property owner is aware of the vacation and in favor. Mr. Jakel explained that the neighbor has been working with the St. Paul Home on the project. Mr. Sundelius asked what advantage the vacation would be to St. Paul Home. Mr. Jakel explained that there would be no special assessment for the reconstruction of 13th Street if their portion is private – which is actually a cost savings for both parties. Mr. Jakel explained that the vacation requires a public hearing and since the property is within one-half mile of a state highway, a 30-day notice to the DOT is required. A motion to recommend that the Council set the Public Hearing to receive comments on the proposed vacation was made by McGinnis, seconded by Penterman. All members voted aye. Motion carried.
4. Mr. Jakel explained that the CSM for East 13th Street would be done in conjunction with Item #3 above. The lot is currently non-conforming and the CSM would address that. A motion to recommend to the Council approval of the CSM subject to the vacation proposed above was made by Feldt, seconded by Sundelius. All members voted aye. Motion carried.
5. Mr. Jakel explained that the applicant's intent is to combine two lots into one to accommodate the construction of an accessory building over the lot line at 1000 West Wisconsin Avenue. The applicant is the owner of both lots. A motion to recommend to the Council approval of the CSM as presented was made by Penterman, seconded by McGinnis. All members voted aye. Motion carried.
6. Pat Connor of Newmark Grubb and Pfefferle presented a Letter of Intent by Goodwill Industries of NCW, Inc. for the purchase of approximately three acres in Commerce Crossing. Goodwill likes the location of the park and is flexible on their ultimate location within Commerce Crossing. They are proposing a PILOT (Payment In Lieu of Taxes) as they are tax exempt and the property is within an active TIF district. Mr. Jakel asked about the number of parking stalls needed. Tom Fisk of Newmark Grubb and Pfefferle explained that the requirement is five per 1,000 square foot so approximately 110 parking stalls are needed. Mr. Jakel asked if accommodating storm water onsite was not a concern, would Goodwill consider a smaller sight. Mr. Connor explained that the smallest lot they could consider is 2.1 acres as they have parking and truck access to consider.
7. A motion to adjourn to Executive Session at 4:17 p.m. pursuant to Wisconsin State Statutes 19.85 (1) (e) for the disposition of property at Commerce Crossing to Goodwill was made by Penterman, seconded by Sundelius. All members voted aye. Motion carried.
8. A motion to return to Open Session at 4:55 p.m. was made by McGinnis, seconded by Oldenburg. All members voted aye. Motion carried.

9. Mr. Jakel asked if the Goodwill facility will include a drop off area. A representative from Goodwill explained that there will be retail sales and a drop-off area, however it will be inside the building and staffed. Chairman Rosin asked if the existing Goodwill drop-off facility on the south side would remain open. The Goodwill representative explained that it would remain open. Mr. Jakel asked about viewing PILOT agreements the applicant has with other communities including Plover, Oshkosh, and LaCrosse. Mr. Connor would look into getting that information. Chairman Rosin asked if the PILOT would continue after the TIF closes. Mr. Fisk explained that the payment to cover services like snow removal would continue. Mr. Jakel explained that there are a number of other projects in play including a dental office, strip mall, medical facility, Lazy Dog, and a big box store and asked if Goodwill had a specific spot in mind. The Goodwill representative explained that they would prefer to be next to the medical facility and across from the big box store. Mr. Connor explained that while the LOI shows the applicants interest in the property, there are a number of moving parts to the project and it would be up to the City on how to accommodate them. A motion to direct staff to proceed with finalizing a Letter of Intent with Goodwill Industries of NCW, Inc. for a retail store in Commerce Crossing was made by Feldt, seconded by Sundelius. All members voted aye. Motion carried. Mr. Sundelius asked how far out the other projects are from submitting site plans. Mr. Jakel explained that it would be at least three months before site plans are submitted.

There being no further business to be brought before the Commission, a motion to adjourn the meeting at 5:15 p.m. was made by Penterman, seconded by McGinnis. All members voted aye. Motion carried.

Julianne Schroeder, Executive Secretary

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

All Ald. present voted aye.

Motion carried.

Ald. McGinnis presented and read the following report:

BOARD OF PUBLIC WORKS

Meeting of the Board of Public Works called to order by Chairman McGinnis at 6:00 P.M. on Monday, February 6, 2016.

Members present: Coenen, Driessen, Leon, McGinnis, Meyerhofer, Penterman, and Roehrig.

Absent & excused: Collins.

Also present: Mayor Rosin, DPW/Eng. Sundelius, Atty. Davidson, Planner Jakel, Police Chief Manion, Fin. Dir. VanRossum, St. Supt. VandenHeuvel, Fire Chief Hirte, Rec. Dir. Malloy, Eng./GIS Spec. Neumeier, and interested citizens.

1. Planner Jakel reviewed the three principle areas that will be part of the City trail system. The first is the downtown trail along the power canal and hydro park; the second is the River trail on the south side of the river which is multi jurisdictional and joins Combined Locks, Little Chute, and other neighboring communities; and the third is the existing CE Trail extending from Loderbauer Road to Kavanaugh Road.

Motion by Meyerhofer, seconded by Penterman, to direct staff to proceed with the CE Trail system extension and come back with a resolution supporting the trail.

All Ald. present voted aye.

Motion carried.

2. Planner Jakel reviewed the design services proposal for site improvements at the Grand Kakalin site. He presented a drawing showing the plans in developing a public plaza along the bank of the Fox River. A portion of the state TIF funds are still available for the project.

Motion by Meyerhofer, seconded by Driessen, to approve the design contract with SEH for \$38,410 for site improvements at the Grand Kakalin site.

All Ald. present voted aye.

Motion carried.

3. Planner Jakel updated the Board on the acquisition of an easement for the relocation of Thilmany Road. Two different appraisals were received and there was a major difference between the appraisals. The Department of Administration will be the entity granting the easement.

4. Planner Jakel explained the plans for an event sponsored by Young Professionals known as PULSE called Bazaar After Dark. They plan to close Second and Third Streets for the event at noon with event to run from 5 to 10 on April 29, 2017. They held a similar event in Appleton on Wisconsin Avenue last year. Vendors will be there along with music and a mural will be drawn. This will also be a kickoff for Rock the Block. Construction will be held off in this area to avoid conflict with this event. Planner Jakel just wanted to bring the Board up to date with the plans to see if there would be any questions or concerns with the event.

5. Motion by Driessen, seconded by Penterman, to grant a Junk Dealer's License to Jeffrey Kerry, Goldin Iron & Metal Recycling.

All Ald. present voted aye.

Motion carried.

6. DPW./Eng. Sundelius gave a public works update. He presented a map outlining all the areas that will have some type of project this year.

7. Motion by Driessen, seconded by Penterman, to convene to Closed Session at 6:50 P.M. pursuant to Wisconsin State Statutes 19.85 (1) (e) to discuss acquisition of property.

All Ald. present voted aye.

Motion carried.

8. Motion by Penterman, seconded by Coenen, to reconvene to Open Session at 7:27 P.M.

All Ald. present voted aye.

Motion carried.

Motion by Driessen, seconded by Penterman, to adjourn.

All Ald. present voted aye.

Motion carried.

Meeting adjourned at 7:28 P.M.

Susan J. Duda
Clerk/Treasurer

and moved for its adoption, seconded by Meyerhofer.

All Ald. present voted aye.

Motion carried.

Ald. Meyerhofer presented and read the following report:

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Meyerhofer on Monday, February 6, 2017, at 7:53 P.M.

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

Also present: Ald. Coenen, Leon, and McGinnis, Atty. Davidson, Mayor Rosin, Police Chief Manion, Fire Chief Hirte, Planner Jakel, Fin. Dir. VanRossum, DPW/Eng. Sundelius, Eng./GIS Spec. Neumeier, and interested citizens.

1. Atty. Davidson explained that the proposed sexting ordinance would serve as a tool to deter minors from sharing explicit images and related activities.

Motion by Penterman, seconded by Roehrig, to recommend to the Council adoption of ordinance creating Section 9.34 of the Municipal Code prohibiting sexting.

All members voted aye.

Motion carried.

2. Atty. Davidson explained that the amendment to the truancy ordinance would clarify the definition of pupil as it pertains to a student reaching the age of 18.

Motion by Driessen, seconded by Roehrig, to recommend to the Council adoption of ordinance amending Section 9.27 (2) of the municipal code relating to truancy.

All members voted aye.

Motion carried.

Meeting adjourned at 8:02 P.M.

Susan Duda
Clerk/Treasurer

and moved for its adoption, seconded by Penterman.

All Ald. present 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, February 6, 2017, at 7:29 P.M.

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

Absent & excused: Collins.

Also present: Ald. Leon, McGinnis, and Penterman, Atty. Davidson, DPW/Eng. Sundelius, Fin. Dir. VanRossum, Planner Jakel, Fire Chief Hirte, Police Chief Manion, Eng./GIS Spec. Neumeier, and interested citizens.

1. Planner Jakel introduced Jason Lipski, coordinator for the line-up of music for Electric City Experience as well as Live from Hydro Park. Jason explained that Electric City Experience would like to request a donation of \$7,000 to cover the fireworks and tents. They are looking at moving the music from Central Park to Hydro Park, Badger Island, and by the cul-de-sac at Central Park and would need tents for protection from the elements. They would also like to add carnival rides. The Center for Suicide Awareness is joining Electric City Experience this year and are looking at sponsoring a car show. Fin. Dir. VanRossum stated that \$5,000 was budgeted.

Motion by Meyerhofer, seconded by Roehrig, to approve the donation of \$7,000 for the Electric City Experience for fireworks and tents.
All members present voted aye.
Motion carried.

2. Motion by Driessen, seconded by Roehrig, to fill the vacant police officer position due to retirement.
All members present voted aye.
Motion carried.

3. Motion by Meyerhofer, seconded by Coenen, to fill the vacant part-time records clerk position.
All members present voted aye.
Motion carried.

Meeting adjourned at 7:44 P.M.

Susan Duda
Clerk/Treasurer

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

Ald. Meyerhofer presented the minutes of the Police and Fire Commission of January 5, 2017, and moved it be accepted and placed on file, seconded by Leon.
All Ald. present 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, February 6, 2017, at 7:45 p.m.

Members present: Coenen, Leon, and McGinnis.

Absent & excused: Collins.

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

1. Motion by McGinnis, seconded by Leon, to grant a Temporary Class B Retailers License to St. Ignatius Catholic School, Holy Cross Site, 220 Doty Street, for the Chili Fest on February 11, 2017.

All members present voted aye.

Motion carried.

2. Motion by Leon, seconded by McGinnis, to grant a Temporary Class B Retailers License to St. Ignatius Catholic School, Holy Cross Site, 220 Doty Street, for the Men's Open Basketball Tournament on March 24-26, 2017.

All members present voted aye.

Motion carried.

3. Motion by McGinnis, seconded by Leon, to grant a Temporary Class B Retailers License to St. Ignatius Catholic School, Holy Cross Site, 220 Doty Street, for the Men's Open Basketball Tournament on April 7-9, 2017.

All members present voted aye.

Motion carried.

4. Discussion held on changing the Halloween Hours. Ald. Penterman did a facebook survey with the following results: Halloween hours of 4 - 6 had 48 votes, 4 - 7 had 204 votes, 5 - 7 had 90 votes, and doesn't matter had 3 votes. Citizens are also requesting to have it on Sunday instead. Mayor's Office will do a survey and advertise to go to our website to fill out the survey.

Meeting adjourned at 7:52 P.M.

Susan J. Duda
Clerk/Treasurer

and moved for its adoption, seconded by McGinnis.

All Ald. present voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Coenen, to suspend the rules and waive the reading of Ordinance No. 1755.

All Ald. present voted aye.

Motion carried.

Ald. Meyerhofer presented Ordinance No. 1755 creating Section 9.34 of the City of Kaukauna Municipal Code prohibiting sexting and moved for its adoption, seconded by McGinnis.

All Ald. present voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Coenen, to suspend the rules and waive the reading of Resolution No. 4074.

All Ald. present voted aye.

Motion carried.

Ald. Meyerhofer presented Resolution No. 4074 approving a Certified Survey Map for Gary Keating and moved for its adoption, seconded by McGinnis.

All Ald. present voted aye.

Motion carried.

Atty. Davidson presented and read Resolution No. 4075 accepting Developers Agreement with Precision Paper Converters. Ald. Meyerhofer moved for its adoption as read, seconded by Coenen.

All Ald. present voted aye.

Motion carried.

Motion by McGinnis, seconded by Leon, to convene to Closed Session at 7:24 P.M. pursuant to Wisconsin State Statutes 19.85 (1) (e) to discuss disposition of property situated in Commerce Crossing.

All Ald. present voted aye.

Motion carried.

Motion by McGinnis, seconded by Meyerhofer, to reconvene to Open Session at 7:56 P.M.

All Ald. present voted aye.

Motion carried.

Atty. Davidson reported that he had a court appearance regarding 632 Hyland Avenue and the court ruled to dismiss.

Motion by Roehrig, seconded by Driessen, to adjourn.

All Ald. present voted aye.

Motion carried.

Meeting adjourned at 7:58 P.M.

Susan J. Duda
Clerk/Treasurer