

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 Wednesday, April 4, 2018.

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

Also present: Atty. Davidson, DPW/Eng. Sundelius, Fin. Dir. VanRossum, Planner Jakel, Police Chief Manion, HR Dir. Vanderloop, Rec. Dir. Malloy, Clerk/Treasurer Elect Kenney, Ald. Elect Kohne, 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 March 20, 2018.

All Ald. voted aye.

Motion carried.

Ald. Coenen and Meyerhofer asked for various amendments to the minutes from the previous meeting.

Motion by Meyerhofer, seconded by Penterman, to adopt the minutes of the previous meeting of March 20, 2018, as amended with the inclusion of the audit report from the city attorney regarding the absentee process.

All Ald. voted aye.

Motion carried.

Clerk/Treasurer read correspondence from Mel Rabideau, Post 3319, requesting \$300 to help defray the costs of the Memorial Day Program at Veterans Memorial Park on May 29th.

Motion by McGinnis, seconded by Meyerhofer, to grant the donation of \$300 for the Memorial Day Program at Veterans Memorial Park on May 29th.

All Ald. voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Coenen, to accept and place on file the correspondence from Mel Rabideau, Post 3319, requesting \$300 to help defray the costs of the Memorial Day Program at Veterans Memorial Park on May 29th.

All Ald. voted aye.

Motion carried.

Motion by Penterman, seconded by McGinnis, to accept and place on file the Board of Canvassers Report from April 3, 2018.

All Ald. voted aye.

Motion carried.

Motion by Meyerhofer, seconded by Leon, that Vouchers No. 104804 through No. 104855 be approved and placed on file with the Clerk/Treasurer.

Upon roll call, all Ald. voted aye.

Motion carried.

Mike Weaver, retired bank executive for 45 years, stated the statutes speak for themselves. He is disappointed and has concerns about the clerk/treasurer's office. There are standard operating procedures and this should never have happened. When these deficiencies were raised the council should have seen to it that the honesty and integrity of the department was maintained. Checks and balances should be in place. Pennie Thiele, 118 W. Morningside Drive, stated that she surveyed five communities with similar population and they have an appointed clerk/treasurer that requires a minimum of a bachelor's degree for this position. This position goes through human resources so a qualified person can be found. There is not even a job description for this position. Fred Cazzola, citizen of the 3rd district, military reservist for 42 years, stated he has worked with numerous people and had individuals underneath him and if issues come up he starts the blame with himself. This position is covered by charter ordinance and at the end of the day it was a violation of policy. Dorothy Weiland, 108 W. 6th Street, handed out a piece of paper stating how the council's handling of this situation was unprofessional and disturbing and pointed out that Duda was honest and people trust her. The timing of all of this was also very suspicious and planned. Meyerhofer needs to clean up his act. She also questioned the selling of the former library for \$50,000 and thought this was inappropriate and this building should be part of the historical society. Joe Grundy, 913 Draper Street, stated the County closed the case and there was no wrong doing and now the City Attorney and council wants to reopen. Let's just move on. Meyerhofer you're done, good-bye. Andy Ogden, 1141 Ben's Way, spoke about the constitution and questioned if anyone of you were engaged in closed door meetings. You can have a referendum to change the charter ordinance from elected to appointed for this position.

Ald. McGinnis presented the minutes of the Redevelopment Authority of the City of Kaukauna of December 19, 2017, and February 13, 2018, and moved it be accepted and placed on file, seconded by Meyerhofer.

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, March 22, 2018, by Chairman Rosin.

Members Present: Feldt, McGinnis, Oldenberg, Penterman, Rosin, Schoenike, and VanderSanden.

Absent and Excused: Sundelius.

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

1. A motion to excuse the absent Commission member was made by Penterman, seconded by Oldenberg. All members voted aye. Motion carried.
2. A motion to approve the minutes of the March 8, 2018, meeting was made by Feldt, seconded by Penterman. All members voted aye. Motion carried.
3. Mr. Jakel explained that the Commission previously reviewed and agreed upon – but did not approve - the general concept for the redevelopment of the former St. Al's site. The project requires the creation of a TIF district to facilitate the demolition of the existing buildings as well as the placement of infrastructure. The Plan Commission will be asked to consider the proposed land use, financial viability of the project and the expenditure of public funds. Staff will create a project master plan, including details of the development, possible rezoning, reference in the comprehensive plan and private and public funds expended. The proposed project includes single family units on the exterior of the property and two-family units in the center. The Commission's actions today will by no means constitute approval of the project but rather will establish legislative intent. The public hearing on the creation of the TIF district requires official publication and a 15-day notice.

A motion to set the public hearing on the creation of the TIF district for Thursday, May 3, 2018, at 4:00 p.m. at a regular meeting of the Plan Commission was made by McGinnis, seconded by Oldenberg. All members voted aye. Motion carried.

4. Mr. Jakel explained that a two-family residential development is proposed for the six lots located east of Oakridge Avenue, adjacent to the existing tri-plex to serve King's Plat. The project is located within the ErTIF district and would be similar in nature to the Coffee Hill development. The Council previously approved a cost sharing provision for the placement of a methane barrier; the property was not used as a landfill but was heavily filled. The City would install sewer and water service to assure that everything is up to our standards and eventually be reimbursed by the developer. Mr. Feldt explained that the Utility will require that any existing easements be maintained to allow access. A motion to approve the concept of a developer's agreement for the placement of sanitary sewer and water service and to recommend approval of such to the Common Council was made by McGinnis, seconded by Penterman. All members voted aye. Motion carried.
5. Mr. Jakel explained that the applicants for the petition to annex 1.839 acres from the Town of Buchanan (Schumacher) intend to construct a single family home on the property. The property meets frontage requirements, sewer and water services are already in place to tap into, the use is compatible with surrounding properties, emergency service access can be accommodated, the property is contiguous to the City, and the petition is unanimous. A motion to recommend to the Council approval of the petition as presented was made by Penterman, seconded by VanderSanden. All members voted aye. Motion carried.
6. Mr. Neumeier explained that the Engineering Department is applying for two storm water management grants for the stabilization of the Konkapot Creek bank and the Company Woods pond expansion. A grant award would help the City reach its storm water goals with the fewest restrictions. The Plan Commission is designated as the City's citizen advisory group for storm water management issues. A motion to approve the request to draft two letters of support of the Engineering Department's UNPS&SW grant application was made by Oldenberg, seconded by VanderSanden. All members voted aye. Motion carried.
7. Mr. Jakel explained that the Letter of Interest for the disposition of the Carnegie Library is not an offer but a proposal made by a developer for use of the property. The Plan Commission will determine if the land use is compatible, if it complies with zoning and if it is in the public's best interest. As the facility is near and dear to the public, efforts will be made to maintain or enhance the original character of the building to the National Trust standards. Once that is determined, then the developer could submit detailed plans and an offer to purchase. The Council has directed the Planning Department to research potential re-use of the property which is currently being used by the Recreation Department until Phase 3 of the Municipal complex project is complete. The original portion of the building is structurally sound however the addition needs substantial renovation. A public use of the property is preferred. Mr. Penterman asked for clarification that the developer intends for the original portion of the building to be used as administrative space and the addition to be used as public space. Mr. Jakel explained that was the developer's plan. Chairman Rosin explained that the Council's long-term plan was to sell the facility if there was no longer a municipal use for it and move it back on to the tax roll. As long as any new project maintains the look and feel of the original facility, he'd like to see the ball get rolling. Mr. Penterman asked if there would be a public hearing on the matter. Mr. Jakel explained that a public hearing is not statutorily required. Mr. VanderSanden suggested that access easements be maintained to allow maintenance on the park property and he asked how much property would be included in the sale. Mr. Jakel explained that easements would be maintained and the amount of property for sale is negotiable.
8. A motion to adjourn to Executive Session at 4:27 p.m. pursuant to Wisconsin State Statute 19.85(1) (e) to discuss the disposition of municipal property (LOI for Carnegie Library) was made by McGinnis, seconded by Penterman. All members voted aye. Motion carried.
9. A motion to return to Open Session at 4:47 p.m. was made by McGinnis, seconded by Oldenberg. All members voted aye. Motion carried. A motion to direct the Planning Department to negotiate with the entities on the LOI and table the item until a future meeting was made by Penterman, seconded by McGinnis. All members voted aye. Motion carried.
10. Mr. Jakel explained the proposed legislative items expected to be signed by the Governor would affect municipalities' ability to collect fees and would push fiscal responsibility onto cities if development fee reports are not submitted. Some information will be difficult to obtain with specific criteria and significant data that would involve multiple departments. Items that would be affected include public objections to rezoning. The legislation would go into effect in 2019 however municipalities are looking for assistance from the League of Municipalities.
11. Mr. Jakel explained that he received a phone call from Jennifer Schaefer asking if the Plan Commission would reconsider their decision and allow them to acquire 25 feet of municipal land adjoining Haas Road for the construction of a shed. Mr. Penterman asked if a specific dollar amount had been offered. Mr. Jakel explained that it hadn't. Mr. VanderSanden explained that the Commission was against the precedent of selling City park land and that Mr. Sundelius was adamant against the sale. Mr. Schoenike explained that the City has a long standing policy against selling park land. Mr. McGinnis explained that the Commission had previously denied another request to purchase park land for use as a garden.

There being no further business to be brought before the Commission, a motion to adjourn the meeting at 5:05 p.m. was made by Schoenike, seconded by Feldt. 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 the minutes of the Industrial Park Commission of February 27, 2018, and moved it be accepted and placed on file, seconded by Leon.

All Ald. voted aye.

Motion carried.

Ald. Meyerhofer presented the minutes of the Kaukauna Library Board of January 23, 2018, and moved it be accepted and placed on file, seconded by Leon.

All Ald. voted aye.

Motion carried.

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

Cassandra M. Parades – 2510 Sullivan Avenue, Kaukauna

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

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Penterman, to grant a Class A Beer License to Yeti LLC, Prashant Banjade, Agent, for Kaukauna BP, 400 W. 10th Street.

All Ald. voted aye.

Motion carried.

Atty. Davidson reported that John VanDrunen was willing to commute until the position of Municipal Judge is filled by special election in November. Only one other individual expressed interest in this position.

Motion by Meyerhofer, seconded by Coenen, to approve the appointment of John VanDrunen to fill the unexpired term of Municipal Judge until it can filled with a special election in November.

All Ald. voted aye.

Motion carried.

Ald. Coenen recommended that the City Attorney and staff consider three options to elect, appoint, or split the clerk/treasurer position and who this position will report to and come back with a recommendation.

Attorney recommended that the Clerk/Treasurer step out of the room for the closed session.

Motion by McGinnis, seconded by Coenen, to adjourn to Closed Session at 7:46 P.M. pursuant to Wisconsin Statutes Section 19.85 (1) (f) to discuss disposition of taxpayer/resident complaint of misconduct in office against elected officer.

All Ald. voted aye.

Motion carried.

Motion by McGinnis, seconded by Coenen, to reconvene to Open Session at 9:00 P.M.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by McGinnis, to accept and place on file the taxpayer/resident complaint from Gary Landreman.

All Ald. voted aye.
Motion carried.

Motion by Coenen, seconded by Driessen, to schedule hearing on the complaint for April 16, 2018, at 1:00 P.M.
All Ald. voted aye.
Motion carried.

Ald. Roehrig stated he is having surgery and will not be at the hearing. Clerk/Treasurer Duda requested to the City Attorney that a bond be posted for \$1,000 pursuant to Section 17.16 (4) (a).

Motion by Penterman, seconded by Coenen, to adjourn.
All Ald. voted aye.
Motion carried.

Meeting adjourned at 9:04 P.M.

Susan J. Duda
Clerk/Treasurer

