

COUNCIL PROCEEDINGS - Council Chambers - Kaukauna, Wisconsin – June 5, 2018

Pursuant to adjournment on May 22, 2018, meeting of the Common Council of the City of Kaukauna called to order by Mayor Penterman at 7:00 P.M. on Tuesday, June 5, 2018.

Roll call present: Coenen, DeCoster, Driessen, Duda, Kohne, McGinnis, and Roehrig.

Also present: Atty. Davidson, DPW/Eng. Sundelius, Planner Jakel, Police Chief Manion, HR Dir. Vanderloop, Rec. Dir. Malloy, Street Superintendent VandenHeuvel, Fire Chief Hirte, Fin. Dir. VanRossum, and interested citizens.

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

Motion by Coenen, seconded by McGinnis to suspend the rules and waive the reading of the minutes of the previous meeting of May 22, 2018.

All Ald. voted aye.

Motion carried.

Motion made by Coenen, seconded by DeCoster to approve the minutes of the May 22, 2018 meeting as presented.

All Ald. voted aye.

Motion carried.

Bills Payable - Coenen made a motion, seconded by Kohne to pay bills out of the proper accounts.

All Ald. voted aye.

Motion carried

Public Appearances – Andy J. Ogden, 1141 Ben's Way, spoke regarding the Ordinance concerning the Tractor Man. He inquired as to how much money was spent on investigating this Ordinance and whether or not city ordinances are constitutional.

Business Presented by the Mayor

Motion made by Kohne, seconded by Driessen to appoint David Pahl to the Board of Review.

All Ald. voted aye.

Motion carried.

Mayor Penterman thanked Street Superintendent and the Street crew for getting all the landscape plantings done in time the Electric City Experience event starting on Wednesday, June 6, 2018.

Report of Standing and Special Committees

Presentation of the Board of Public Works by Chairman McGinnis

BOARD OF PUBLIC WORKS

Meeting of the Board of Public Works called to order by Chairman McGinnis at 6:00 P.M. on Monday, June 4, 2018.

Members present: Coenen, DeCoster, Driessen, Duda, Kohne, McGinnis and Roehrig.

Also present: Mayor Penterman, Atty. Davidson, DPW/Eng. Sundelius, Police Chief

Manion, HR Dir. Vanderloop, Rec. Dir. Malloy, Eng./GIS Spec. Neumeier, Fire Chief Hirte, Planner Jakel, Principal Planner Allyson Watson, Street Superintendent Pat Vanden Heuvel, Fin. Dir. Van Rossum, S.E.H Architect Trevor Frank, Pennie Thiele and interested citizens.

- 1. Correspondence** – Letter from Jeff and Lea Blodgett asking to consider postponement or a change in the sidewalk placement on E. 13th Street.

Motion made by Kohne, seconded by DeCoster to receive and place on file the letter from Jeff and Lea Blodgett.

All voted aye.

Motion carried.

Letter from Al Auden asking for a delay in the sidewalk installation on E. 13th Street.

Motion made by Coenen. Seconded by Duda to receive and place on file the letter from Al Auden.

All voted aye.

Motion carried.

- 2. Project 3-18, Commerce Crossing Storm Sewer Re-Alignment.**

Coenen made a motion, Seconded by Duda to accept no more bids for Project 3-18 and the bids received be opened.

All voted aye.

Motion carried.

BIDDER	CITY	TOTAL BID
Advanced Construction	Green Bay	\$86,813.00
Carl Bowers and Sons Construction	Kaukauna	\$90,074.00
Roger Bowers Construction	Kaukauna	\$87,363.50

Kohne made a motion, seconded by DeCoster to direct the engineering department to tabulate the bids and report back.

All voted aye.

Motion carried.

- 3. Phase 3 (Remodeling of Fire Dept./Street and Park/Recreation/Community Room).**

The bid tabulation for Phase 3 of the Municipal Building Projects was presented by DPW/Eng. Sundelius. Bids were opened on Thursday, May 31, 2018 at 2:00 P.M. in the Council Chambers. Bids were as follows:

BIDDER	TOTAL BID
Zeise Construction	\$2,262,956.00
Milbach Construction Services, Co.	\$2,379,265.00
Miron Construction Co., Inc.	\$2,341,425.00
RJM Construction LLC.	\$2,501,000.00
SMA Construction Services	\$2,140,000.00

The Resolution Authorizing the Mayor to execute contract for remodeling various portions of the former municipal services building (Phase 3 of Municipal Space Needs Projects) will be brought to the Council for approval at June 5, 2018 meeting. It is the recommendation by Engineering and the Architect to award the bid to the lowest bidder SMA Construction Services at a cost of \$2,140,00.00.

Motion by Coenen, seconded by Kohne to award bid for Phase 3 (Remodeling of Fire Dept./Street and Park/Recreation/Community Room) to SMA Construction Services for a cost of \$2,140,00.00.

All voted aye.

Motion carried.

4. Award Bid for Leaf Loader.

Only one bid was received for the replacement of Leaf Loader from Bruce Municipal at a cost of \$39,883.00 with trade in. VandenHeuvel recommended to award the bid to Bruce Municipal.

Motion made by Coenen, seconded by Roehrig to award to bid for the replacement of the Leaf Loader to Bruce Municipal at a cost of \$39,883.00.

All voted aye.

Motion carried.

5. Sidewalk Alignment of E. 13th Street.

This is a continuation of the discussion on this topic. This item was tabled for more consideration as to other areas in the city that have deviation of sidewalks from normal sidewalk alignment. DPW/Eng. Sundelius showed map of current sidewalks that have deviated from the norm.

Motion by Kohne, seconded by DeCoster not to install the sidewalk on the South side of E.13th Street in the direction of the St. Paul Home for five years.

Roll call vote: Coenen - nay, DeCoster - aye, Driessen - nay, Duda - aye, Kohne - aye, McGinnis - aye, Roehrig - nay.

Motion carried 4 to 3.

6. Update on S.T.H. 55 (Delanglade Street) Reconstruction Project.

DPW/Eng. Sundelius gave an update on the reconstruction project. June 8 is the next staging change. The intersection of Lawe Street and Delanglade is going to be closed. The OO and Hwy 55 will be open. The Department of Transportation has project updates on the web-site for viewing.

7. Consideration of Outdoor Café' Licensing Structure.

Planner Jakel introduced the new Principal Planner Allison Watson who did much of the background investigation on this topic. Currently, in the downtown area, by ordinance we can allow display items on the sidewalk as long as there is a five feet clearance for ADA accessibility. The Planning Department is responsible for issuing the permits and they are revocable if need arises. The Plan Commission reviewed and recommended that we do permit an expansion of alcohol licenses to serve the area. They recommended hours of operation be 11:00 am to 11:00 pm and the fee be established by the Common

Council. Planner Jakel will rough draft an ordinance to include a recommended fee for the Outdoor Cafe' Licensing.

8. General Matters – None.

Motion by Coenen, seconded by Kohne to adjourn.

All voted aye.

Motion carried.

Meeting adjourned at 7:00 P.M.

Sally Kenney
Clerk/Treasurer

Motion made by Coenen, seconded by McGinnis to adopt the minutes of the Board of Public Works as read.
Motion made by Kohne, seconded by DeCoster to amend the motion on item number 5 to include the reason because it is a dead-end street and future purchase of the property by the St. Paul Home.

All Ald. voted aye.

Motion carried.

Presentation of the Health and Recreation Committee by Chairman Roehrig.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Roehrig on Monday, June 4, 2018 at 7:00 p.m.

Members present: Duda, McGinnis, and Kohne.

Also present: Mayor Penterman, Ald. Coenen, DeCoster, Driessen, Roehrig, Atty. Davidson, DPW/Eng. Sundelius, Fin. Dir. VanRossum, Planner Jakel, Fire Chief Hirte, Police Chief Manion, HR Dir. Vanderloop, Rec. Dir. Malloy, Street Superintendent VandenHeuvel, Eng./GIS Spec. Neumeier, and interested citizens.

1. Correspondence – None.

2. Temporary Class B Beer License to Kaukauna Lion's Club for Live at Hydro Park, June 6, 13, 20, 27, July 3, 4, 11, 18 & 25, August 1, 8, 2018, Kaukauna Hydro Park, Dodge Street.

Motion by McGinnis, seconded by Kohne to grant a Temporary Class B Beer License to Kaukauna Lion's Club for Live at Hydro Park, June 6, 13, 20, 27, July 3, 4, 11, 18 & 25, August 1, 8, 2018, Kaukauna Hydro Park, Dodge Street.

All members voted aye

Motion carried.

3. Peddlers, Canvassers, Solicitors, and Transient Merchants License to Laura Derks, FAF Concessions LLC, 311 Lawe Street, Kaukauna

Motion by Kohne, seconded by Duda to grant a Peddlers, Canvassers, Solicitors, and Transient Merchants License to Laura Derks, 311 Lawe Street, Kaukauna.

All members voted aye.
Motion carried.

4. Combination "Class B Fermented Malt Beverage and Liquor License to Calmes' Tavern, LLC, Calmes' Pub, 1441 Arbor Way.

Motion made by Kohne, seconded by McGinnis to grant a "Class B Fermented Malt Beverage and Liquor License to Calmes' Tavern, LLC, Calmes' Pub, 1441 Arbor Way.

All members voted aye.
Motion carried.

5. Carnival License for Electric City event.

Motion made by Kohne, seconded by Duda to approve a Carnival License for Electric City event pending approval by the Kaukauna Police Department.

All members voted aye.
Motion carried.

6. General Matters - none.

Motion made by Roehrig, seconded by Kohne to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 7:07 P.M.

Sally Kenney
Clerk/Treasurer

Motion made by Roerhig seconded by McGinnis to adopt minutes of the Health & Recreation Committee Meeting of June 4, 2018.
All Ald voted aye.
Motion carried.

Operators/Bar Tenders License - The following operators have applied for an operator's license for 2018-2020 and has been recommended for approval based upon the records check done by the Kaukauna Police Department.

Christopher P. Ashauer - 156 Lamplighter Drive, Kaukauna
Sarah J. Ashauer - 309 Claribel Street, Kaukauna
Alex J. Benotch - 145 Arthur Street, Kaukauna
Krystal M. Bentley - 114 E. Fourth Street, Kaukauna
Julaine C. Bera - 140 Grant Street, Kaukauna
Jean C. Brinkman - W3213 Westowne Ct., Appleton
Lisa R. Carnot - 1806 Grandview Lane, Kaukauna
Kendra E. Casanova - 156 Lamplighter Drive, Kaukauna
Morgan F. Christian - W9732 Hwy 96, Dale
Samantha A. Christiansen - 501 2nd Street, Menasha
Karen S. Coffey - 3831 Cty Trunk U, De Pere
Paula L. Danner - 1890 White Wolf Lane, Kaukauna
Micah J. Danoff - P.O. Box 725, Kaukauna

Molly A. Diedrich - 2524 Southerland Circle, Kaukauna
Jesse J. Garcia - 317 Brothers Street, Kaukauna
Lynn A. Geurts - 3123 Main Avenue, Kaukauna
Adam L. Gunn - 3015 W. 4th Street, Grand Chute
Christina R. Harper - 35 Bluemound Ct., Appleton
Susan M. Haseman - 428 W. 7th Street, Kaukauna
Tabitha C. Hauser - 208 ½ Maple Street, Kaukauna
Kayla M. Howard - 113 W. 4th Street, Kaukauna
Sandra L. Kavanaugh - 124 McKinley Street, Kaukauna
Satia A. Kavanaugh - 807 Blackwell Street, Kaukauna
Christine C. Kelch - 2701 Fieldcrest Drive, Kaukauna
Shannon L. Koomen - P.O Box 141, Greenleaf
Nathan P. Liebhauser - 1049 Crestview Drive, Wrightstown
Kim M. Luniak - N639 Peters Road, Kaukauna
Lynne S. Morgan - N9671 Friendship Drive, Kaukauna
Shane H. Mrotek - 104 E. 5th Street, Kaukauna
Christy L. Novak - 524 Harrison Street, Little Chute
Sabiz Pandey - 3082 Winnipeg Street, Menasha
Jackie M. Peerenboom - 726 Monroe Street, Little Chute
Renee E. Peterson - 1140 Harrison Street, Kaukauna
Bonnie F. Pierce - 105 Sycamore Drive, Black Creek
Brittani T. Prellwitz - 700 Brill Road, Kaukauna
Eliza C. Punzel - W1770 Lau Road, Kaukauna
Kathleen A. Roberts - 900 Saunders Road, Kaukauna
Tenesha S. Rovinski - 3192 Noah Road, De Pere
Adam M. Schmitz - 1801 W. Pershing Street, Appleton
Stephanie Schroeder - 215 W. Wilson Avenue, Appleton
Deneen L. Shiffert - 1906 Green Bay Road, Kaukauna
Annette M. Siegel - 600 Meadow Lane, Kaukauna
Sandra J. Simmons - 129 Grant Street, Kaukauna
Diane M. Smits - N249 Van Handel Drive, Appleton
Jean M. Spietz - 300 Delanglade Street, Kaukauna
Nathaniel J. Urban - 2410 Sullivan Avenue, Kaukauna
Peggy J. Van Camp - W2290 Dan's Court, Kaukauna
Kristen R. VandeVoort - 2800 Glenview Avenue, Kaukauna
Catherine R. Zimmerman - 184 W. Wisconsin Avenue, Kaukauna

Motion made by Roerhig, Seconded by Kohne to approve the Operators/Bar tenders license.

All Ald. voted aye.

Motion carried.

Reports of City Officers – Project 3-18, Commerce Crossing Storm Re-Alignment. DPW/Eng. Sundelius handed out the tabulated bids for this project. The Engineering Department recommended awarding this project to the low bidder of \$86,813.00 to Advanced Construction Inc. of Green Bay.

Motion made by McGinnis, seconded by Kohne to award the bid for Project 3-18, Commerce Crossing Storm Re-Alignment to Advanced Construction Inc. of Green Bay for a total cost of \$86,813.00.

All Ald. voted aye.

Motion carried.

Update on Fox Cities Sports Complex – Planner Jakel along with Fox Cities Convention and Visitors Bureau, Executive Director Pam Seidl gave an overview of the Fox Cities Sports Complex and room tax funding. Under states statues municipalities can collect up to 10% room tax from local hotels and can be used for tourism activities. The proposed complex will host considerable amount of tournaments and will be managed by Sports Facility Management Agency. The ownership will be through The Redevelopment

Authority of Grand Chute. The construction of the facility, estimated at thirty two million dollars, will be repaid via the Bond issuance against the three percent hotel tax dedicated for this.

The resolution was not available so the item was tabled and will be presented at the next meeting.

Presentation of Ordinances and Resolutions

Motion made by Coenen, seconded by Kohne to suspend the rules and wave the reading of the Resolution Authorizing Public Improvements on Street, Driveway, Aprons and Utility Assessments on East Twelfth Street, East Thirteenth Street, East Fourteenth Street, Oakridge Avenue, Haen Drive, Alyssa Street, Nature View Court, Ridgecrest Lane, Tarragon Drive, Springcrest Drive, Sweet Meadow Lane, and Coriander Court.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by McGinnis to adopt Resolution Authorizing Public Improvements on Street, Driveway, Aprons and Utility Assessments on East Twelfth Street, East Thirteenth Street, East Fourteenth Street, Oakridge Avenue, Haen Drive, Alyssa Street, Nature View Court, Ridgecrest Lane, Tarragon Drive, Springcrest Drive, Sweet Meadow Lane, and Coriander Court as presented.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to suspend the rules and waive the reading of Resolution authorizing the Mayor to enter into a contract for Phase 3 Remodeling Project.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Driessen to adopt Resolution authorizing the Mayor to enter into a contract for Phase 3 Remodeling Project as presented.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to suspend the rules and waive the reading of Resolution authorizing entry into an Intergovernmental Cooperation Agreement relating to the "Wisconsin Investment Series Cooperative and authorizing participation in the Investment of the Fund.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to adopt Resolution authorizing entry into an Intergovernmental Cooperation Agreement relating to the "Wisconsin Investment Series Cooperative and authorizing participation in the Investment of the Fund as presented.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to suspend the rules and waive the reading of Resolution authorizing the creation of Ward 14 in the City of Kaukauna.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to adopt Resolution authorizing the creation of Ward 14 in the City of Kaukauna as presented.

All Ald. voted aye.

Motion carried.

Consideration of Miscellaneous Business - none.

Swearing in of newly appointed alderperson – Pennie Thiele was sworn in as Fourth District Alderperson.

Motion by McGinnis, seconded by Coenen to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 7:44 P.M.

Sally A. Kenney

Clerk/Treasurer

Pursuant to adjournment on June 5, 2018, meeting of the Common Council of the City of Kaukauna called to order by Mayor Penterman at 7:45 P.M. on Tuesday, June 5, 2018.

Roll call present: Coenen, DeCoster, Driessen, Duda, Kohne, McGinnis, Roehrig and Thiele.

Also present: Atty. Davidson, DPW/Eng. Sundelius, Planner Jakel, Police Chief Manion, HR Dir. Vanderloop, Rec. Dir. Malloy, Street Superintendent VandenHeuvel, Fire Chief Hirte, Fin. Dir. VanRossum, Fourth District Alderperson elect Thiele and interested citizens.

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

Reading and approval of minutes – none.

Presentation of letters, petitions, remonstrances, memorials and accounts.

Letter from Mark Nessbaum, President of the Kaukauna Athletic Club was read.

Motion by Coenen, seconded by Kohne to receive and place on file the letter dated May 13, 2018 from the Kaukauna Athletic Club.

All Ald. voted aye.

Motion carried.

Letter from Kaukauna Alcohol, Tobacco, and Other Drug Prevention Board (KATODA) dated June 4, 2018 was read. Several attachments were also referenced.

Motion made by Kohne, seconded by Driessen to receive and place on file the letter and attachments from KATODA dated June 4, 2018.

All Ald. voted aye.

Motion carried.

Public Appearances

Dan O’Neil, 908 Laurel Lane appeared to voice his concerns about revisiting the restrictions placed on the beer license of the Kaukauna Athletic Club. He asked that the Council not change these restrictions.

Mark Nessbaum, 940 Laurel Lane appeared to ask the Council to reconsider the ban placed on the Kaukauna Athletic Club beer license. Many areas of support given the City of Kaukauna by the Kaukauna Athletic Club were stated.

Motion made by Kohne, seconded by Coenen to receive and place on file the letter from Mark Nessbaum, President of the Kaukauna Athletic Club.

All Ald. voted aye

Motion carried.

Jack Pautz, 1804 Parkwood Drive appeared to represent the KATODA Board and express their concerns about removing the restrictions on the Kaukauna Athletic Club beer license.

Merl Sanderfoot, W1419 Peters Road appeared to express views on the sale of alcohol at youth sporting events.

Andy J. Ogden, 1141 Ben’s Way appeared to express his views on who is responsible for raising children.

The parents should be the ones to raise their children, not the government.

Business presented by the Mayor

Mayor Penterman presented the 25 Year Tree City USA flag from the Wisconsin DNR to Street Superintendent Vanden Heuvel along with a check for sponsorship from American Transmission Company to assisting with funding the City of Kaukauna's Arbor Day activities.

Consideration of allowing sale of alcoholic beverages at youth sporting events.

Motion made by Kohne, seconded by Coenen to table the consideration of allowing sale of alcohol beverages at youth sporting events and leave the ordinance as it stands. DeCoster stated he has received phone calls regarding this consideration.

Ayes – 6, Nays – 2

Motion carried.

Reports of standing and special committees – none.

Reports of City officers – none.

Presentation of ordinances and resolutions – none.

Adjourn to closed session pursuant to Wis. Stat. § 19.85(g) to confer with legal counsel regarding litigation, Van Dyn Hoven v. City of Kaukauna

Motion by Coenen, seconded by McGinnis to adjourn to closed session pursuant to Wis. Stat. § 19.85(g) to confer with legal counsel regarding litigation, Van Dyn Hoven v. City of Kaukauna.

Return to open session

Motion made by Coenen, seconded by DeCoster to return to open session.

Consideration of miscellaneous business – Driessen asked about the plans for landscaping for the middle of the round a bout. DPW/Eng. Sundelius informed the council that there are plans in place and can be viewed in his office.

Kohne thanked the Mayor, on behalf of the newly appointed/elected alderpersons, for arranging a sit-down meeting with all the city department heads.

Motion by McGinnis, seconded by Driessen to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:50 P.M.

Sally A. Kenney
Clerk/Treasurer