

## **COUNCIL PROCEEDINGS - Council Chambers - Kaukauna, Wisconsin – September 4, 2018**

Pursuant to adjournment on August 21, 2018, meeting of the Common Council of the City of Kaukauna called to order by Mayor Penterman at 7:00 P.M. on Tuesday, September 4, 2018.

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

Also present: Attorney Davidson, DPW/Eng. Sundelius, Planner Jakel, Assistant Fire Chief Grindheim, Asst. Police Chief Graff, Rec. Dir. Malloy, Fin. Dir. Van Rossum, HR Director Vanderloop, Naturalist Nowak, 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 Kohne to suspend the rules and waive the reading of the minutes of the previous meeting of August 21, 2018.

All Ald. voted aye.

Motion carried.

Motion by McGinnis, seconded by Coenen to later reconsider the order of the special election to fill the vacant office of municipal judge.

All voted aye.

Motion carried.

Motion by Coenen, seconded by McGinnis to amend the minutes to reflect reconsideration of order of special election and fill vacant office of municipal judge.

All voted aye.

Motion carried.

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

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

All Ald. voted aye.

Motion carried

### **Disallowance of claim for Jenna Hacka as per recommendation of Statewide Services, Inc.**

Motion made by Coenen, seconded by McGinnis to disallow the claim for Jenna Hacka as per recommendation of Statewide Services, Inc.

All Ald. Voted aye.

Motion carried.

**Public Appearances** – None.

### **Business Presented by the Mayor**

#### **Vacant Office of Municipal Judge**

Mayor Penterman stated several concerns were brought to his attention about having a special election for municipal judge. These concerns were the cost of the election; which would run between \$7,000 to \$10,000, absentee ballots confusion for two different co-current elections and having voting at the regular election and then coming to the Clerk's office to absentee vote at the same time. The different options for reconsideration to this special election were discussed. One option would be to have Judge VanDrunen continue to fill the vacancy until April of 2019. The second option would be to appoint an interested

candidate until the remainder of the term. Ald. McGinnis voiced his concern over having Judge VanDrunen commute to Kaukauna during the winter months. Other options were discussed.

Motion made by McGinnis, seconded by Roehrig to appoint a municipal judge until the April 2019 election. 7 voted aye. Ald. Kohne voted nay.

Motion carried.

**Public Hearing on Comprehensive Plan Amendment (Amending the City of Kaukauna 2030 Comprehensive Master Plan to Change the City of Kaukauna Future Land Use Map for Property Located at Approximately 2401 Main Avenue from Public Use to Residential Single-Family Use and Residential Multi-Family Use).**

Mayor Penterman declared the public hearing open. Pete Meulemans, 2608 Main Ave., Kaukauna, asked if for some reason these lots did not sell, could these lots be converted to another use. Planner Jakel stated that there is a developer's agreement in place that only single family lots can be built. There are also zoning requirements.

After asking two more times that the public hearing was open and if anyone else wished to address the council, Mayor Penterman declared the public hearing closed.

**Public Hearing on Request for Rezoning (Rezoning Parcel 3-0737) at Approximately 2401 Main Avenue.**

Mayor Penterman declared the public hearing open. After asking three times if anyone wished to address the Council regarding this matter. No one appeared. The public hearing was declared closed.

**Temporary allowance of goats to be used at 1000 Islands Conservancy Zone to control invasive species.**

Mayor Penterman recommended that we temporarily not enforce section 11.12 of the Municipal Code for the two weeks the 1000 Islands intends to use goats to control invasive species. Ald. Roehrig asked about a long-term solution to this matter. If the use of goats for controlling invasive species is a solution, the municipal code can be revisited and possibly changed. Ald. Coenen stated he would like a report back as to how the goats worked and then, if desired, adjustments be made to the municipal code to allow the use.

Motion made by Roehrig, seconded by Coenen to temporarily not enforce section 11.12 of the municipal code, for two weeks at 1000 Islands Environmental Center only, the use of goats to control invasive species. All Ald. voted aye.

Motion carried.

**Report of Standing and Special Committees**

Presentation of the Health and Recreation Committee of September 4, 2018 by Chairman Roehrig.

**HEALTH AND RECREATION COMMITTEE**

A meeting of the Health and Recreation Committee was called to order by Chairman Roehrig on Tuesday, September 4, 2018 at 6:30 p.m.

Members present: Roehrig, Duda, McGinnis, and Kohne.

Also present: Mayor Penterman, Ald. Coenen, DeCoster, Driessen, Thiele, Attorney Davidson, DPW/Eng. Sundelius, Planner Jakel, Asst. Fire Chief Grindheim, Assistant Police Chief Graff, and interested citizens.

1. **Correspondence** – None.

2. **Request to close Wisconsin Avenue on September 22, 2018 for Block Party between Lawe Street and Friends and Neighbors Park.**

Motion by McGinnis, seconded by Kohne to approve request to close Wisconsin Avenue on September 22, 2018 for Block Party between Lawe Street and Friends and Neighbors Park.

All members voted aye.

Motion carried.

3. **Temporary Class “B”/”Class B” Retailer’s License to Kaukauna Athletic Club on September 22, 2018 at 121 W. Wisconsin Ave., Wisconsin Ave. Block Party held from Lawe Street to Friends and Neighbors Park.**

Motion by Duda, seconded by McGinnis to approve Temporary Class “B”/”Class B” Retailer’s License to Kaukauna Athletic Club on September 22, 2018 at 121 W. Wisconsin Ave., Wisconsin Ave. Block Party held from Lawe Street to Friends and Neighbors Park.

All members voted aye.

Motion carried.

4. **Temporary Class B Beer License to Catalpa Health on September 15, 2018, at 207 Thilmany Road, level 1, room 1, 2, 3, 4 all connected, Suite 203 & 205, Kaukauna.**

Motion by Kohne, seconded by McGinnis to approve Temporary Class B Beer License to Catalpa Health on September 15, 2018, at 207 Thilmany Road, level 1, room 1, 2, 3, 4 all connected, Suite 203 & 205, Kaukauna.

All members voted aye.

Motion carried.

5. **General Matters** – None.

Motion made by Roehrig, seconded by McGinnis to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 6:35 P.M.

Sally Kenney  
Clerk/Treasurer

Motion made by Roehrig, seconded by McGinnis to adopt the minutes as read.

Ald. Duda asked to add, under item 4, that the Department of Revenue Alcohol and Tobacco Enforcement Unit approved the premise.

Motion made by Roehrig, seconded by McGinnis to adopt the minutes as amended.

All Ald. voted aye.

Motion carried.

**Library Board Meeting of June 26, 2018.**

Motion made by Driessen, seconded by McGinnis to receive and place on file the Library Board Meeting of June 26, 2018 minutes as presented.

All Ald. Voted aye.

Motion carried.

## **City Plan Commission of August 9, 2018**

Motion by McGinnis, seconded by Coenen to receive and place on file the minutes of the City Plan Commission Meeting of August 9, 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.

Nega Raj Bhurtel – 419 Taylor Street #5, Kimberly  
Seth Ray Gildenzoph – W5419 Mile Long Drive, Appleton  
Josh D. Kobs – 169 Grant Street, Kaukauna  
Noah Anthony Larsen – 2270 Brookview Ct. Apt. E, Oshkosh  
Baylee J. Scott – 2105 E. Wisconsin Avenue, #15, Kaukauna  
Nicole Marie Wilson – 206 N. 2<sup>nd</sup> Street, Hilbert

Motion made by Roehrig, seconded by McGinnis to approve the Operators/Bartenders license.

All Ald. voted aye.

Motion carried.

The following applicants have applied for an operator's license for 2018-2020 and have been denied approval based upon the records check done by the Kaukauna Police Department.

Krystal A. Thompson – 3603 Crestview Drive, Appleton -- Record

Motion made by Roehrig, seconded by Kohne to deny the Operator's/Bartender's license.

All Ald. voted aye.

Motion carried.

## **Reports of City Officers**

### **Update on activities for the Electric City Experience that was held in early June.**

Jason Lipsky gave an overview of the activities at the Electric City Experience. Several positive comments were made. Mayor Penterman thanked Mr. Lipsky for his involvement in the Electric City Experience and will welcome him back again next year.

## **Presentation of Ordinances and Resolutions**

Motion made by Coenen, seconded by Thiele to suspend the rules and wave the reading of the Ordinance to amend the City of Kaukauna 2030 Comprehensive Master Plan to Change the City of Kaukauna Future Land Use Map for Property Located at approximately 2401 Main Avenue from Public Use to Residential Single-Family Use and Residential Multi-Family Use.

All Ald. voted aye.

Motion carried.

Motion by Coenen seconded by Thiele to adopt Ordinance to amend the City of Kaukauna 2030 Comprehensive Master Plan to Change the City of Kaukauna Future Land Use Map for Property Located at approximately 2401 Main Avenue from Public Use to Residential Single-Family Use and Residential Multi-Family Use. Ald. Kohne asked about changes from single-family to multi-family use and how it is listed on

the map. Planner Jakel explained the change listed on map.

All Ald. voted aye.

Motion carried

Item 8b - Ordinance Rezoning Certain Property (Parcel 3-0737) at approximately 2401 Main Avenue was pulled from the agenda.

Motion by Coenen, seconded by Roehrig to suspend the rules and wave the reading of the Resolution Accepting First Addition of Wildlife Heights.

All Ald. Voted aye.

Motion carried.

Motion by Coenen, seconded by McGinnis to adopt the Resolution Accepting First Addition of Wildlife Heights.

All Ald. Voted aye.

Motion carried.

Motion made by Coenen, seconded by Roehrig to suspend the rules and wave the reading of the Resolution authorizing the release of easements and other encumbrances for property at Wisconsin Avenue and Lawe Street.

All Ald. voted aye.

Motion carried.

Motion by Coenen seconded by Roehrig to adopt Resolution authorizing the release of easements and other encumbrances for property at Wisconsin Avenue and Lawe Street.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Roehrig to suspend the rules and waive the reading of the Resolution requesting the Wisconsin Department of Transportation begin the planning, design and expansion of interstate 41 (I-41) to six lanes between the Fox Cities and Green Bay Metropolitan Areas.

All Ald. voted aye.

Motion carried.

Motion by Coenen seconded by Thiele to adopt the Resolution requesting the Wisconsin Department of Transportation begin the planning, design and expansion of interstate 41 (I-41) to six lanes between the Fox Cities and Green Bay Metropolitan Areas.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to suspend the rules and waive the reading of the Resolution for Strategic Transportation Aids.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Kohne to adopt Resolution for Strategic Transportation Aids.

All Ald. voted aye.

Motion carried.

### **Consideration of Miscellaneous Business**

Ald. Roehrig thanked the Kaukauna Police, Fire and Public Works Departments for taking care of the City in a timely matter in the wake of the torrential rain in the past week. Roehrig also thanked the Kaukauna Police

Department for providing necessary training to all the Kaukauna School staff. Mayor Penterman stated that the Public Works Department is looking at areas that are prone to flooding and possible solutions.

**Convene to closed session pursuant to Wisconsin Statutes 19.85(1)(e) for deliberating the purchase of public property, investment in public funds, or conduct of other specific public business.**

Motion by McGinnis, seconded by Coenen to adjourn to closed session pursuant to Wisconsin Statutes 19.85(1)(e) for deliberating the purchase of public property, investment in public funds, or conduct of other specific public business.

Adjourned to closed session at 7:40 pm.

All Ald. voted aye.

Motion carried.

Motion by McGinnis, seconded by Driessen to return to open session for possible action. Returned to open session at 8:08 pm.

**Adjourn**

Motion by Coenen, seconded by DeCoster to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:09 P.M.

Sally A. Kenney, Clerk/Treasurer