



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – FEBRUARY 17, 2021

Pursuant to adjournment on February 2, 2021 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Wednesday, February 17, 2021 with remote teleconference via ZOOM.

Roll call present: Coenen, DeCoster, Duda, Moore, Roehrig, Schell and Thiele.

Also present: DPW/Eng. Sundelius, City Attorney Davidson, Planner Jakel, Fire Chief Carrel, Asst. Police Chief Sanderfoot, Sen. Proj. Eng. Neumeier, Street Sup. Vandenheuvel, Prin. Planner Watson Brunette, Rec. Dir. Malloy, Finance Dir. Van Rossum, HR Dir. Audette, Library Dir. Thiem-Menning, IT Dir. Krause, Grignon Mansion Dir. Mickelson, and interested citizens.

Mayor Penterman made a statement: “365 days ago our community was shocked to learn of the tragic death of two young innocent children. As we await the proceedings, I ask that you continue to keep the family in your thoughts and prayers and that justice be served for William and Danielle. As a community we continue to be Kaukauna Strong.”

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly with remote teleconference via ZOOM.

Motion by Coenen, seconded by Moore to suspend the rules and waive the reading of the minutes of the previous meeting of February 2, 2021.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by Roehrig to adopt the minutes of the meeting of February 2, 2021.

All Ald. voted aye.

Motion carried.

### **PRESENTATION OF LETTERS, PETITIONS, REMONSTRANCES, MEMORIALS, AND ACCOUNTS**

#### **Bills Payable**

Motion by Coenen, seconded by Schell to pay bills out of the proper accounts. Ald. Duda asked if the Council could receive the even number of pages to review. This item was pulled because all the pages were not made available and will be included in the next meeting packet.

### **PUBLIC APPEARANCES**

Kimberly Tenerelli, candidate for Circuit Court Judge in Calumet County, spoke about her qualifications and the position duties of Calumet County Circuit Court Judge.

### **BUSINESS PRESENTED BY THE MAYOR**

**Retirement award to Robert Jakel, Director of Planning and Community Development, for 25 years of service.**

Mayor Penterman thanked Mr. Jakel for his 25+ years of service, noting his many accomplishments. Planner Jakel accepted his award and thanked City Staff, Council Members, and his family. Alderpersons, staff and family thanked and congratulated Planner Jakel.

**Proclamation declaring March 1, 2021 Dick's Drive-in Day in the City of Kaukauna.**

Motion by Coenen, seconded by Schell to receive and place on file the Proclamation declaring March 1, 2021 Dick's Drive-in Day in the City of Kaukauna. Ald. DeCoster expressed his concerns about this backfiring and upsetting many other small businesses in the City. He sees the well intention, but does not see the importance of declaring March 1, 2021 as Dick's Drive-in Day. Motion carried 6 ayes – 1 –nay (DeCoster voting nay).  
Motion carried.

**Committee of the Whole Meeting – Monday, February 22, 2021 at 6:00 P.M. to interview District 1 Alderperson Candidates.**

Mayor Penterman provided information to the Council on candidates to be interviewed for District 1 Alderperson. The Committee of the Whole meeting will take place on Monday, February 22, 2021 at 6:00 p.m. Ald. Thiele asked if the Council can be present in person for this meeting. Mayor Penterman will consult with HR Director Audette and let the Council know.

**Cancellations and closings due to COVID-19 ALERT.**

The opening dates of City Buildings were provided.

Motion by Roehrig, seconded by Schell to allow city departments to work on reopening plans for the City of Kaukauna. Ald. Thiele inquired about the Police and Fire Department personnel receiving the COVID-19 vaccine. Fire Chief Carrel stated approximately 75% of Fire Department staff has been vaccinated. Assistant Police Chief Sanderfoot stated just under 50% of Police staff has been vaccinated.  
All Ald. voted aye.  
Motion carried.

**REPORTS OF STANDING AND SPECIAL COMMITTEES**

**Board of Public Works Meeting Minutes of February 15, 2021.**

**BOARD OF PUBLIC WORKS**

A meeting of the Board of Public Works was called to order by Chairman Thiele on Monday, February 15, 2021 at 6:00 P.M. remote teleconference via ZOOM.

Members present: Coenen, DeCoster, Duda, Moore, Roehrig, Schell and Thiele.

Also present: Mayor Penterman, Attny. Davidson, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Planner Jakel, Fin. Dir. Van Rossum, Fire Chief Carrel, Street Sup. Vandenheuvel, Rec. Dir. Malloy, Principal Planner Watson Brunette, IT Dir. Krause and interested citizens.

- 1. Correspondence – none.**
- 2. Sidewalk snow removal bill for 227 E. 9<sup>th</sup> Street.**

A letter from Elizabeth Pribbernow, 227 E. 9<sup>th</sup> Street, Kaukauna was read at the February 1, 2021

Board of Public Works meeting. The letter was to request the bill she received for snow shoveling be reversed.

Motion by Moore, seconded by Duda to reduce the snow removal bill for 227 E. 9<sup>th</sup> Street, Kaukauna to \$25. Discussion was held.

Roll call vote: Coenen-nay, DeCoster-aye, Duda-aye, Moore-aye, Roehrig-nay, Schell-aye, Thiele-nay. Motion carried 4 to 3.

### **3. Permission to bid Project 1-21, 2021 Concrete Street Paving.**

The Engineering Department has completed survey and preliminary design work for concrete street paving for 2021. The list of streets and map was provided.

Motion by Coenen, seconded by Moore to authorize the Engineering Department to seek bids for Project #1-21, Concrete Street Paving.

All members voted aye.

Motion carried.

### **4. Permission to bid Project 2-21, 9<sup>th</sup> Street Area Utility Relay.**

The sanitary sewer and watermains in the 9<sup>th</sup> Street area are in poor condition and will be replaced as part of the ongoing utility updates throughout the City. The project will include the replacement of all sanitary mains, watermains, and any defective sewer laterals or lead water services. This project will be a joint effort of City and Kaukauna Utilities and has been budgeted for in the 2021 CIP as Phase 1 of 3 in the Kenneth Avenue Area.

Motion by Schell, seconded by DeCoster to authorize the Engineering Department to seek bids for Project #2-21 – 9<sup>th</sup> Street Area Utility Relay.

All members voted aye.

Motion carried.

### **5. Permission to bid Project 4-21, 2021 Asphalt Paving.**

The Engineering Department has completed survey and preliminary design work for an asphalt paving project. All streets are existing asphalt in poor condition. The project consists of a combination of maintenance work and surface replacement projects. The list of streets was given. Questions from the Board were answered.

Motion by Coenen, seconded by DeCoster to authorize the Engineering Department to seek bids for Project #4-21, 2021 Asphalt Paving.

All members voted aye.

Motion carried.

### **6. Permission to bid Project 6-21, CTH Z Curb Replacement and Sidewalk Installation.**

As part of the 2021 Outagamie County Highway asphalt re-surfacing project on CTH Z, the City will be replacing the existing vertical curb between STH 55 and Sullivan Avenue with a standard 30" curb and gutter. There will also be some spot rehabilitation along the existing curb and gutter

sections as maintenance prior to the new asphalt paving. In conjunction with this project, the Engineering Department is recommending the addition of concrete sidewalk along the south side of CTH Z from just east of Eden Avenue to Hennes Court. A map showing the proposed area was provided. Questions from the Board were answered.

Motion by Duda, seconded by Schell to have no sidewalks installed as part of Project 6-21, CTH Z Curb Replacement and Sidewalk Installation. Discussion was held. Ald. Moore called the question.

Roll call vote: DeCoster-aye, Duda-aye, Moore-nay, Roehrig-nay, Schell-aye, Thiele-nay, Coenen-nay. Motion failed 4 nays to 3 ayes.

Motion by Moore, seconded by Coenen to authorize the Engineering Department to seek bids for Project #6-21 – CTH Z Curb Replacement and Sidewalk Installation.

Roll call vote: Duda-nay, Moore-aye, Roehrig-aye, Schell-nay, Thiele-aye, Coenen-aye, DeCoster-nay. Motion carried 4 ayes to 3 nays.

## **7. Update on Project 10-20, Ducharme Street Culvert Replacement and Stream Dredging.**

Senior Project Eng. Neumeier provided an update on the project. Permission was given to bid this project several months ago. After discussions with the Department of Natural Resources (DNR) and the Army Corps. of Engineers, the City was asked to change some things within the project. Sediment samplings were asked to be performed. Different construction methods will take place to get the stream on HWY 00 and High Street dredged out. The Army Corps. of Engineers has the right to take jurisdiction over certain projects, especially those involving wetlands. Permitting with the Army Corps. of Engineers can be lengthy. Due to the amount of time involved in permitting, the stream dredging will not take place as part Project 10-20, Ducharme Street Culvert Replacement and Stream Dredging. The culvert will be replaced as intended and the permitting will continue to be worked on for the stream dredging and will be its own project once permitting is received.

## **8. General Matters – none.**

Motion made by Moore, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:50 p.m.

Sally Kenney  
Clerk

Motion by Thiele, seconded by Coenen to adopt the Board of Public Works Meeting Minutes of February 15, 2021 as presented.

All Ald. voted aye.

Motion carried.

## **Finance & Personnel Committee Meeting Minutes of February 15, 2021.**

### **FINANCE AND PERSONNEL COMMITTEE**

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on

Monday, February 15, 2021 at 6:50 p.m. remote teleconference via ZOOM.

Members present: Mayor Penterman, Coenen, Duda, Moore, Roehrig and Schell.

Also present: Ald. Thiele, Ald. DeCoster, Attorney Davidson, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Fin. Dir. VanRossum, Planner Jakel, Principal Planner Watson Brunette, Fire Chief Carrel, HR Dir. Audette, Street Sup. Vandenheuvel, Rec. Dir. Malloy, IT Dir. Krause and interested citizens.

1. **Correspondence** - None.
2. **Memo regarding Director of Planning and Community Development recruitment.**

Mayor Penterman and Principal Planner Watson Brunette provided background on the recruitment for Director of Planning and Development. Since the impending organizational analysis of city departments could impact the structure of the role and department, staff feel we have two options to move forward at this time. Questions from the committee were answered.

Motion by Moore, seconded by Coenen to move ahead with option #2 to wait to fill the Director of Planning and Community Development and use an outside planning firm for approximately 3-6 months to help fill voids in the department until after the Organizational Analysis is completed and a final determination is made on how the department will be structured moving forward.

Motion carried 4 to 1. Duda voting nay.

3. **Discuss license fee relief for Class B Combination Licenses.**

Mayor Penterman reported on the license fee relief for Class B Combination Licenses. In May of 2020, fee relief for Class B Combination Licenses was discussed and fee relief was given. Eight of the license holders chose to only pay for the first half of the fee. This matter was to be brought back to the Finance and Personnel Committee in December, but was overlooked. Discussion on this matter was held.

Motion by Moore, seconded by Coenen to charge fifty percent of the fee (\$225) for the Combination Licenses for the 2020-2021 term and the first half of the 2021-2022 term (July 1, 2021 to December 31, 2021). The second half of the fee for the 2021-2022 term will be reviewed by December 1, 2021.

All members voted aye.

Motion carried.

4. **General Matters** - none.

Motion by Moore, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:27 P.M.

Sally Kenney  
Clerk

Motion by Coenen, seconded by Thiele to adopt the Finance & Personnel Committee Meeting Minutes of February 15, 2021 as presented.

All Ald. voted aye.

Motion carried.

### **Legislative Meeting Minutes of February 15, 2021.**

#### **LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Chairman Coenen on Monday, February 15, 2021 at 7:27 P.M. remote teleconference via ZOOM.

Members present: Coenen, DeCoster, Moore and Thiele.

Also present: Mayor Penterman, Ald. Duda, Roehrig, Schell, Atty. Davidson, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Fire Chief Carrel, Planner Jakel, Street Superintendent VandenHeuvel, Fin. Dir. Van Rossum, HR Dir. Audette, Principal Planner Watson Brunette, Rec. Director Malloy, IT Dir. Krause and interested citizens.

1. **Correspondence** - None.
2. **Ordinance 1825 Repealing and Replacing Section 14.04 Building Inspector and Building Inspection Department.**

Attorney Davidson stated changes to the code need to be made due to the use of an outside contractor for Building Inspector and Building Inspection Department. There will be changes throughout the code to necessitate the change to contracted services. This is mostly having to do with the areas having the City retain direct control over versus an outside contractor. This gets our code cleaned up so we can use an outside building inspection service in lieu of our direct hired building inspector.

Motion by Moore, seconded by Thiele to have Ordinance 1825 Repealing and Replacing Section 14.04 Building Inspector and Building Inspection Department language forwarded to the Common Council.

All members voted aye.

Motion carried.

3. **General Matters** – None.

Motion by DeCoster, seconded by Thiele to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:31 p.m.

Sally Kenney  
Clerk

Motion by Coenen, seconded by Roehrig to adopt the Legislative Meeting Minutes of February 15, 2021 as presented.

All Ald. voted aye.

Motion carried.

**Plan Commission Meeting Minutes of January 21, 2021.**

Motion by Thiele, seconded by Roehrig to receive and place on file the Plan Commission Meeting Minutes of January 21, 2021.

All Ald. voted aye.

Motion carried.

**Industrial Park Commission Meeting Minutes of November 12, 2020.**

Motion by Coenen, seconded by Schell to receive and place on file the Industrial Park Commission Meeting Minutes of November 12, 2020.

All Ald. voted aye.

Motion carried.

**Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of January 12, 2021.**

Motion by Coenen, seconded by DeCoster to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of January 12, 2021.

All Ald. voted aye.

Motion carried.

**Kaukauna Public Library Board Meeting Minutes of November 24, 2020.**

Motion by Coenen, seconded by Moore to receive and place on file the Kaukauna Public Library Board Meeting Minutes of November 24, 2020.

All Ald. voted aye.

Motion carried.

**1000 Islands Environmental Center Meeting Minutes of January 21, 2021.**

Motion by Coenen, seconded by Moore to receive and place on file the 1000 Islands Environmental Center Meeting Minutes of January 21, 2021.

All Ald. voted aye.

Motion carried.

**Operators/Bartenders License.**

The following applicant has applied for an operator's license for the license year 2020 2022 and has been recommended for approval based on their record check by the police department:

School                      Annie                      R                      W2646 Block Road                      Appleton

Motion by Duda, seconded by Schell to grant the operator/bar tender license.  
All Ald. voted aye.  
Motion carried.

## **REPORTS OF CITY OFFICERS**

### **Fire Report**

Motion by Coenen, seconded by Schell to receive and place on file the December 2020 Fire Report.  
All Ald. voted aye.  
Motion carried.

Motion by Coenen, seconded by Duda to receive and place on file the January 2021 Fire Report.  
All Ald. voted aye.  
Motion carried.

### **Ambulance Report**

Motion made by Coenen, seconded by Moore to receive and place on file the December 2020 Ambulance Report.  
All Ald. voted aye.  
Motion carried.

Motion made by Coenen, seconded by Roehrig to receive and place on file the January 2021 Ambulance Report.  
All Ald. voted aye.  
Motion carried.

### **Police Report**

Motion made by Coenen, seconded by Schell to receive and place on file the January 2021 Police Report.  
All Ald. voted aye.  
Motion carried.

### **Municipal Court Report**

Motion made by Coenen, seconded by Duda to receive and place on file the January 2021 Municipal Court Report.  
All Ald. voted aye.  
Motion carried.

### **Clerk-Treasurer's Deposit Report**

Motion made by Coenen, seconded by Roehrig to receive and place on file the January 2021 Clerk-Treasurer's Deposit Report.  
All Ald. voted aye.  
Motion carried.

### **Building Inspection Report**

Motion made by Coenen, seconded by Moore to receive and place on file the January 2021 Building Inspection Report.



All Ald. voted aye.  
Motion carried.

**Review Site Plan for proposed Redevelopment of Paulson Building, 120 E. Wisconsin Avenue.**

Principal Planner Watson Brunette provided the preliminary site plan and introduced Trevor Frank, S.E.H. Architect. Frank gave an update on the elevation and materials to be used on the proposed building.

**PRESENTATION OF ORDINANCES AND RESOLUTIONS**

**Resolution 2021-5255 International Migratory Bird Day.**

Motion by Coenen, seconded by Moore to suspend the rules and waive the reading of Resolution 2021-5255 International Migratory Bird Day.

All Ald. voted aye.  
Motion carried.

Motion by Coenen, seconded by Moore to adopt Resolution 2021-5255 International Migratory Bird Day.

All Ald. voted aye.  
Motion carried.

**Resolution 2021-5256 Authorizing the City of Kaukauna to grant a Historic Conservation Easement for 111 Main Avenue, Kaukauna, WI.**

Motion by Coenen, seconded by Schell to suspend the rules and waive the reading of Resolution 2021-5256 Authorizing the City of Kaukauna to grant a Historic Conservation Easement for 111 Main Avenue, Kaukauna, WI. Ald. Duda asked about the Historic Preservation Commission mentioned in this resolution. Clarification was made that a Historic Preservation Commission, required by City of Kaukauna Code, will be appointed.

All Ald. voted aye.  
Motion carried.

Motion by Coenen, seconded by Moore to adopt Resolution 2021-5256 Authorizing the City of Kaukauna to grant a Historic Conservation Easement for 111 Main Avenue, Kaukauna, WI.

All Ald. voted aye.  
Motion carried.

**Ordinance 1825 Repealing and Replacing Section 14.04 Building Inspector and Building Inspection Department.**

Motion by Coenen, seconded by Thiele to suspend the rules and waive the reading of Ordinance 1825 Repealing and Replacing Section 14.04 Building Inspector and Building Inspection Department.

All Ald. voted aye.  
Motion carried.

Motion by Coenen, seconded by Thiele to adopt Ordinance 1825 Repealing and Replacing Section 14.04 Building Inspector and Building Inspection Department.

All Ald. voted aye.

Motion carried.

**ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 19.85(1)(E) TO DISCUSS SALE OF MUNICIPAL PROPERTY LOCATED AT 632 HYLAND AVENUE.**

Motion by Coenen, seconded by Roehrig to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss sale of municipal property located at 632 Hyland Avenue.

All Ald. voted aye.

Motion carried.

Moved to closed session at 7:56 p.m.

**RETURN TO OPEN SESSION FOR POSSIBLE ACTION**

Motion by Coenen, seconded by Moore to return to open session for possible action.

All Ald. voted aye.

Motion carried.

Returned to open session at 8:20 p.m.

**ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 19.85(1)(E) TO DISCUSS SALE OF MUNICIPAL PROPERTY LOCATED AT 111 MAIN AVENUE (CARNEGIE BUILDING).**

Motion by Coenen, seconded by Moore to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss sale of municipal property located at 111 Main Avenue (Carnegie Building).

All Ald. voted aye.

Motion carried.

Moved to closed session at 8:22 p.m.

**RETURN TO OPEN SESSION FOR POSSIBLE ACTION**

Motion by Coenen, seconded by Moore to return to open session for possible action.

All Ald. voted aye.

Motion carried.

Returned to open session at 8:54 p.m.

Motion by Coenen, seconded by Thiele to authorize the Mayor to execute the letter of intent from Tim Schuelke and Assigns.

All Ald. voted aye.

Motion carried.

**ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 19.85(1)(E) TO DISCUSS DRAFT DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 120 E. WISCONSIN AVENUE.**

Motion by Coenen, seconded by Moore to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss draft Development Agreement for property located at 120 E. Wisconsin Ave. All Ald. voted aye.  
Motion carried.

Moved to closed session at 8:56 p.m.

### **RETURN TO OPEN SESSION FOR POSSIBLE ACTION**

Motion by Coenen, seconded by Schell to return to open session for possible action. All Ald. voted aye.  
Motion carried.

Returned to open session at 9:13 p.m.

### **CONSIDERATION OF MISCELLANEOUS BUSINESS**

Ald. Roehrig gave a statement about his decision to not seek reelection for Alderman. Proper protocol was followed for non-candidacy. He asked that his character not be slandered with false accusations. He stated he was disappointed that the Alderman in question didn't have the courtesy to talk to him directly with his concern. He mentioned his many accomplishments during his time as alderman and thanked his constituents for trusting him as their elected official.

Ald. Coenen requested the City consider naming the archery range after Diana Driessen. Mayor Penterman stated that this is being looked into and will come back to the appropriate committee with memorial options for former Alderperson Diana Driessen.

Ald. DeCoster stated he was contacted by a frustrated resident who was surprised to hear that Alderman Roehrig would not be running for District 2 Alderperson. He informed the resident that he would look into it. No slander or disrespect was meant to be directed to Alderman Roehrig. Ald. DeCoster felt this process could have been more open.

Ald. Moore asked about rules for campaign signs. Attorney Davidson stated that flags and banners are not regulated by City Code and falls under free speech. Physical hard signs can be regulated by the City.

### **ADJOURN**

Mayor Penterman adjourned the meeting at 9:22 p.m.

Sally Kenney  
Clerk