



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – JUNE 15, 2021

Pursuant to adjournment on June 1, 2021 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, June 15, 2021 in-person and with remote teleconference via ZOOM.

Roll call present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell and Thiele.

Also present: Attorney Davidson, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Fire Chief Carrel, Police Chief Graff, Prin. Planner Brunette, Library Dir. Thiem-Menning, IT Dir. Krause, and interested citizens.

Mayor Penterman expressed condolences to the family of former City Attorney Don Green who passed away.

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 Moore, seconded by DeCoster to suspend the rules and waive the reading of the minutes of the previous meeting of June 1, 2021.

All Ald. voted aye.

Motion carried.

Motion by Thiele, seconded by Coenen to adopt the minutes of the meeting of June 1, 2021.

All Ald. voted aye.

Motion carried.

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

Bills Payable

Motion by Moore, seconded by Antoine to pay bills out of the proper accounts.

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES - None.

BUSINESS PRESENTED BY THE MAYOR

Reappointment of Olivia Fischer to the Kaukauna Public Library Board.

Motion by Kilgas, seconded by Moore to reappoint Olivia Fischer to the Kaukauna Public Library Board.

All Ald. voted aye.

Motion carried.

Appointment of Shana Beach to the Kaukauna Public Library Board.

Motion by Kilgas, seconded by Schell to appoint Shana Beach to the Kaukauna Public Library Board.
All Ald. voted aye.
Motion carried.

25 Years of Service to Lieutenant Tom Bartolazzi – Kaukauna Police Department.

Mayor Penterman awarded Lieutenant Tom Bartolazzi for 25 years of service on the Kaukauna Police Department. Lieutenant Bartolazzi thanked the City, his family and all of his co-workers for support over the past 25 years.

Nelson Family Heritage Crossing Ribbon Cutting – Friday, June 18, 2021.

Mayor Penterman informed the Council the ribbon cutting for the Nelson Family Heritage Crossing will be held on Friday, June 18, 2021 at 10:00 am. This is an invite only event.

Mayor Penterman informed the Council and City officials that starting on Tuesday, July 6 all Committee and Council meetings will resume to in-person only.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of June 14, 2021.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairman Thiele on Monday, June 14, 2021 at 6:00 P.M. in person and remote teleconference via ZOOM.

Members present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell and Thiele.

Also present: Mayor Penterman, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Attorney Davidson, Police Chief Graff, Fire Chief Carrel, Principal Planner Brunette, Fin. Dir. Van Rossum, IT Dir. Krause, and interested citizens.

1. Correspondence – none.

2. Open Bids for Project 8-21; 2021 Concrete Street Patch Program.

Senior Project Engineer Neumeier provided background information on Project 8-21; 2021 Concrete Street Patch Program and answered questions from the Board.

Motion by Coenen, seconded by Moore to receive no more bids for Project 8-21; 2021 Concrete Street Patch Program and open bids received.

All members voted aye.

Motion carried.

<u>CONTRACTOR</u>	<u>CITY</u>	<u>TOTAL BID</u>
Al Dix Concrete	Kaukauna	\$168,900.00
Jim Fischer Inc.	Appleton	\$183,450.00
Sommers Construction	Shiocton	\$176,200.00

Motion by Coenen, seconded by Schell to have Engineering Department tabulate the bids and come back to the Board with a recommendation.

All members voted aye.
Motion carried.

3. Public Hearing for levying of special assessments for public improvements constructed as part of Project 3-21; 2021 Alley Paving Project.

Senior Project Engineer Neumeier gave a presentation on the project areas providing assessment rates, payments and policies.

Chairman Thiele declared the Public Hearing for levying of special assessments for public improvements constructed as part of Project 3-21; 2021 Alley Paving Project open and asked if anyone in person or via ZOOM wished to address the Board.

Tim Lamers, 23 Deer Run Court, Kaukauna asked the Engineering Department to re-measure his affected property area. Mr. Lamers feels the measurement provided he was incorrect.

Chairman Thiele asked two more times if anyone in person or via ZOOM wished to address the Board regarding Project 3-21; 2021 Alley Paving Project. No one else appeared. The Public Hearing was declared closed.

4. Railroad Quiet Zone Study Update.

DPW/Eng. Sundelius stated the City is under contract with Short Elliott Hendrickson (S.E.H.) to take the next steps in exploring what it would take to get a railroad quiet zone through the majority of the City. A memorandum from Bryan Cunningham of S.E.H. concerning the railroad quiet zone study was provided. A diagnostic meeting is scheduled for July 29. It is likely that the study is going to come back with the recommendation to eliminate one of the crossings. Questions from the Board were answered.

5. Drop-Off Site Rates/Procedures.

A new drop off site, located at the intersection of W. Third Street and Bicentennial Court was constructed as part of the Street Department Addition/Renovations project. It is anticipated the site will be ready for use in early July. The site will be available to City of Kaukauna residents from 6:30 AM to 8:00 PM, 7 days a week. The site will be gated with access granted by an access control card that will automatically open the gates. The area will be monitored via security cameras and no employees will actively be at the site. Yard waste, brush, garden debris, overflow garbage, and waste oil will be accepted at the site. No tires, appliances, furniture, or electrical items will be accepted. Mulch and/or wood chips may also be offered if space allows. Residents will be required to complete an application and provide proof of residency before an access control card is issued. The recommendation is for an annual fee of \$25 for unlimited access to the site. Questions from the Board were answered. Alderpersons asked to maintain the existing twice a year curbside yard waste pickup. Ald. Moore requested an outline of consequences when residents abuse the procedures be brought back to the Board of Public Works for review.

Motion by Schell, seconded by Coenen to direct staff to implement drop off site regulations and implement a \$25 annual fee for site use.

All members voted aye.
Motion carried.

6. 2020 Compliance Maintenance Annual Report (CMAR).

Per Wisconsin DNR: Chapter NR 208, Wis. Adm. Code is more commonly known as the Compliance Maintenance Annual Report (CMAR) rule for publicly and privately owned domestic wastewater treatment works. The CMAR is a self-evaluation tool that promotes the owner's awareness and responsibility for wastewater collection and treatment needs, measures the performance of a wastewater treatment works during a calendar year, and assesses its level of compliance with permit requirements.

The City of Kaukauna has achieved an overall grade of "A" in 2020 reporting, which requires no formal corrective actions. A Resolution acknowledging that the report has been completed and reviewed is required and is on the Common Council agenda tomorrow. Recommended collection system response and an overall comment/action items from the Council acknowledging the need to continue improvements to City sanitary sewer collection system is being requested.

Motion by Moore, seconded by DeCoster to receive and place on file the 2020 Compliance Maintenance Annual Report and recommend adoption of the City of Kaukauna – 2020 Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance Resolution to Common Council.

All members voted aye.

Motion carried.

7. Adjourn to Closed Session pursuant to Wisconsin State Statute 19.85 (1)(g) to confer with legal counsel with respect to litigation in which it is or is likely to become involved.

Motion by Moore, seconded by Coenen to Adjourn to Closed Session pursuant to Wisconsin State Statute 19.85 (1)(g) to confer with legal counsel with respect to litigation in which it is or is likely to become involved.

All members voted aye.

Motion carried.

Meeting adjourned to closed session at 6:46 p.m.

8. Return to Open Session for possible action.

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

All members voted aye.

Motion carried.

Returned to open session at 7:18 p.m.

9. General Matters - none.

Motion made by Moore, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:19 p.m.

Sally Kenney
Clerk

Motion by Thiele, seconded by Schell to adopt the Board of Public Works Meeting Minutes of June 14, 2021 as presented.

All Ald. voted aye.

Motion carried.

Legislative Meeting Minutes of June 14, 2021.

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Coenen on Monday, June 14, 2021 at 7:19 P.M. in person and remote teleconference via ZOOM.

Members present: Coenen, Kilgas, Moore and Thiele.

Also present: Mayor Penterman, Ald. Antoine, DeCoster, Eggleston, Schell, Atty. Davidson, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Principal Planner Brunette, Fire Chief Carrel, Police Chief Graff, Fin. Dir. Van Rossum, IT Dir. Krause, and interested citizens.

1. Correspondence – None.

2. Draft Ordinance Amending Ch. 9.15(6) Public Peace and Good Order; Animals; Prohibited Areas for Animals.

The topic of leashed dogs being allowed in select City parks came forward in the 2019 Recreation and Open Space Master Plan public input process in 2018-2019. This was discussed further in early 2020 when COVID-19 and stay-at-home orders increased local park usage. Some gaps in our current ordinance were identified at that time and discussion was had at Plan Commission and before Legislative Committee in 2020. Staff was directed to revise the ordinance and bring a draft back to this body for consideration. Questions from the Committee were answered.

Motion by Moore, seconded by Thiele to direct staff to schedule a public hearing and publish a Class 2 notice for consideration of ordinance amending Ch.9.15(6) regarding prohibited areas for animals.

All members voted aye.

Motion carried.

3. Discuss Proposed Ordinance Repealing and Replacing Section 1.46 (2) Redevelopment Authority.

This ordinance is on the Common Council meeting for Tuesday, June 15. Principal Planner Brunette provided background on this ordinance change. The state requires that the City have a Historic Preservation Commission review facade changes to any historic building. The City of Kaukauna Code states that we do have a Historic Preservation Commission, but the Commission has not sat in more than twenty years. Staff evaluated if it made sense to appoint members to this commission when meetings are needed infrequently. This ordinance change would grant the Redevelopment Authority special provision to give historic façade review, which the Authority already performs for the Commercial Core District.

4. General Matters – None.

Motion by Moore, seconded by Kilgas to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 7:32 p.m.

Sally Kenney, Clerk

Motion by Coenen, seconded by Kilgas to adopt the Legislative Meeting Minutes of June 14, 2021 as presented.
All Ald. voted aye.
Motion carried.

Health & Recreation Meeting Minutes of June 14, 2021.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman DeCoster on Monday, June 14, 2021 at 7:32 P.M. in person and remote teleconference via ZOOM.

Members present: Coenen, DeCoster, Eggleston, and Schell.

Also present: Mayor Penterman, Ald. Antoine, Ald. Moore, Ald. Kilgas, Ald. Thiele, Attorney Davidson, DPW/Eng. Sundelius, Sen. Proj. Eng. Neumeier, Police Chief Graff, Fire Chief Carrel, Fin. Dir. Van Rossum, Prin. Plan. Brunette, IT Dir. Krause, and interested citizens.

1. Correspondence – None.

2. Tavern Report.

Police Chief Graff stated there was good communication and compliance from tavern owners. Overall it was a good year.

Motion by DeCoster, seconded by Schell to receive and place on file the Tavern Report.
All members voted aye.
Motion carried.

3. 2021-2022 Beer and Liquor Licenses.

The list was distributed. They have all been approved with the exception of two establishments still waiting on Inspection Department approval.

Motion by Coenen, seconded by Eggleston, to grant the 2021-2022 Beer and Liquor Licenses contingent on all inspections being met.
All members voted aye.
Motion carried.

4. 2021-2022 Outdoor Alcoholic Beverage Area Permits.

Motion by Schell, seconded by Coenen approve the 2021-2022 Outdoor Alcoholic Beverage Area Permits.

All members voted aye.

Motion carried.

5. 2021-2022 Sidewalk Display and Sidewalk Café Permits.

The list of five establishment was provided.

Motion by Coenen, seconded by Eggleston approve the 2021-2022 Sidewalk Display and Sidewalk Café Permits.

All members voted aye.

Motion carried.

6. Fireworks application submitted by G&M Fireworks, LLC for the sale of fireworks in the Piggly Wiggly parking lot, 300 E. Ann Street.

Motion by Schell, seconded by Coenen to approve the Fireworks application submitted by G&M Fireworks, LLC for the sale of fireworks in the Piggly Wiggly parking lot, 300 E. Ann Street contingent upon the approval of the Fire Department inspection of tent once it is installed.

All members voted aye.

Motion carried.

7. Fireworks application submitted by Happy Fireworks, for the sale of fireworks in Ron's Auto LLC, 305 E. Farmland Drive.

Motion by Coenen, seconded by Schell to approve the Fireworks application submitted by Happy Fireworks, for the sale of fireworks in Ron's Auto, LLC, 305 E. Farmland Drive contingent upon the approval of the Fire Department inspection of display once it is set-up.

All members voted aye.

Motion carried.

8. Solicitors License to Success N. Lankford-Mitchell, Southwestern Advantages, 1019 W. Harris Street, Appleton for the sale of educational books, websites and apps.

Motion by Eggleston, seconded by Schell to approve the Solicitors License to Success N. Lankford-Mitchell, Southwestern Advantages, 1019 W. Harris Street, Appleton for the sale of educational books, websites and apps.

All members voted aye.

Motion carried.

9. Combination Class B Beer and Class C Wine license to Romero LLC, Juan Rivera Romero Agent, Johnny's Family Restaurant, 215 W. Wisconsin Ave., Kaukauna.

Chairman DeCoster stated that all city departments have approved this license.

Motion by Coenen, seconded by DeCoster to approve the Combination Class B Beer and Class C

Wine License to Romero LLC, Juan Rivera Romero Agent, Johnny's Family Restaurant, 215 W. Wisconsin Ave., Kaukauna
All members voted aye.
Motion carried.

10. Request for amplified music to Heather Wessley for "Bike to the Beat" 2021 event, Grignon Mansion and Kaukauna Athletic Fields, on August 7, 2021 from 7:00 am to 3:00 pm.

Motion by Eggleston, seconded by Schell to grant the amplified music request to Heather Wessley for "Bike to the Beat" 2021 event, Grignon Mansion and Kaukauna Athletic Fields, on August 7, 2021 from 7:00am to 3:00 pm.
All members voted aye.
Motion carried.

11. General Matters – None.

Motion made by Coenen, seconded by DeCoster to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 7:41P.M.

Sally Kenney
Clerk

Motion by DeCoster, seconded by Eggleston to adopt the Health and Recreation Meeting Minutes of June 14, 2021 as presented.
All Ald. voted aye.
Motion carried.

Plan Commission Meeting Minutes of May 20, 2021.

Motion by Moore, seconded by Coenen to receive and place on file the Plan Commission Meeting Minutes of May 20, 2021.
All Ald. voted aye.
Motion carried.

Industrial Park Commission Meeting Minutes of May 13, 2021.

Motion by Moore, seconded by Antoine to receive and place on file the Industrial Park Commission Meeting Minutes of May 13, 2021.
All Ald. voted aye.
Motion carried.

Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of May 11, 2021.

Motion by Moore, seconded by Thiele to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of May 11, 2021.
All Ald. voted aye.
Motion carried.

1000 Islands Environmental Center Committee Meeting Minutes of April 15, 2021.

Motion by Eggleston, seconded by Schell to receive and place on file the 1000 Islands Environmental Center Committee Meeting Minutes of April 15, 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:

Anderson	Donny	E.	714 E. Tenth St.	Kaukauna
Czarnecki	Jamie	L.	818 N. Bay Ridge Rd.	Appleton
Franczek	John	A.	9 Armstrong Ct.	Kaukauna
Gruett	Allison	J.	101 Central St.	Potter
Kizewski	Joel	P.	3125 N. Durkee St.	Appleton
Mielke	Nicholas	A.	2615 E. Greenleaf Dr.	Appleton
Peterson	Marjorie	L.	210 W. Wisconsin Ave.	Kaukauna
Quesada	Michael	E.	105 ½ Wisconsin Ave.	Kaukauna
Stanley	Amber	E.	2837 Schaefer Circle	Appleton

Motion by DeCoster, seconded by Coenen to grant the operator/bar tender license.

All Ald. voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Fire Report

Motion by Moore, seconded by Thiele to receive and place on file the May 2021 Fire Report.

All Ald. voted aye.

Motion carried.

Ambulance Report

Motion made by Moore, seconded by Schell to receive and place on file the May 2021 Ambulance Report.

All Ald. voted aye.

Motion carried.

Police Report

Motion made by Moore, seconded by Kilgas to receive and place on file the May 2021 Police Report.

All Ald. voted aye.

Motion carried.

Municipal Court Report

Motion made by Moore, seconded by Eggleston to receive and place on file the May 2021 Municipal Court Report.

All Ald. voted aye.

Motion carried.

Clerk-Treasurer's Deposit Report

Motion by Moore, seconded by Kilgas to receive and place on file the May 2021 Clerk-Treasurer's Deposit Report.

All Ald. voted aye.

Motion carried.

Building Inspection Report

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

All Ald. voted aye.

Motion carried.

Award Project 8-21, 2021 Concrete Street Patch Program.

DPW/Eng. Sundelius provided the bid tabulations. After review, all bids checked out.

Motion by Moore, seconded by Antoine to award Project 8-21; 2021 Concrete Street Patch Program to Al Dix Concrete, Inc., Kaukauna, for the total bid price of \$168,900.00.

All Ald. voted aye.

Motion carried.

PRESENTATION OF ORDINANCES AND RESOLUTIONS**Resolution 2021-5279 Accepting Access Easement from Bank of Kaukauna.**

Motion by Moore, seconded by DeCoster to suspend the rules and waive the reading of Resolution 2021-5279 Accepting Access Easement from Bank of Kaukauna.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2021-5279 Accepting Access Easement from Bank of Kaukauna.

All Ald. voted aye.

Motion carried.

Resolution 2021-5280 Accepting Plan Commission Approval of a Special Exception for Kaukauna River Hotel, LLC.

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Resolution 2021-5280 Accepting Plan Commission Approval of a Special Exception for Kaukauna River Hotel, LLC.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Resolution 2021-5280 Accepting Plan Commission Approval of a Special Exception for Kaukauna River Hotel, LLC.

All Ald. voted aye.

Motion carried.

Resolution 2021-5281 Accepting Final Plat of Ash Grove Estates Subdivision.

Ald. Kilgas requested the City look at changing the minimum width of new subdivision lots from 60 feet to 70 feet. Mayor Penterman stated this recommendation will be brought before the Plan Commission for consideration.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2021-5281 Accepting Final Plat of Ash Grove Estates Subdivision.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2021-5281 Accepting Final Plat of Ash Grove Estates Subdivision.

Motion carried with a vote of 7 -1 (Kilgas – nay).

Resolution 2021-5282 Final Resolution Authorizing Public Improvements to Alleys abutting properties along W. 10th Street, W. 11th Street, W. 12th Street, E. 10th Street, and E. 11th Street.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2021-5282 Final Resolution Authorizing Public Improvements to Alleys abutting properties along W. 10th Street, W. 11th Street, W. 12th Street, E. 10th Street, and E. 11th Street.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston to adopt Resolution 2021-5282 Final Resolution Authorizing Public Improvements to Alleys abutting properties along W. 10th Street, W. 11th Street, W. 12th Street, E. 10th Street, and E. 11th Street.

All Ald. voted aye.

Motion carried.

Resolution 2021-5283 City of Kaukauna-2020 Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance Resolution.

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2021-5283 City of Kaukauna-2020 Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance Resolution.

Motion by Moore, seconded by Thiele to adopt Resolution 2021-5283 City of Kaukauna-2020 Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance Resolution.

All Ald. voted aye.

Motion carried.

Ordinance 1831 Repealing and Replacing Section 1.46 (2) Redevelopment Authority.

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Ordinance 1831 Repealing and Replacing Section 1.46 (2) Redevelopment Authority.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Ordinance 1831 Repealing and Replacing Section 1.46 (2) Redevelopment Authority.

All Ald. voted aye.

Motion carried.

ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 19.85(1)(E) TO DISCUSS DISPOSITION OF MUNICIPALLY OWNED PROPERTY (LOT 6 IN NEW PROSPERITY CENTER).

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss disposition municipally owned property (Lot 6 in NEW Prosperity Center).

All Ald. voted aye.

Motion carried.

Moved to closed session at 7:40 p.m.

RETURN TO OPEN SESSION FOR POSSIBLE ACTION

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

All Ald. voted aye.

Motion carried.

Returned to open session at 7:56 p.m.

Motion by Moore, seconded by Eggleston to direct staff to reject the WB-40 amendment revising the purchase price from \$144,400 to \$108,490.

All Ald. voted aye.

Motion carried.

CONSIDERATION OF MISCELLANEOUS BUSINESS

Ald. Thiele asked about in-person meetings and the logistics of seating arrangements. She also asked that all users of the Council Chambers pick-up after their use.

DPW/Eng. Sundelius provided an updated schedule for Project 4-21, Asphalt Paving Project. The public hearing for this project will be on July 6. The project was previously authorized and bid and will most likely be completed before the public hearing.

Ald. Moore requested to have the monthly reports of city officers be approved in one motion instead of individually. Attorney Davidson will review the options for doing this.

ADJOURN

Motion by Coenen, seconded by Thiele to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:05 p.m.

Sally Kenney
Clerk