



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – AUGUST 16, 2022

Pursuant to adjournment on August 2, 2022 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, August 16, 2022.

Roll call present: Antoine, Coenen (via ZOOM), DeCoster, Eggleston, Moore, Schell, and Thiele.

Absent & Excused: Kilgas

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Police Chief Graff, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Lib. Dir. Thiem-Menning, Rec. Manager Malloy and interested citizens.

Motion by Thiele, seconded by Schell to excuse the absent member.

All Ald. present voted aye.

Motion carried.

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

Motion by Moore, seconded by Antoine to adopt the minutes of the Common Council meeting of August 2, 2022.

All Ald. present voted aye.

Motion carried.

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

Bills Payable

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

All Ald. present voted aye.

Motion carried.

PUBLIC APPEARANCES

No one appeared.

Mayor Penterman gave an update on the 250 Lawe Street Apartment Project. The closing for the purchase of the property was August 15, 2022. A survey of property was completed on August 10. A Certified Survey Map (CSM) combining the three parcels into one is completed and a site plan has been submitted to the State. Ground clean-up work is set to begin the first part of September.

BUSINESS PRESENTED BY THE MAYOR

Agenda Item Changes.

To remain in strict compliance with the open meetings law, all items of new business should be placed on an agenda as directed by the Mayor and should not be first brought to the floor prior to being noted as an agenda item. Appropriate channels for requesting an item be placed upon an

agenda would be a direct request to the Council President, a direct request to the mayor, or brought through the appropriate department head for the subject matter, i.e., Planning, Engineering, Public Works, etc. Discussion was held and questions answered.

Appointment of Christina Crook to Grignon Mansion replacing Carol King whose term ends 01-17-24.

Motion by Thiele, seconded by Schell to appoint Christina Crook to Grignon Mansion replacing Carol King whose term ends 01-17-24.

All Ald. present voted aye.

Motion carried.

Jamie Graff 25 years with the Kaukauna Police Department.

Rex Swanson 25 years with the Kaukauna Police Department.

Mayor Penterman thanked Police Chief Jamie Graff and Police Officer Rex Swanson each on 25 years of service with the City of Kaukauna.

Municipal Pool Project Update.

Mayor Penterman announced an initiative starting called "Future Kaukauna". Historically Kaukauna has never seen a capital fundraising campaign until now, with the Municipal Pool Master Plan fundraiser. "Future Kaukauna" will be a non-profit 501(c)(3) organization dedicated to promoting cultural vitality in Kaukauna. It will consist of a board of directors that will vet projects and bring forth to the Common Council for approval. Kaukauna is at a pivotal point in its development and wants to do everything to make the community the best it can be, while remaining cost effective with every decision and action. Jodi Sweeney from The Sweeney Group was present via ZOOM to go over the Capital Campaign Report. The Sweeney group was hired to find out if Kaukauna could raise 2.5 million dollars in private funds along with City funding for the Municipal Pool updates. The report recommends starting a campaign to raise 1.5 million dollars in private funds. Discussion was held and questions from the Alders were answered.

Finance Director Van Rossum spoke on the City funding for the Kaukauna Municipal Pool Project. The City funding options include money from the fund balance, TIF funding, Donor (Capital Campaign) and Bonding (taxpayers). Questions from the Alders were answered.

Community Enrichment Services Director Vosters and Recreation Manager Malloy provided a current pool update. The pool attendance and rentals have been good. Issues obtaining adequate staff have been addressed by increasing wages, providing hiring incentives and a staff appreciation day was started.

A campaign slogan with city branding is being worked on. The next steps in the Municipal Pool Project were discussed. Staff was directed to revisit the pool design and bring back options with costs for review.

City Attorney Position Referendum Question Modification.

It was suggested during the last council meeting to change the wording from appointed to hired position, so it is more relatable to the average citizen not working within or familiar with the government sector terminology.

Motion by Moore, seconded by Antoine to approve the revised City Attorney Position referendum question for the November 8, 2022 election.

All Ald. present voted aye.

Motion carried.

City Attorney Referendum Information Sheet and Public Information Meeting Dates.

Revised informational meeting dates are October 19, 2022 at 5:30 pm, November 2, 2022 at noon, and November 2, 2022 at 5:30 pm.

Motion by Eggleston, seconded by Moore to approve the revised City Attorney Referendum Information and Public Information Meeting Dates.

All Ald. present voted aye.

Motion carried.

Budget Schedule Update - Changing Committee of the Whole to November 2.

The 2023 Budget Preparation and Approval Process Schedule was provided.

Motion by Thiele, seconded by Schell to approve the updated 2023 Budget Preparation and Approval Process Schedule.

All Ald. present voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of August 15, 2022.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, August 15, 2022 at 6:00 P.M.

Members present: Antoine, Coenen (via ZOOM), DeCoster, Eggleston, Moore, Schell, and Thiele.

Absent & Excused: Kilgas

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, HR Dir. Swaney, Planner Stephenson, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, and interested citizens.

Motion by Moore, seconded by Antoine to excuse the absent member.

All Ald. present voted aye.

Motion carried.

1. Correspondence – none.

2. Discussion Topics.

a. Red Hills Landfill Update.

DPW/Eng. Neumeier introduced Heath Hoffman-Operations Manager from the Ahlstrom-Munksjo. Mr. Hoffman provided information, along with photos, on their efforts and plans. Ahlstrom-Munksjo has recently come out with a corporate sustainability goal of zero waste to landfill by 2030. They have been asking questions to understand, and are providing resources to help with potential end uses.

On July 26th, the environmental department organized a river bank clean-up alongside Thilmany road. Volunteers from the Ahlstrom Munksjo helped with this clean up, and ended up picking over 180 lbs. of trash. Thanks to the City of Kaukauna Street Department for the

traffic signs. Questions from the Board were answered.

b. Permit Revocation Appeal from TDS and Broadband Infrastructure (BBI).

DPW/Eng. Neumeier provided background information on the revocation. As of August 9th, 2022, due to continued violations of City and self-imposed rules for safe work in the right-of-way, all TDS, and their sub-contractors Broadband Infrastructure (BBI), and SourceOne(consultant) right-of-way permits within the City of Kaukauna were revoked per Municipal Code 8.06(20)(a). Per 8.06(20)(c) Appeals: Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may, within ten (10) days of the Department's decision being issued, file a written request with the Department seeking a review of the decision by the Board of Public Works. Following a hearing, the Board of Public Works may affirm, reverse, or modify the decision of the Department. The decision of the Board of Public Works is final. Both TDS and BBI have requested reviews of the decision of the Department and have provided background. Also included is a history of the violations for main-line fiber installation and service drops (to private property) issues. Representatives from each company were present to speak/appeal to the Board. Discussion was held and questions answered.

Motion by Moore, seconded by Antoine to allow representatives from TDS and Broadband Infrastructure (BBI) to speak.

All Ald. present voted aye.

Motion carried.

Braddock Cunningham, CEO/Owner of BBI introduced himself and spoke to appeal the permit revocation. BBI has been in town for approximately one and a half years and has a big investment in this project. In this field of putting utilities in, there are going to be strikes. There is zero way to stop these, but by putting precautions in place these can be kept to a minimum. Almost every strike was done by one sub-contractor. This contractor is no longer in market. Cunningham explained his plan of action, which includes sending in his employees to be on site to oversee the completion of the project. All precautions will be taken and new stringent procedures to ensure these issues do not happen again will be enforced. Questions from the Board were answered.

Wade Soczka, Director of Network Construction with TDS spoke to the mainline construction. The City of Kaukauna is a cost per service model, total turn-key contract where BBI is responsible for design, engineering, construction, inspection and all record updates and systems. Soczka spoke about safety protocols and expectations.

Andrew Buchart, Vice President of Field Operations with TDS spoke about the drop work to customers once the construction is complete. TDS sends out a sub-contractor to go out to make the connection from the main line to the home. The concerns from property owners regarding property damage and restoration of project areas were discussed. Questions from the Board were answered.

Motion by Moore, seconded by Coenen to modify the permit revocation and work with contractors to develop a work plan to reinstate current permits without Board approval.

Roll call vote: Antoine-aye, Coenen-aye, DeCoster-aye, Eggleston-aye, Moore-aye, Schell-aye, Thiele-aye.

Motion carried.

c. Public Works update.

DPW/Eng. Neumeier provided a list of projects currently, or soon to be, underway. These projects include: Island Street Bridge, which started on August 15; intersection project with Elm and Island Street nearing completion; Cty Road Q asphalt milling started and paving will be complete before school starts; Cty Road J will be worked on after Cty Road Q; and the alley paving project has started. Board members should contact the Engineering Department with questions and concerns.

3. General Matters - none.

4. Adjourn.

Motion made by Moore, seconded by Schell to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 7:12 p.m.

Sally Kenney
Clerk

Motion by Thiele, seconded by Moore to adopt the Board of Public Works Meeting Minutes of August 15, 2022.

All Ald. present voted aye.

Motion carried.

Finance & Personnel Committee Meeting Minutes of August 15, 2022.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, August 15, 2022, at 7:21 pm.

Members present: Mayor Penterman, Alders Coenen (via ZOOM), DeCoster, Schell, and Moore.

Absent & Excused: Kilgas.

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

Motion by Moore, seconded by DeCoster to excuse the absent member.

All members present voted aye.

Motion carried.

1. Correspondence - None.

2. Discussion Topics.

a. Authorization to fill laborer position in the Street Department.

The recent transfer of Pete Nelson to the Street Foreman position has left an opening for a laborer.

Motion by Coenen, seconded by Moore to authorize staff to fill a laborer position vacancy.

All members present voted aye.

Motion carried.

b. Employee Handbook updates.

HR Director Swaney stated the City of Kaukauna employee handbook recently underwent a full legal and compliance review. The purpose of this review was to ensure the handbook accurately captured the City's policies, procedures and was in legal compliance with current state and federal law. As a result of this review changes were made to the handbook.

Motion by DeCoster, seconded by Schell to approve the updated Employee Handbook with updates presented.

All members present voted aye.

Motion carried.

3. General Matters – none.

4. Adjourn.

Motion by DeCoster, seconded by Coenen to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 7:26 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Thiele to adopt the Finance & Personnel Committee Meeting Minutes of August 15, 2022.

All Ald. present voted aye.

Motion carried.

Health & Recreation Committee Meeting Minutes of July 19, 2022.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, August 15, 2022 at 7:26 P.M.

Members present: Antoine, DeCoster, and Eggleston.

Absent & Excused: Kilgas.

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen (via ZOOM), Alder Moore, Alder Schell, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

Motion by Eggleston, seconded by Antoine to excuse the absent member.

All members present voted aye.

Motion carried.

1. Correspondence – None.

2. Discussion Topics.

- a. **Amplified music request to Jason Lipsky, Electric City Productions for West 3rd Street and two adjacent parking lots and one block of Main Ave., on Thursday, September 22, 2022 from 4-10 pm.**

This item was pulled. Additional event review needed.

- b. **Combination Class B License to Shaila Lopez Martinez, Mena's Place, 215 W. Wisconsin Ave., Kaukauna for the 2022-2023 license year.**

Alder Moore asked if the Auxiliary questionnaire was completed for this license. Clerk Kenney stated that this form was completed.

Motion by DeCoster, seconded by Antoine to grant the Combination Class B License to Shaila Lopez Martinez, Mena's Place, 215 W. Wisconsin Ave., Kaukauna for the 2022-2023 license year.

All members voted aye.

Motion carried.

- c. **Change from a Combination Class B Reserve License to a Combination Class B Regular License to Dodge 313 LLC, 313 Dodge Street Kaukauna for the 2022-2023 license year.**

Motion by Antoine, seconded by DeCoster to grant the Change from a Combination Class B Reserve License to a Combination Class B Regular License to Dodge 313 LLC, 313 Dodge Street Kaukauna for the 2022-2023 license year.

All members voted aye.

Motion carried.

3. General Matters - none.

4. Adjourn.

Motion made by DeCoster, seconded by Antoine to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:31 P.M.

Sally Kenney
Clerk

Motion by Eggleston, seconded by Schell to adopt the Health & Recreation Committee Meeting Minutes of August 15, 2022.

All Ald. present voted aye.

Motion carried.

Legislative Committee Meeting Minutes of August 15, 2022.

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, August 15, 2022 at 7:31 P.M.

Members present: Antoine, Coenen (via ZOOM), Moore, and Thiele.

Also present: Mayor Penterman, Attorney Davidson, Alder DeCoster, Alder Eggleston, Alder Schell, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

1. **Correspondence** - None.
2. **Discussion Topics.**
 - a. **Outdoor Alcohol Beverage Area Ordinance Review.**

Planner Stephenson presented to the Council with edits to our existing Outdoor Alcohol Beverage Area, recommended for approval by the Plan Commission June 23, 2022. The Community Development Department has been approached by businesses that would like to see changes to our Outdoor Alcohol Beverage Area, to allow a more welcoming experience for patrons. In addition, alcohol can be served on public sidewalks and no large issues have arisen from this ordinance change. Community Development sought to craft an ordinance that would help foster a welcoming atmosphere, while still maintaining certain safeguards to the outdoor alcohol beverage area. A summary of those changes was provided.

Planner Stephenson will amend the Ordinance as requested and bring back to the Legislative Committee for review.

3. **General Matters** – None.

4. **Adjourn.**

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

Meeting adjourned at 8:03 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Eggleston to adopt the Legislative Committee Meeting Minutes of August 15, 2022.

All Ald. present voted aye.

Motion carried.

Public Protection & Safety Committee Meeting Minutes of August 15, 2022.

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Vice-Chairman Schell on Monday, August 15, 2022 at 8:03 pm.

Members present: Eggleston, Schell, Thiele.

Absent & Excused: Kilgas

Also present: Mayor Penterman, Ald. Antoine, Coenen (via ZOOM), DeCoster, Moore, Atty. Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fire Chief Carrel, Police Chief Graff, HR Dir. Swaney, and interested citizens.

Motion by Thiele, seconded by Eggleston to excuse the absent member.
All members present voted aye.
Motion carried.

1. Correspondence - None.

2. Discussion Topics.

a. Loderbauer Road Speed Limit.

DPW/Eng. Neumeier stated the speed limit for Loderbauer Road south of White Wolf Lane currently is listed as 35mph in the Municipal Code. The White Dove Lane intersection has been installed since the creation of the speed limit locations on Loderbauer Road. DPW/Eng. Neumeier feels that the 35-mph speed limit within the corporate limits is no longer necessary due to the urbanization of the road and the installation of the intersection at the southern corporate limits. Motion by Thiele, seconded by Eggleston to direct the City Attorney to draft the necessary ordinance to remove 7.02(1)(i) and work with the Town of Buchanan to move speed limit sign. All members present voted aye.
Motion carried.

3. General Matters – None.

4. Adjourn.

Motion by Eggleston, seconded by Thiele to adjourn.
All members present voted aye.
Motion carried.

Meeting adjourned at 8:07 p.m.

Sally Kenney
Clerk

Motion by Schell, seconded by Moore to approve the Public Protection & Safety Committee Meeting Minutes of August, 15, 2022.
All Ald. present voted aye.
Motion carried.

Operators/Bartenders License

The following applicants have applied for an operator's license for the license year 2022-2024 and have been recommended for approval based on their record check by the police department:

Gallagher, Jr.	David	J.	702 Kinzie Ct.	Menasha
Leary	Timothy	J.	133 Garfield St.	Kaukauna
LeClair	Richard	D.	N4077 Cty Rd. E.	Freedom
Zuleger	Richard	H.	920 Armstrong Ln.	Kaukauna

Motion by Eggleston, seconded by Moore to approve the operator/bartender licenses.
All Ald. present voted aye.
Motion carried.

REPORTS OF CITY OFFICERS

Fire Report

Motion by Moore, seconded by Antoine to receive and place on file the July 2022 Fire Report.

All Ald. present voted aye.

Motion carried.

Ambulance Report

Motion by Moore, seconded by Schell to receive and place on file the July 2022 Ambulance Report.

All Ald. present voted aye.

Motion carried.

Police Report

Motion made by Moore, seconded by Eggleston to receive and place on file the July 2022 Police Report.

All Ald. present voted aye.

Motion carried.

Municipal Court Report

Motion made by Moore, seconded by Thiele to receive and place on file the July 2022 Municipal Court Report.

All Ald. present voted aye.

Motion carried.

Clerk-Treasurer's Deposit Report

Motion by Moore, seconded by Eggleston to receive and place on file the July 2022 Clerk-Treasurer's Deposit Report.

All Ald. present voted aye.

Motion carried.

Building Permit Summary Report

Motion made by Moore, seconded by Schell to receive and place on file the July 2022 Building Permit Summary Report.

All Ald. present voted aye.

Motion carried.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2022-5351 Resolution Authorizing the Mayor to enter into a lease agreement with Bob's Inn.

This item was pulled.

Resolution 2022-5352 Resolution Establishing Hiring of City Attorney.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Resolution 2022-5352 Resolution Establishing Hiring of City Attorney.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2022-5352 Resolution Establishing Hiring of City Attorney.

All Ald. present voted aye.

Motion carried.

Ordinance 1865-2022 Ordinance Amending Sections 12.01(2)(D) Reserve Class B and 12.03(11) Permit for Outdoor Alcoholic Beverage Area of the Municipal Code.

This item was pulled.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations regarding disposition of public property.

Motion by Moore, seconded by Eggleston to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations regarding disposition of public property.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 8:37 p.m.

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

All Ald. present voted aye.

Motion carried.

Returned to open session at 9:00 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations regarding disposition of public property

Motion by Moore, seconded by Thiele to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations regarding disposition of public property.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 9:01 p.m.

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

All Ald. present voted aye.

Motion carried.

Returned to open session at 9:03 p.m.

Motion by Moore, seconded by Antoine to approve WB-40 Amendment to Offer to Purchase for Geared Equity in Commerce Crossing extending the date to December 27, 2022.

All Ald. present voted aye.

Motion carried.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body 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 State Statute 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 9:05 p.m.

Motion by Moore, seconded by DeCoster to return to open session for possible action.
All Ald. present voted aye.
Motion carried.

Returned to open session at 9:23 p.m.

CONSIDERATION OF MISCELLANEOUS BUSINESS

None.

ADJOURN

Motion by Antoine, seconded by DeCoster to adjourn.
All Ald. present voted aye.
Motion carried.

Meeting adjourned at 9:24 p.m.

Sally Kenney, Clerk

