



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – JUNE 6, 2023

Pursuant to adjournment on May 16, 2023, 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 6, 2023.

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

Absent & Excused: Eggleston.

Also present: Attorney Davidson, Planner Stephenson, Fire Chief Carrel, Police Chief Graff, Sen. Proj Eng. Bodoh, and interested citizens.

Motion by Moore, seconded by Kilgas 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 Thiele to adopt the minutes of the Common Council meeting of May 16, 2023.

All Ald. present voted aye.

Motion carried.

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

#### **Bills Payable**

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

All Ald. present voted aye.

Motion carried.

### PUBLIC APPEARANCES

Michael Weaver, 516 E. 14<sup>th</sup> Street Kaukauna expressed his gratitude for allowing the presentation on Memorial Day. The public presentation was successful with the help of many City Departments. Hundreds of citizens attend this ceremony.

### BUSINESS PRESENTED BY THE MAYOR

#### **Public Hearing for Repealing and Replacing Section 17.21 CBD Central Business District.**

Mayor Penterman declared the Public Hearing to consider the update of Section 17.21 – CBD Central Business District open and asked if anyone wished to address the council.

Mayor Penterman asked two more times if anyone in person wished to address the Council. No one appeared. The Public Hearing was declared closed.

**Swearing in of Police Officer Tobias Timm.**

Police Chief Graff gave background information on Officer Timm. He was then sworn in by Clerk Kenney and his badge was pinned on by his father.

**Appointment of Gary Wolf to the Veterans Memorial Park Association.**

Motion by Moore, seconded by Schell to appoint Gary Wolf to the Veterans Memorial Park Association.

All Ald. present voted aye.

Motion carried.

**Proclamation for Flag Day June 14, 2023.**

Mayor Penterman read the proclamation.

Motion by Thiele, seconded by Kilgas to receive and place on file the Proclamation for Flag Day June 14, 2023.

All Ald. present voted aye.

Motion carried.

**REPORTS OF STANDING AND SPECIAL COMMITTEES**

**Board of Public Works Meeting Minutes of June 5, 2023.**

**BOARD OF PUBLIC WORKS**

A meeting of the Board of Public Works was called to order by Chair Thiele on Monday, June 5, 2023 at 6:00 P.M.

Members present: Antoine, Coenen (Via Zoom), DeCoster, Kilgas, Moore, Schell, and Thiele.

Absent & Excused: Eggleston

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Senior Eng. Bodoh, Planner Stephenson, Street Sup. Van Gompel, and interested citizens.

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

All Ald. present voted aye.

Motion carried.

**1. Correspondence – none.**

**2. Discussion Topics.**

**a. Red Hills Landfill Update.**

Heath Hoffman, Landfill Manager from Ahlstrom-Munksjo stated work continues at Red Hills to reduce odors. The DNR has approved Phase 6 sequence 2, and the plan would be to start putting waste in the sequence in July or August. This sequence has the designed changes to increase the ability to remove leachate quickly. Significant progress has been made this spring on the leachate level in Phase 6, and the surface leachate on the center module. Ahlstrom-

Munksjo is working with the City of Kaukauna and the Heart of the Valley to maximize removal without causing issues with the system. Hoffman introduced Aimee McClure as the new Environmental Manager at Redhill Landfill. Questions from the Board were answered.

**b. Special Assessment Public Hearing for Project 3-23 Alley Paving.**

DPW/Eng. Neumeier gave a presentation on the project. The details discussed were the project areas, proposed assessment rates, rate history, assessment payment details and the proposed timeline for the project. Rates were published in the newspaper and letters were sent to affected property owners.

Chairperson Thiele declared the Public Hearing open and asked if anyone in the Council Chambers wished to address the Board of Public Works regarding Project 3-23 Alley Paving. Asking two more times if anyone else wished to address the Board, no one appeared, Chair Thiele declared the public hearing closed.

**c. Army Corp of Engineers - Right of Entry Approval for Parcel J/Parcel 320.**

DPW/Eng. Neumeier provided the Department of the Army Corp of Engineers Right-of-Entry for Construction agreement. The Army Corp of Engineers will be installing a fence to protect the public from contaminated soil while removing. They need permission to cross the City of Kaukauna property to do work on this site. Questions from the Board were answered.

Motion by Antoine, seconded by Schell to allow DPW/Eng. Neumeier to sign the Right of Way Approval.

All Ald. present voted aye.

Motion carried.

**d. Disposal Site Update/Discussion.**

Street Superintendent Van Gompel provided an update on the disposal site operation. As of now, 1,250 access fobs have been sold. The site currently has 4 garbage containers and 3 recycling containers. Garbage gets dumped at least 3 times a week, more if necessary. Recycling gets dumped on Mondays and Fridays. The waste oil container continues to be monitored with no problems to date. Residents continue to take the free wood chips offered. Over the last few months, garbage and recycling has been increasing. The biggest violations have been disposal of metal, disposal of construction material, dumping furniture and not breaking down boxes in the recycling container. Residents do need to sign a form stating what is accepted and what is not accepted. More signage could be used or placed in other places. The site is not staffed right now but will look at staffing the site periodically. Possibly staffing with seasonal staff on the weekend. Street Superintendent Van Gompel will discuss this option with HR. Some suggestions to improve the site are to give a warning to violators. If they continue to violate, the second violation could be to give a fine and/or to take away their access card. Attorney Davidson stated that Chapter 25 in the Municipal Code provides a provision to allow staff to fine violators in the range of \$5 to \$328. Discussion was held and questions answered.

Street Superintendent Van Gompel will continue to monitor the disposal site for the summer and come back to the Board of Public Works with recommendations.

**e. Recommendation for Award of Project 8-23: Ann Street Underground Stormwater Detention.**

After reviewing the bids received, the Engineering Department recommends awarding Project 8-23, Ann Street Underground Stormwater Detention, to DeGroot Inc., for the total bid price of \$1,007,453.96.

Motion by Moore, seconded by Schell to award bid for Project 8-23, Ann Street Underground Stormwater Detention, to DeGroot Inc., for the total bid price of \$1,007,453.96.

All Ald. present voted aye.

Motion carried.

**f. Recommendation for Award of Project 9-23: Chip Seal/Temporary Pavement Installation.**

DPW/Eng. Neumeier provided the bid tabulation for the Chip Seal/Temporary Pavement Installation. This was bid out with a couple of different options. The engineering department is recommending awarding the bid to Fahrner Asphalt for a total bid price of \$83,325.00.

Motion by Kilgas, seconded by Antoine to award Project 9-23: to Fahrners Asphalt for a total bid price of \$83,325.

All Ald. present voted aye.

Motion carried.

**g. Recommendation for Award of Project 11-23: Horseshoe Park Storm Sewer Repairs.**

The Engineering Department has compared the received bid against the Engineer's estimate. The base bid received was \$27,500 lower than the Engineer's estimate, and with the base bid and alternate item B1 bid, the total bid was within \$20,800.00 of the Engineer's estimate. These numbers, along with the uniqueness of the project indicate that the City is receiving a good price for the work being performed. The Engineer's estimate is compiled utilizing a combination of the work being performed, along with the smaller size of the project resulting in a slight increase of costs per unit. Estimated budget proposed for this project in 2022 was \$200,000.

Motion by Moore, seconded by DeCoster to award Project 11-23 Horseshoe Park Storm Sewer Repairs to Visu-Sewer, Inc. Pewaukee, WI for Unit A of the Base Bid, an amount of \$80,000.00 and Alternate Bid Unit B1, an amount of \$111,300.00 for a total bid price of \$191,300.

All Ald. present voted aye.

Motion carried.

**h. 2022 Compliance Maintenance Annual Report (CMAR) to DNR.**

Senior Project Engineer Bodoh provided background information on the report. 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.

City of Kaukauna has achieved an overall grade of "A" in 2022 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 Antoine, seconded by Moore to receive and place on file the 2022 Compliance Maintenance Annual Report and recommend adoption of the "2022 Compliance Maintenance Annual Report (CMAR) Resolution" to Common Council.

All members present voted aye.

Motion carried.

#### **i. Public Works Update.**

DPW/Eng. Neumeier updated the Board on current projects. The City of Kaukauna was listed as receiving some EPA grants through Calumet Country Brownfield Development. They used some typical projects that would be eligible which included a few projects in Kaukauna. They are forming a coalition to analyze how to award these grants.

The paving project started today in the Dixon Metoxin area.

Concrete street patch will be coming up in the next couple of weeks.

City staff had a meeting today on the Dreamville project. They are looking at a mid-July date for the start of construction. A groundbreaking ceremony will be scheduled.

Thank you to the Street Department crew for all their work getting ready for the Electric City Experience. Alder Thiele thanked staff for preparing Memorial Park for the Memorial Day Ceremony.

### **3. Adjourn.**

Motion made by Moore, seconded by Kilgas to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 7:02 p.m.

Sally Kenney  
Clerk

Motion by Thiele, seconded by Schell to adopt the Board of Public Works Meeting Minutes of June 5, 2023, as amended.

All Ald. present voted aye.

Motion carried.

### **Health & Recreation Meeting Minutes of June 5, 2023.**

#### **HEALTH AND RECREATION COMMITTEE**

A meeting of the Health and Recreation Committee was called to order by Chair Kilgas on Monday, June 5, 2023 at 7:02 P.M.

Members present: Coenen (via Zoom), DeCoster, Kilgas and Schell.

Also present: Mayor Penterman, Ald. Antoine, Ald. Moore, Ald. Thiele, Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Street Sup. Van Gompel, Community Enrich. Coord. Russove and interested citizens.

**1. Correspondence – None.**

**2. Discussion Topics.**

**a. Solicitor's License to Frank Bartow McDonald V, 12250 E. Hwy 25, Ocklawaha, FL, for the sale of Educational Resources (Books, websites, apps.).**

Motion by DeCoster, seconded by Schell to approve the Solicitor's License to Frank Bartow McDonald V, 12250 E. Hwy 25, Ocklawaha, FL, for the sale of Educational Resources (Books, websites, apps.).

All members voted aye.

Motion carried.

**b. 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 DeCoster 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 pending fire department inspection.

All members voted aye.

Motion carried.

**c. Request from Brandi and Joe Bruley to hold a fund raiser at Riverside Park on July 8, 2023.**

Motion by Coenen, seconded by Schell to approve the request from Brandi and Joe Bruley to hold a fund raiser at Riverside Park on July 8, 2023.

All members voted aye.

Motion carried.

**d. Carnival License to Jennifer M. Schmitt, S & J Enterprizes, 1028 Thrush Street, Green Bay, for Electric City Experience at Hydro Park/City Parking Lot and Engineering Parking Lot on June 8, 9 & 10, 2023.**

Motion by Schell, seconded by Coenen to approve the Carnival License to Jennifer M. Schmitt, S & J Enterprizes, 1028 Thrush Street, Green Bay, for Electric City Experience at Hydro Park/City Parking Lot and Engineering Parking Lot on June 8, 9 & 10, 2023.

All members voted aye.

Motion carried.

**3. Adjourn.**

Motion made by DeCoster, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:12 P.M.

Sally Kenney  
Clerk

Motion by Kilgas, seconded by Thiele to adopt the Health & Recreation Meeting Minutes of June 5, 2023, as presented.  
All Ald. present voted aye.  
Motion carried.

**Health & Recreation Meeting Minutes of June 6, 2023.**  
**HEALTH AND RECREATION COMMITTEE**

A meeting of the Health and Recreation Committee was called to order by Chair Kilgas on Monday, June 6, 2023 at 6:49 P.M.

Members present: Coenen (via Zoom), DeCoster, Kilgas and Schell.

Also present: Mayor Penterman, Ald. Antoine, Ald. Moore, Ald. Thiele, Attorney Davidson, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, Sen. Eng. Bodoh and interested citizens.

**1. Correspondence – None.**

**2. Discussion Topics.**

- e. Temporary Class "B" License to Kaukauna Lions Club, Hydro Park, on June 7, 14, 21, 28, July 5, 12, 19, 26, August 2, 9 & 16, 2023 for "Hydro Live".**

Motion by DeCoster, seconded by Schell to approve Temporary Class "B" License to Kaukauna Lions Club, Hydro Park, on June 7, 14, 21, 28, July 5, 12, 19, 26, August 2, 9 & 16, 2023 for "Hydro Live".  
All members voted aye.  
Motion carried.

**3. Adjourn.**

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

Meeting adjourned at 6:51 P.M.

Sally Kenney  
Clerk

Motion by Kilgas, seconded by Antoine to adopt the Health & Recreation Meeting Minutes of June 6, 2023, as presented.  
All Ald. present voted aye.  
Motion carried.



## **Legislative Committee Meeting Minutes of June 5, 2023.**

### **LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Chair Coenen on Monday, June 5, 2023 at 7:13 P.M.

Members present: Coenen (Via Zoom), Moore, and Schell.

Absent & Excused: Eggleston.

Also present: Mayor Penterman, Ald. DeCoster, Kilgas, Antoine, Thiele, Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Street Sup. Van Gompel and interested citizens.

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

All members present voted aye.

Motion carried.

#### **1. Correspondence - None.**

#### **2. Discussion Topics.**

##### **a. Ordinance Repealing and Replacing Section 17.21 CBD Central Business District.**

Planner Stephenson stated that Staff is proposing removing Central Business District and replacing it with Business District. Central Business District is currently not in use on any property, nor does it appear on our official City zoning map. The new district would be a hybrid of industrial and commercial uses but disallows many of the harsher uses in the existing industrial district. Uses like ministorage and chemical manufacturers, among others, would not be allowed within the new district.

As the City looks to expand northward and along Highway 41. We need to be cognizant of the need for industrial land but also the need to ensure that the value of adjacent uses is not affected by industrial growth. No existing land within the City is intended for this district, rather annexations adjacent to our industrial parks and commercial centers may benefit from the flexibility of this new zone. The Central Land Company, looking to build two large facilities adjacent to Commerce Crossing, will be requesting to rezone to Business District. No other rezones are planned at this time.

Motion by Moore, seconded by Schell to recommend approval of the proposed ordinance, repealing, and replacing section 17.21 Central Business District with Section 17.21 Business District to the Common Council.

All members present voted aye.

Motion carried.

#### **3. Adjourn.**

Motion by Moore, seconded by Schell to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 7:18 p.m.



Sally Kenney, Clerk

Motion by Coenen, seconded by Moore to adopt the Legislative Committee Meeting Minutes of June 5, 2023 as presented.

All Ald. present voted aye.

Motion carried.

**1000 Islands Environmental Center Committee Minutes of April 20, 2023.**

Motion by Moore, seconded by DeCoster to receive and place on file the 1000 Islands Environmental Center Committee Minutes of April 20, 2023.

All Ald. present voted aye.

Motion carried.

**Grignon Mansion Board Meeting Minutes of April 24, 2023.**

Motion by Thiele, seconded by Kilgas to receive and place on file the Grignon Mansion Board Meeting Minutes of April 24, 2023.

All Ald. present voted aye.

Motion carried.

**Library Board Meeting Minutes of April 25, 2023.**

Motion by Kilgas, seconded by Thiele to receive and place on file the Library Board Meeting Minutes of April 25, 2023.

All Ald. present voted aye.

Motion carried.

**Board of Review Meeting Minutes of June 1, 2023.**

Motion by Moore, seconded by Schell to receive and place on file the Board of Review Meeting Minutes of June 1, 2023.

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:

Baker	Rebecca	J.	911 Silver St.	De Pere
Behm	Denise	L.	115 Lamp Lighter Dr. Apt. 10	Kaukauna
Femal	Megan	E.	419 Taylor St. Apt. 5	Kimberly
Geiger II	John	J.	623 Taylor St.	Little Chute
Henquinet	Aleana	J.	6767 Crippen St.	Greenleaf
Hietpas	Josh	W.	814 Gertrude St.	Kaukauna
Hill	Tori	R.	W224 Deering Ln.	Kaukauna
Kington	Kassi	M.	W5813 Hoelzel Way	Appleton
Ochowicz	Sarah	E.	920 Metoxen Ave.	Kaukauna
Trettin	Jaiden	R.	W749 County Rd. ZZ	Kaukauna

Motion by Kilgas, seconded by Thiele to approve the operators/bartender Licenses.

All Ald. present voted aye.

Motion carried.

## REPORTS OF CITY OFFICERS

None.

## PRESENTATION OF ORDINANCES AND RESOLUTIONS

**Resolution 2023-5388 Final Resolution Authorizing Public Improvements to Alleys Abutting Properties along East 3rd Street, West 3rd Street, East 4th Street, West 4th Street, Reaume Avenue, Main Avenue, Crooks Avenue, Island Street, Schulthies Street, Elm Street, and Oak Street.**

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2023-5388.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2023-5388.

All Ald. present voted aye.

Motion carried.

**Resolution 2023-5389 2022 Compliance Maintenance Annual Report (CMAR) Resolution.**

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2023-5389.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2023-5389.

All Ald. present voted aye.

Motion carried.

**Resolution 2023-5390 Resolution Authorizing Mayor Penterman and Clerk Sally Kenney to enter into Storm Sewer Easement Agreement with Kaukauna Area School District on W. Ann Street.**

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2023-5390.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Resolution 2023-5390.

All Ald. present voted aye.

Motion carried.

**Ordinance 1882-2023 Ordinance Repealing and Recreating Section 17.21 BD Business District.**

Motion by Moore, seconded by DeCoster to suspend the rules and waive the reading of Ordinance 1882-2023.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Ordinance 1882-2023.

All Ald. present voted aye.

Motion carried.

## **CLOSED SESSION**

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) to confer with legal counsel with regard to litigation in which it is or is likely to become involved.**

Motion by Antoine, seconded by Moore to adjourn to closed session pursuant to State Statute 19.85(1)(g) to confer with legal counsel with regard to litigation in which it is or is likely to become involved.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 7:44 p.m.

**Return to Open Session for possible action.**

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 7:50 p.m.

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property - Inside the Park Place.**

Motion by Moore, seconded by Antoine to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property - Inside the Park Place.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 7:51 p.m.

**Return to Open Session for possible action.**

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

All Ald. present voted aye.

Motion carried.

Returned to open session at 8:05 p.m.

Motion by Moore, seconded by Thiele to authorize the acceptance of the offer to purchase for lot 7 of Inside the Park Place as presented.

All Ald. present voted aye.

Motion carried.

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property - Inside the Park Place.**

Motion by Moore, seconded by DeCoster to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property - Inside the Park Place.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 8:06 p.m.

**Return to Open Session for possible action.**

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

All Ald. present voted aye.

Motion carried.

Returned to open session at 8:13 p.m.

Motion by Moore, seconded by Kilgas to authorize the sale of Lot 1 and 2 from Gidget Peerenboom to Bryan Renaud/MBCR Properties LLC subject to assignment of all Development Agreement and buyback terms for Lot 1 and 2 Inside the Park Place as between the City of Kaukauna and Gidget Peerenboom to Bryan Renaud/MBCR Properties, LLC.

All Ald. present voted aye.

Motion carried.

**Adjourn to Closed Session Pursuant to 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.**

Motion by Moore, seconded by Kilgas to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 8:15 p.m.

**Return to Open Session for possible action.**

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

All Ald. present voted aye.

Motion carried.

Returned to open session at 8:31 p.m.

Motion by Moore, seconded by Schell to authorize staff to proceed with closing with GrandStay

All Ald. present voted aye.

Motion carried

**ADJOURN**

Motion by Antoine, seconded by Kilgas to adjourn.

All Ald. present voted aye.  
Motion carried.

Meeting adjourned at 8:33 p.m.

Sally Kenney, Clerk

