



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – APRIL 6, 2022

Pursuant to adjournment on March 15, 2022, meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:08 P.M. on Wednesday, April 6, 2022.

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

Absent & Excused: DeCoster.

Also present: DPW/Eng. Neumeier, Planner Stephenson, Fire Chief Carrel, Police Chief Graff, Fin. Dir. Van Rossum, Community Enrichment Services Dir. Vosters, 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 March 15, 2022.
All Ald. present 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. present voted aye.
Motion carried.

PUBLIC APPEARANCES

No one appeared.

Mayor Penterman introduced the newly hired Community Enrichment Service Director Terri Vosters.

BUSINESS PRESENTED BY THE MAYOR

Donation of electric bikes to the Kaukauna Police Department.

Police Chief Graff introduced the Kaukauna Bombers Baseball Team. The baseball team held a tournament called "Baseball for Badges" which raised \$4,000. This money was donated to the Police Department to purchase an electric bike.

Michael Avanzi from the Kaukauna Utilities was introduced. Money for a second bike was donated by the Kaukauna Utilities. Chief Graff thanked the community for their support.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of April 6, 2022.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairman Thiele on Wednesday, April 6, 2022, at 5:30 P.M.

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

Absent & Excused: Coenen and DeCoster

Also present: Mayor Penterman, DPW/Eng. Neumeier, Fin. Dir. Van Rossum, Planner Stephenson, Police Chief Graff, Street Sup. Vanden Heuvel, Fire Chief Carrel, Lib. Dir. Thiem-Menning, and interested citizens.

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

All members present voted aye.

Motion carried.

1. Correspondence – none.

2. Discussion Topics.

a. Award Bid for Truck #7.

Motion by Moore, seconded by Antoine to purchase of a GMC Sierra dump truck with lift gate for \$62,220 minus the trade in of the current truck, fleet #7 of \$7,000 for a net price of \$55,220 from Gustman's Chevrolet, Kaukauna.

All Ald. present voted aye.

Motion carried.

b. Award Bid for Project 2-22; Kenneth Avenue Utility Relay.

The Engineering Department has reviewed and analyzed the bids from Carl Bowers & Sons, De Groot Inc., Feaker & Sons, Jossart Brothers, Dorner Inc., PTS Contractors, and Advance Construction received on March 30th, 2022, at 4:00PM for the 2-22 Kenneth Avenue Area Utility Relay Project. The Engineering Department received seven bids this year and created an engineer's estimate prior to bid opening. The Engineering Department has compared the seven received bids against the engineers estimate. The two lowest bidders are within \$8,547.98 with their base bid, and within \$208,840.91 for their alternate bid, which is a good indication that they are competitive, yet the City is also getting a much better price. The engineer's estimate is compiled utilizing previous years' prices and adjusted for inflation and changes in work descriptions. A comparison file showing the pricing differences between the received bids and the engineer's estimate was provided.

Motion by Schell, seconded by Kilgas to award Project 2-22, Kenneth Avenue Utility Relay – Phase 2 to Carl Bowers & Sons, Kaukauna, WI for a base bid price of \$1,067,991.60, with an additional alternate bid price of \$1,991,659.55 for a total bid price of \$3,059,651.15.

All Ald. present voted aye.
Motion carried.

c. Award Bid for Project 3-22; Alley Paving.

The Engineering Department has reviewed and analyzed the bid from Northeast Asphalt Inc., received on March 30th, 2022, at 4:00PM for the 3-22 Alley Paving Project. The Engineering Department received one bid this year and created an engineer's estimate prior to bid opening. The Engineering Department has compared the 2022 Alley Paving Project's bid tabulation prices to the 2021 Alley Paving Project's bid tabulation prices and have found the prices to be comparable. The engineers estimate and bid received by Northeast Asphalt Inc. was provided. The bid received is close to the Engineers Estimate which accounts for expected inflation and is derived from the previous year's prices.

Motion by Moore, seconded by Antoine to award Project 3-22 Alley Paving Project to Northeast Asphalt Inc., for a total bid price of \$405,591.15.
All Ald. present voted aye.
Motion carried.

d. Award Bid for Project 5-22; Grignon Mansion Structure Repairs.

The Engineering Department has reviewed the bid from Berglund Construction, received on March 30th, 2022, at 4:00PM for the 5-22 Grignon Mansion Structure Repairs project. The contractor has visited the site with subcontractors and is familiar with the work. The bid received was under the project estimate and under budget. One alternate bid was received for new gutters and downspouts and is recommended to be included in the award. The contractor has also pledged a \$1,500 donation toward the project that will be a deduct from the contract.

Motion by Kilgas, seconded by Moore to Award Project 5-22 Grignon Mansion Structure Repairs to Berglund Construction Company, Milwaukee, WI, including Base Bid with Alternate Bid Item ALT 5, and a deduct for \$1,500 donation, for a total contract price of \$197,081.00.
All Ald. present voted aye.
Motion carried.

e. UNPS&SW Construction Grant Application for Company Woods Pond.

The Engineering Department is seeking the support of the Board of Public Works to apply for an Urban Non-Point Source & Storm Water (UNPS&SW) Construction Grant from the WDNR for the Company Woods Pond expansion project. The pond modifications are part of the approved TMDL action plan and budgeted work submitted to DNR for the City. Questions from the Board were answered.

Motion by Antoine, seconded by Eggleston to authorize the Director of Public Works to apply for a Wisconsin DNR Urban Non-Point Source & Storm Water Construction Grant and Recommend approval of the of the Governmental Responsibility Resolution for Urban Nonpoint Source and Stormwater Grant – Company Woods Pond to Common Council.
All Ald. present voted aye.
Motion carried.

f. RW Plat & Relocation Order – Intersection of Island Street and Elm Street.

A RW Plat and Relocation Order have been created for Island/Elm Intersection Improvements project and both were provided with background information. These documents start the acquisition process for the necessary easements and right-of-way to install the improvements. The documents will be recorded in the office of the county Register of Deeds. Provisions are made for the signature(s) of the approving local agency officials. Prior to the recording, the plat must be signed by a representative from the agency authorizing approval of the plat. Questions from the Board were answered.

Motion by Eggleston, seconded by Kilgas to recommend approval of the RW Plat and Relocation Order for Island/Elm Intersection Improvements to the Common Council and to authorize the Director of Public Works to sign the same on behalf of City of Kaukauna.
All Ald. present voted aye.
Motion carried.

3. General Matters - None.

4. Adjourn.

Motion made by Moore, seconded by Eggleston to adjourn.
All Ald. present voted aye.
Motion carried.

Meeting adjourned at 5:53 p.m.

Sally Kenney, Clerk

Motion by Thiele, seconded by Moore to adopt the Board of Public Works Meeting Minutes of April 6, 2022, as presented.
All Ald. voted aye.
Motion carried.

Finance and Personnel Committee Meeting Minutes of April 6, 2022.
FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Wednesday, April 6, 2022, at 5:54 P.M.

Members present: Mayor Penterman, Antoine, Kilgas, and Moore.

Absent & Excused: Coenen and DeCoster

Also present: Ald. Thiele, Ald. Eggleston, Ald. Schell, DPW/Eng. Neumeier, Fire Chief Carrel, Planner Stephenson, Fin. Dir. Van Rossum, Police Chief Graff and interested citizens.

Motion by Moore, seconded by Kilgas to excuse the absent members.
All members present voted aye.
Motion carried.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Permission to fill the vacant Senior Project Engineer position.**

Brandon Cesafsky has given notice of his resignation from the City and will be vacating his position of Senior Project Engineer on April 22, 2022. It is staff's recommendation to fill this vacancy with a Senior Project Engineer.

Motion by Moore, seconded by Antoine to authorize staff to fill the position of Senior Project Engineer.

All members present voted aye.

Motion carried.

b. **Library Space Needs Study Request.**

The Kaukauna Public Library Strategic Plan (for years 2022-2026) will be on the agenda for approval by the Library Board at the April 2022 meeting. The plan has identified five goals for the library which include, building collections, expanding access, increasing engagement, advocacy, and creating connections. As part of the Strategic Plan, the Library lease agreement was also reviewed as it plays a key role in budgeting, space needs, and because tenancy is not infinite. Given this information, the library feels that a Space Needs Assessment is in the best interests of the community. Questions from the Committee were answered.

Motion by Kilgas, seconded by Penterman to Direct the Library Director in conjunction with DPW Director to send out a Request for Proposal (RFP) to perform a Space Needs Study of the Library. Report back to Finance and Personnel with a recommend vendor upon reviewing the RFPs.

All members present voted aye.

Motion carried.

3. **General Matters** - None.

4. **Adjourn.**

Motion by Antoine, seconded by Moore to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:02 P.M.

Sally Kenney, Clerk

Motion by Moore, seconded by Kilgas to adopt the Finance and Personnel Committee Meeting Minutes of April 6, 2022, as presented.

All Ald. present voted aye.

Motion carried.

Public Protection & Safety Committee Meeting Minutes of April 6, 2022.

Motion by Moore, seconded by Thiele to change the meeting order to have the Public Protection and Safety Committee before the Health and Recreation Committee Meeting.

All Ald. present voted aye.

Motion carried.

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Chairman Schell on Wednesday, April 6, 2022, at 6:05 P.M.

Members present: Antoine, Eggleston, Schell, Thiele.

Also present: Mayor Penterman, Ald. Kilgas, Ald. Moore, Fin. Dir. Van Rossum, DPW/Eng. Neumeier, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Continued discussion of ladder truck replacement.

Fire Chief Carrel stated the city is currently operating a 1995 Pierce 100' ladder truck. A lot has changed in ladder truck technology in the last 27 years, and although it has been maintained with the highest of standards, it is getting old. It is becoming difficult and costly to maintain. The number one reason for having a ladder truck serve the community is safety. It is much safer for our firefighters to work from (compared to ground ladders), and it is much safer in rescue situations for both civilians and firefighters. They are also very effective at slowing and stopping fire spread in large residential, commercial, and industrial buildings.

Due to the increase in time to build the truck and the price increase, Chief Carrel would like to move forward and order the truck before May of 2022 to lock in a price and potentially receive the truck in 2024. Discussion was held and questions from the Committee were answered.

Motion by Kilgas, seconded by Antoine to place the order for a new ladder truck before May 1, 2022.

Motion by Eggleston to amend the motion to place the order for the new ladder truck with the X15 engine before May 1, 2022.

All members voted aye.

Motion carried.

3. General Matters – None.

4. Adjourn.

Motion by Antoine, seconded by Thiele to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:25 p.m.

Sally Kenney, Clerk

Motion by Schell, seconded by Thiele to adopt the Public Protection & Safety Committee Meeting Minutes of April 6, 2022, as presented.

All Ald. voted aye.

Motion carried.

Health & Recreation Meeting Minutes of April 6, 2022.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Vice Chairman Eggleston on Wednesday, April 6, 2022, at 6:26 P.M.

Members present: Coenen (via phone), Eggleston, and Schell.

Absent & Excused: DeCoster

Also present: Mayor Penterman, Ald. Antoine, Ald. Kilgas, Ald. Moore, Ald. Thiele, DPW/Eng. Neumeier, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, Fin. Dir. Van Rossum, and interested citizens.

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

All members present voted aye.

Motion carried.

3. Correspondence – None.

4. Discussion Topics.

a. Request for amplified music and use of Hydro Park to Jason Lipsky, Electric City Experience on June 9, 10 and 11, 2022.

Mayor Penterman stated that staff has reviewed this request and feel the closure of Second Street should be denied.

Motion by Coenen, seconded by Schell to approve the request for amplified music and use of Hydro Park to Jason Lipsky, Electric City Experience on June 9, 10 and 11, 2022.

All members present voted aye.

Motion carried.

b. Request for contribution of \$10,000 from Jason Lipsky, Electric City Experience towards expenses for the 2022 event.

Jason Lipsky was present and answered questions from the Committee.

Motion by Coenen, seconded Schell to approve the Request for contribution of \$10,000 from Jason Lipsky, Electric City Experience towards expenses for the 2022 event.

All members present voted aye.

Motion carried.

- c. **Temporary Class B License to Oshkosh Area Community Pantry, Hydro Park and adjacent area surrounding 100 Crooks Ave. and Farmers Market Parking Lot and 1 block East of Second Street for Electric City Experience on June 9, 10 & 11, 2022.**

Motion by Schell, seconded by Coenen to grant the Temporary Class B License to Oshkosh Area Community Pantry, Hydro Park and adjacent area surrounding 100 Crooks Ave. and Farmers Market Parking Lot and 1 block East of Second Street for Electric City Experience on June 9, 10 & 11, 2022.

All members present voted aye.

Motion carried.

- d. **Combination Class B Beer and Class C Wine License to Aguirre LLC, Maria Aguirre, Agent, La Patrona Family Restaurant, 215 W. Wisconsin Ave., Kaukauna.**

Motion by Coenen, seconded by Schell to approve the Combination Class B Beer and Class C Wine License to Aguirre LLC, Maria Aguirre, Agent, La Patrona Family Restaurant, 215 W. Wisconsin Ave., Kaukauna.

All members present voted aye.

Motion carried.

3. General Matters – none.

4. Adjourn.

Motion made by Schell, seconded by Coenen to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:40 pm.

Sally Kenney

Clerk

Motion by Eggleston, seconded by Antoine to adopt the Health & Recreation Meeting Minutes of April 6, 2022, as presented.

All Ald. present voted aye.

Motion carried.

Plan Commission Meeting Minutes of February 17, 2022.

Motion by Moore, seconded by Eggleston to receive and place on file the Plan Commission Meeting Minutes of February 17, 2022.

All Ald. present voted aye.

Motion carried.

1000 Islands Environmental Center Committee Minutes of February 17, 2022.

Motion by Eggleston, seconded by Kilgas to receive and place on file the 1000 Islands Environmental Center Committee Minutes of February 17, 2022.

All Ald. present voted aye.

Motion carried.

Grignon Mansion Board Meeting Minutes of February 21, 2022.

Motion by Thiele, seconded by Antoine to receive and place on file the Grignon Mansion Board Meeting Minutes of February 21, 2022.

All Ald. present voted aye.

Motion carried.

Kaukauna Public Library Board Meeting Minutes of February 22, 2022.

Motion by Kilgas, seconded by Eggleston to receive and place on file the Kaukauna Public Library Board Meeting Minutes of February 22, 2022.

Motion carried – 6 ayes, 1 nay (Moore).

Ald. Moore asked about Item #6 Action Item – Annual Step Increases. Questions were asked about who gave the raises and if performance evaluations were completed. Ald. Kilgas stated the library board reviews all the performance appraisals for the library staff and approves the raises. Ald. Coenen stated the City approves the annual Library budget and the library can spend the budget monies how they see fit.

Operators/Bartenders License

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

Boehnlein	Mikayla	A.	N654 Military Rd.	Sherwood
Hartzheim	Brett	M.	521 E. Evergreen Dr.	Kaukauna
La Chance	Jason	L.	1973 Andraya Lane	De Pere
Lamers	Breanna	R.	505 Wilson Street	Little Chute
Menting-Kelly	Kaitlin	A.	304 E. 8 th Street	Kaukauna
Regmi	Sandeep		2111 S. Maplecrest Dr. #6	Appleton
Subedi	Manisha	G.	153 W. Calumet St. Apt. #1	Appleton

Motion by Eggleston, seconded by Antoine to approve the operator/bartender license.

All Ald. present voted aye.

Motion carried.

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

Boehnlein	Amber	M.	1109 Harrison Street	Kaukauna
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Motion by Eggleston, seconded by Schell to approve the temporary operator's license.

All Ald. present voted aye.

Motion carried.

REPORTS OF CITY OFFICERS**Disposal Site Update**

The disposal site will be up and active starting April 25. An access card will be need starting on this date. Staff will be selling these cards in the office at the SPAR Building starting on April 25.

Capital Borrowing and Project List.

Finance Director/Treasurer Van Rossum provided the final list of projects and total Capital borrowing for 2022. The following page shows the amounts by fund in which staff is recommending borrowing General Obligation (G.O.) note. The third and fourth page show the list of projects. Both Utilities funds are up for borrowing again this year. The City last borrowed for these utilities in 2019 and borrowed three years worth of projects in a Bond Anticipation Note (BAN). We are now borrowing another three-years worth of projects and rolling the last three years into one larger bond note. This allows us to get a better rate and save on issuing smaller bonds each year. The City rating calls have been scheduled and we are on track to issue the bonds if approved by the end of May 2022.

Motion by Moore, seconded by Schell to approve the list of projects and direct the Finance Director to borrow the necessary amounts shown to complete the listed projects.

All Ald. present voted aye.

Motion carried.

Articles of Organization and By-laws – East Central Regional Planning Commission.

The East Central Wisconsin Regional Planning Commission is recommending amendments to the East Central's Articles of Organization and By-laws to remove the Gubernatorial appointments because of the extreme delays in obtaining the Appointments for the Commission Board. The Commission Board made additional changes to the Articles of Organization and the By-laws and both documents were finalized and approved by the Commission Board on April 30, 2021. Outagamie County approved a resolution of support on July 13, 2021. Revised Articles of Organization and the By-laws were provided. A draft form resolution the Commission is recommending for approval was provided. Questions from the Council were answered.

A Resolution amending the Articles of Organization and the By-Laws of East Central Wisconsin Regional Planning Commission is on this meeting agenda.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2022-5327 Amending the Articles of Organization and the By-Laws of East Central Wisconsin Regional Planning Commission.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2022-5327.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2022-5327.

All Ald. present voted aye.

Motion carried.

Resolution 2022-5328 - Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for Public Improvements to Alleys Abutting Properties along West 6TH Street, West 7TH Street, West 8TH Street, Dodge Street, East 8TH Street, East 9TH Street, and East 10TH Street.

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Resolution 2022-5328.

All Ald. present voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston to adopt Resolution 2022-5328 as presented.

All Ald. present voted aye.
Motion carried.

Resolution 2022-5329 - Governmental Responsibility Resolution for Urban Nonpoint Source and Stormwater Grant - Company Woods Pond.

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Resolution 2022-5329.

All Ald. present voted aye.
Motion carried.

Motion by Moore, seconded by Schell to adopt Resolution 2022-5329 as presented.

All Ald. present voted aye.
Motion carried.

Resolution 2022-5330 Resolution Accepting Island/Elm Street Intersection Relocation or Changes and a Right-of-Way Plat for Project No. 7.22.01 - Island/Elm Street Intersection.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2022-5330.

All Ald. present voted aye.
Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2022-5330 as presented.

All Ald. present voted aye.
Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of municipally owned property (Commerce Crossing Parcel 322095500 - 950 E. Evergreen Drive).

Motion by Moore, seconded by Eggleston to adjourn to closed session pursuant to 19.85(1)(e) to discuss disposition of municipally owned property (Commerce Crossing Parcel 322095500 – 950 Evergreen Drive).

All members present voted aye.
Motion carried.

Adjourned to closed session at 8:01p.m.

Return to Open Session for possible action.

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

All members present voted aye.
Motion carried.

Returned to open session at 8:07 p.m.

Motion by Moore, seconded by Kilgas to approve the land sale between the City of Kaukauna and Duquaine Development for 11.75 acres at 950 East Evergreen Drive for \$493,500 and counter the developer's offer with the following conditions:

The City and Duqiane development enter into a Development Agreement that gives 1 year (April 6th, 2023) to begin construction and includes a city buy back clause for the original purchase price, if construction is not started. The developer obtains site plan and special exception approval by the City Plan Commission prior to closing on the land.

All Ald. present voted aye.

Motion carried.

Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of public funds - 250 Lawe Street (Edgewater Pointe Apartments).

Motion by Antoine, seconded by Moore to adjourn to closed session pursuant to 19.85(1)(e) to discuss disposition of public funds - 250 Lawe Street (Edgewater Pointe Apartments).

All members present voted aye.

Motion carried.

Adjourned to closed session at 8:09p.m.

Return to Open Session for possible action.

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

All members present voted aye.

Motion carried.

Returned to open session at 8:15 p.m.

CONSIDERATION OF MISCELLANEOUS BUSINESS

No miscellaneous business.

ADJOURN

Motion by Moore, seconded by Thiel to adjourn.

All Ald. present voted aye.

Motion carried.

Meeting adjourned at 8:16 p.m.

Sally Kenney, Clerk

