



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – SEPTEMBER 5, 2023

Pursuant to adjournment on August 15, 2023, the meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:08 P.M. on Tuesday, September 5, 2023.

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

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

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 August 15, 2023.

All Ald. 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. voted aye.

Motion carried.

### PUBLIC APPEARANCES

None.

### BUSINESS PRESENTED BY THE MAYOR

#### **Public Hearing for the Creation of Municipal Ordinance, Section 17.53, Facade Standards.**

Mayor Penterman declared the Public Hearing for the Creation of Municipal Ordinance, Section 17.53, Facade Standards 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 Kaylee Haring.**

Police Chief Graff gave background information on Officer Haring. She was then sworn in by Clerk Kenney and her badge was pinned on by her grandmother.

#### **Semi-Retirement of K9 Officer Rocko.**

Chief Graff stated in 2014 the K9 Committee members worked hard to fundraise money, and with community support in 2015, the City received its first K-9 Rocko, who was 1 ½ years old. Today

Rocko is 9 ½ years old and has been with us as a “working dog” for over 8 years. Rocko and handler, Lucas Meyer, have been involved in nearly 800 deployments, taking large amounts of drugs off our streets, and 13 illegally possessed firearms out of our community. Working dogs typically work for about 8 or 9 years. Rocko is still a relatively healthy K-9 but has had some minor health issues over the years. Officer Lucas Meyer has recently been assigned to a new position as an Elementary School Resource Officer. Officer Meyer will periodically bring Rocko into the schools to do classroom presentations, show and tell days, and to be used as a reward for classrooms. Chief Graff thanked the hard work of the K9 Committee who raised the money to develop the K9 Unit. Chief Graff presented an appreciation plaque to Adam from Clever K9, Doctor Biese from the Kaukauna Veterinary Clinic, and Officers Meyer and Rocko. Mayor Penterman and Alders thanked Officer Meyer, Rocko and the K9 Committee for their dedication and hard work. Alder Moore recognized former Alder Diana Driessen for all her hard work and dedication to the K9 Committee.

### **Revised 2024 Budget Preparation and Approval Process Schedule**

Mayor Penterman provided the revised 2024 Budget Preparation and Approval Process Schedule with dates starting in August with the Public Hearing and Adoption of the Budget in mid-November.

Motion by Moore, seconded by Coenen to receive and place on file the revised 2024 Budget Preparation and Approval Process Schedule.

All Ald. voted aye.

Motion carried.

A Committee of the Whole meeting is scheduled for Monday, October 16 before the regular meetings to go over the Strategic Plan.

## **REPORTS OF STANDING AND SPECIAL COMMITTEES**

### **Board of Public Works Meeting Minutes of September 5, 2023.**

#### **BOARD OF PUBLIC WORKS**

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

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

Absent & Excused: Schell.

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

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

All Ald. present voted aye.

Motion carried.

**1. Correspondence** – none.

**2. Discussion Topics.**

a. **Recommendation for award of Project 11-22R Jonen Park Pavilion Re-Bid.**

DPW/Eng. Neumeier provided the bid tabulation from the five companies who bid for this project. After evaluating each bid the Engineering Department is recommending that Project 11-22R Jonen Park Pavilion be completed as bid going over the estimated cost by approximately \$100,000 or scale down the project to take away the pavilion/concession area. Discussion held and questions answered. The Board would like staff to gather data on usage amounts and financing options and bring this item back to the next Board of Public Works Meeting.

**b. Recommendation for award of Project 13-23 Company Woods Pond.**

DPW/Eng. Neumeier provided the bid tabulation from the three companies who bid for this project. After evaluating each bid the Engineering Department is recommending that Project #13-23, Company Woods Pond be awarded to Roger Bowers Construction. Discussion was held and questions answered.

Motion by Antoine, seconded by Moore to award Project #13-23: Company Woods Pond, to Roger Bowers Construction, Kaukauna, for the total bid price of \$189,059.00.

All Ald. voted aye.

Motion carried.

**c. Request for Scoreboard Equipment Repairs – Kaukauna Youth Baseball and Kaukauna Athletic Club.**

Staff has become aware of transmission issues with the electronic controls on city athletic fields. Kaukauna Athletic Club and Kaukauna Youth Baseball would like to split the cost for the updated electronics. The updated electronics are \$1185.00 per field, with an extra controller. There would be five baseball/softball field upgrades in total with a city contribution of \$2,962.50. The supplier was contacted about the troubles with the electronics and replacement was the advice received. Current controls are outdated and of lower quality. The supplier agreed to refund the controls if the issues were mis diagnosed.

Motion by Eggleston, seconded by DeCoster to acknowledge that Ald. Schell arrived at 6:25 p.m.

All Ald. voted aye.

Motion carried.

Motion by Coenen, seconded by DeCoster to direct Street Superintendent to enter into an agreement with both KAC and KYB for a 50/50 split on replacement of electronic controls on Bayorgeon Diamond # 1 and 2, Lower Riverside and both Horseshoe Park fields. With city staff conducting the install and setup.

*Kaukauna Athletic Club, Kaukauna Youth Baseball and the City of Kaukauna will split the costs of updated electronics.*

All Ald. voted aye.

Motion carried.

**d. Public Works Update.**

DPW/Eng. Neumeier updated the Board on current projects. The PFC found sufficient cause to proceed with the hearing on the complaint with HOVMSD. Monday, September 18 from 4:30 to 5:30 p.m. will be the public informational meeting on waste ordinance update. Horseshoe Park pipeline project will take place next week. DPW/Eng. Neumeier gave a big thank you to Street Superintendent Van Gompel and staff for getting cleanup and other projects done before the start of school. Construction within school zones will only take place from 8:00 am to 2:00 pm as to not create disturbance for the school.

### 3. Adjourn.

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

Meeting adjourned at 6:32 pm.

Sally Kenney  
Clerk

Motion by Thiele, seconded by Antoine to adopt the Board of Public Works Meeting Minutes of September 5, 2023, as presented. DeCoster asked to amend the minutes under section 2c to include Kaukauna Athletic Club, Kaukauna Youth Baseball and the City of Kaukauna splitting the costs of updated electronics.

Motion by Decoster, seconded by Thiele to approve the amended Board of Public Works Meeting Minutes of September 5, 2023.  
All Ald. voted aye.  
Motion carried.

### **Finance and Personnel Committee Meeting Minutes of September 5, 2023.**

#### **FINANCE AND PERSONNEL COMMITTEE**

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Tuesday, September 5, 2023, at 6:33 p.m.

Members present: Mayor Penterman, Antoine, Coenen, Eggleston, Moore, and Thiele.

Also present: Ald. Schell, Ald. DeCoster, Ald. Kilgas, Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Police Chief Graff, Planner Stephenson, Street Superintendent Van Gompel and interested citizens.

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

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

##### a. **Authorization to fill vacant Laborer position due to retirement.**

Motion by Antoine, seconded by Coenen to grant authorization to fill a laborer position vacancy due to the retirement of Larry Novak.  
All members voted aye.  
Motion carried.

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

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

Meeting adjourned at 6:37 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Moore to adopt the Finance and Personnel Committee Meeting Minutes of July 31, 2023, as presented.

All Ald. voted aye.

Motion carried.

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

#### **LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Chair Coenen on Tuesday, September 5, 2023 at 6:37 P.M.

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

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

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Ordinance Creating Chapter 17, Section 17.53, Facade Standards.**

The Façade Standards code is intended to create an aesthetically pleasing community and ensure that certain districts build and maintain a higher quality exterior façade. The proposed façade code would affect five zoning districts: Commercial Highway, Business District, Institutional District, Multi-family, and Commercial Core. Within the former four districts standing seam metal, also known as corrugated metal, would not be allowed in most instances. In addition, 10% masonry would be required on sides that face a public street. In the Commercial Core District, to maintain the historic aesthetic of our downtown, standing seam metal would not be allowed at all and 25% of the front would need to be masonry. In addition, this code explicitly spells out that all buildings in this zone must go to Redevelopment Authority for a certificate of appropriateness before making façade alterations. Residential homes and industrial properties are not affected by this ordinance. In addition, existing buildings that do not meet this code are not required to bring their building up to current code, but new additions or new buildings would be required to meet this code.

Motion by Moore, seconded by Schell to recommend approval of the proposed ordinance, and recommend the same to Common Council.

All members voted aye.

Motion carried.

3. **Adjourn.**

Motion by Moore, seconded by Eggleston to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:47 p.m.

Sally Kenney, Clerk

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

All Ald. voted aye.

Motion carried.

#### **Plan Commission Meeting Minutes of July 20, 2023.**

Motion by Moore, seconded by Antoine to receive and place on file the Plan Commission Meeting Minutes of July 20, 2023.

All Ald. voted aye.

Motion carried.

#### **1000 Islands Environmental Center Committee Meeting Minutes of July 20, 2023.**

Motion by Eggleston, seconded by Kilgas to receive and place on file the 1000 Islands Environmental Center Committee Meeting Minutes of July 20, 2023.

All Ald. voted aye.

Motion carried.

#### **Grignon Mansion Board Meeting Minutes of July 24, 2023.**

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

All Ald. voted aye.

Motion carried.

#### **Kaukauna Public Library Meeting Minutes of June 27, 2023.**

Motion by Kilgas, seconded by Schell to receive and place on file the Kaukauna Public Library Meeting Minutes of June 27, 2023.

All Ald. 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:

Berkers	Shauna	M.	2000 Hendricks Ave.	Kaukauna
Brum	Lisa	M.	507 Creekview Ln.	Appleton
Fay	Destiny	S.	101 E. Ann St.	Kaukauna
Keddell	Emma	M.	2081 Hidden Creek Rd.	Neenah
Krause	Brady	S.	2008 Welhouse Dr.	Kaukauna
Nelson	Kortney	M.	168 Grant St.	Kaukauna

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

All Ald. voted aye.

Motion carried.

#### **REPORTS OF CITY OFFICERS**

##### **Municipal Aquatic Center Project Funding.**

Finance Director Van Rossum stated with the final cost now locked in for the pool we are preparing for the bonding that will be necessary to finance the Aquatic Center project. The original estimate for the project had a requested \$4.5 million bond amount. The City will need to increase the bond

amount to \$5.3 million to cashflow the project. Of the \$7.3 million dollar project amount, the City currently has \$1.8 million of cash on hand to work with. The plan is to issue a five-year Bond anticipation note for the \$5.3 million. The City will then pay interest only on this note while the pool is being constructed, campaign pledges are collected and the establishment and incremental generation of the TIF district that supports the project's amenities. By 2028 the city will then pay down the bond and refinance the remaining amount of roughly \$3.5 million. Finance Director Van Rossum is requesting permission to proceed with the bonding process for the increased amount of \$5.3 million with an intended sale date of October 3, 2023. Discussion was held and questions answered.

Motion by Moore, seconded by Coenen to grant permission to proceed with the bonding process for the increased amount of \$5.3 million with an intended sale date of October 3, 2023.

All Ald. voted aye.

Motion carried.

#### **Donation Request Process and Form Proposal.**

The City of Kaukauna receives numerous donation requests from various organizations, groups, and individuals seeking support for a wide range of causes, events, and projects. While we have shown dedication to contributing to the betterment of our community, the lack of a structured process often results in inconsistent decision-making and difficulties in allocating resources appropriately. Finance Director Van Rossum recommends the implementation of a Donation Request Process, which will enable us to effectively manage, evaluate, and respond to the donation requests we receive. The primary goal of this process is to ensure that our contributions align with the city's strategic objectives while being mindful of our budget constraints. A standardized donation request form was created that will serve as the starting point for all donation requests. This form will collect essential information such as the purpose of the request, the intended impact on the community, the requested amount, and other pertinent details. Discussion was held and questions answered.

Alders gave direction to staff to improve the process and develop this form. The donation request process and proposal form will be brought back for approval.

### **PRESENTATION OF ORDINANCES AND RESOLUTIONS**

#### **Ordinance 1886-2023 An Ordinance Creating Section 17.53 Facade Standards.**

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Ordinance 1886-2023.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Kilgas to adopt Ordinance 1886-2023.

All Ald. 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 Moore, seconded by Coenen 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. voted aye.  
Motion carried.

Adjourned to closed session at 8:14 p.m.

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

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

All Ald. voted aye.  
Motion carried.

Returned to open session at 8:18 p.m.

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property – Commerce Crossing.**

Developer/Investor James Boris, JFB Enterprises introduced himself and gave a summary of the project. The 13-acre site in Commerce Crossing will be a five-story continual of care facility. The facility will have a 90-unit independent living building with indoor parking on the first level. There will be a separate building with 80 assistant living units and 90 memory care units. The common area buildings will have an indoor swimming pool, bistro bar and lounge.

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss disposition of public property – Commerce Crossing.

All Ald. voted aye.  
Motion carried.

Adjourned to closed session at 8:26 p.m.

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

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

All Ald. voted aye.  
Motion carried.

Returned to open session at 8:32 p.m.

Motion by Coenen, seconded by Schell to approve the amendment to the offer to purchase between the City of Kaukauna and JFB Enterprises LLC and accept the updated proof of financing.

All Ald. voted aye.  
Motion carried.

**ADJOURN**

Motion by Antoine, seconded by DeCoster to adjourn.

All Ald. voted aye.  
Motion carried.

Meeting adjourned at 8:33 p.m.

Sally Kenney, Clerk