



Pursuant to adjournment on January 17, 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, February 7, 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, Fire Chief Carrel, HR Dir. Swaney, 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 Coenen to adopt the minutes of the Common Council meeting of January 17, 2023.

All Ald. voted aye.

Motion carried.

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

Bills Payable

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

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

Christine Lamers, 703 Grignon Street, Kaukauna spoke regarding the bonding of Dreamville Kaukauna LLC. She is wondering if the bonding is contingent upon a percentage of these apartments be for low- income renters.

Dave Schmitt, 1611 Main Avenue, Kaukauna spoke regarding the abatement fine he received and is hoping a payment plan can be arranged.

Mike Winius, 1617 Main Avenue, Kaukauna addressed the City of Kaukauna payment plan for special charges. His feels if the City charges interest on these fines that it is double taxation. He feels more transparency is needed for residents being charged for special services.

BUSINESS PRESENTED BY THE MAYOR

Public Hearing for TEFRA Bonds for Dreamville Kaukauna, LLC.

Alvin Johnson from Hope Housing Foundation, Developer for Dreamville Kaukauna LLC. was present to answer questions. The City of Kaukauna's median income is \$69,308. He stated about 50% of the units will be for people earning about \$56,000 a year. Planner Stephenson stated that the apartments fall into the category of workforce housing, not low-income housing.

Mayor Penterman declared the public hearing open by reading the required TEFRA Bond Hearing requirements. Mayor Penterman asked if anyone in the Council Chambers wished to address the Council regarding the TEFRA Bonds for Dreamville Kaukauna, LLC. This public hearing opened at 7:13 pm.

Christine Lamers, 703 Grignon Street stated that she feels development was misrepresented to the community. She understands the need for housing and is happy that something is being done with this parcel.

After asking two more times if anyone else wished to address the council, Mayor Penterman declared the public hearing closed at 7:16 pm.

Appointment of Mike Vandenberg to the Board of Appeals replacing Craig Koch for the remainder of his term ending 2-28-25.

Motion by Moore, seconded by Coenen to appoint Mike Vandenberg to the Board of Appeals. All Ald. voted aye.

Motion carried.

Reappointment of Bruce Werschem to the Grignon Mansion Board.

Motion by Thiele, seconded by DeCoster to reappoint Bruce Werschem to the Grignon Mansion Board.

All Ald. voted ave.

Motion carried.

Reappointment of Shellee Jackels to the Grignon Mansion Board.

Motion by Antoine, seconded by Eggleston to reappoint Shellee Jackels to the Grignon Mansion Board.

All Ald. voted aye.

Motion carried.

Reappointment of Phil Kohne to the KATODA Board.

Motion by Schell, seconded by Eggleston to reappoint Phil Kohne to the KATODA Board.

All Ald. voted aye.

Motion carried.

Reappointment of Jerry Brien to the KATODA Board.

Motion by Kilgas, seconded by Antoine to reappoint Jerry Brien to the KATODA Board.

All Ald. voted aye.

Motion carried.

Reappointment of Debbie Niesen to the Public Housing Authority.

Motion by Moore, seconded by Kilgas to reappoint Debbie Niesen to the Public Housing Authority. All Ald. voted aye.

Motion carried.

Reappointment of Megan Brouch to the Board of Canvassers.

Motion by Eggleston, seconded by Coenen to reappoint Megan Brouch to the Board of Canvassers. All Ald. voted aye.

Motion carried.

Reappointment of Julie Schroeder to the Board of Canvassers.

Motion by Antoine, seconded by Kilgas to reappoint Julie Schroeder to the Board of Canvassers. All Ald. voted aye.

Motion carried.

Help for the Homeless Hygiene Drive February 12-March 5, 2023.

Mayor Penterman informed the Council of the Help for the Homeless Hygiene Drive to be held February 12-March 5, 2023. The list of items needed was provided. A donation box is located in the Municipal Services building in the rotunda and at the Kaukauna Library.

2nd Annual Skate Day TBD

The 2nd Annual Skate Day was scheduled for Monday, February 20, 2023 but has been cancelled due to warm weather and poor ice conditions.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of February 6, 2023. BOARD OF PUBLIC WORKS

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

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

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Street Sup. Van Gompel, Finance Dir. Van Rossum, Planner Stephenson, HR Dir. Swaney, and

interested citizens.

- 1. Correspondence none.
- 2. Discussion Topics.
 - a. Authorization to seek bids for Project #5-23, Former Chicago & Northwestern RR Property Remediation.

DPW/Eng. Neumeier stated that City Staff have been working with Stantec and Wisconsin DNR to develop a remedial action plan for the Former Chicago & Northwestern RR Property Remediation site. A sketch of the areas was provided. We would anticipate a March bid opening and construction in Spring 2023. Questions from the Board were answered.

Motion by Moore, seconded by Antoine to authorize the Engineering Department to seek bids for Project 5-23 – Former Chicago & Northwestern RR Property Remediation. All members voted aye.

Motion carried.

b. Final Plat for Blue Stem Meadows 3.

DPW/Eng. Neumeier provided a plat map for Blue Stem Meadows 3 which is the next phase of the subdivision. A Resolution approving the plat map is on the Common Council meeting agenda for tomorrow night. Questions from the Board were answered.

c. Public Works Update.

DPW/Eng. Neumeier stated that an updated traffic signal controller will be installed on the

corner of Catherine and Lawe Street. The installation will be coordinated during the least busy time for the intersection. Street Superintendent Van Gompel gave an update on the hardball concession stand remodel. Demo on this project is complete. Van Gompel was approached by a group wanting to have additional lighting installed around the pond at the dog park. Kaukauna Utilities and the Police Department were consulted on this project. An update on the disposal site was provided. The Street Department is looking to provide on line renewal of disposal site access cards. Questions from the Board were answered.

3. Adjourn.

Motion made by Schell, seconded by Coenen to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 6:17 p.m.

Sally Kenney, Clerk

Motion by Thiele, seconded by Eggleston to adopt the Board of Public Works Meeting Minutes of February 6, 2023 as read.

All Ald. voted aye.

Motion carried.

Finance and Personnel Committee Meeting Minutes of February 6, 2023. FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, February 6, 2023, at 6:18 pm.

Members present: Mayor Penterman, Alders Coenen, DeCoster, Moore, Kilgas, and Schell.

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng.
Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Planner Stephenson, Fin.
Dir. Van Rossum and interested citizens.

- 1. Correspondence None.
- 2. Discussion Topics.
- 3. Adjourn to Closed Session.
 - **a.** Adjourn to Closed Session pursuant to State Statute 19.85(1)(c) to discuss the Kaukauna Professional Police Association Collective Bargaining Agreement.

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

Adjourned to Closed Session at 6:19 p.m.

b. Return to Open Session for possible action.

Motion by Moore, seconded by DeCoster to return to Open Session. All members voted aye.

Motion carried.

Returned to Open Session at 6:46 p.m.

Clerk Kenney was asked to amend the Common Council agenda for Tuesday, February 7, 2023, to include the Kaukauna Professional Police Association Collective Bargaining Agreement.

4. Adjourn.

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

Meeting adjourned at 6:47 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Thiele to adopt the Finance and Personnel Committee Meeting Minutes of February 6, 2023 as read.

All Ald. voted aye.

Motion carried.

Health & Recreation Committee Meeting Minutes of February 6, 2023. HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, February 6, 2023 at 6:55 P.M.

Members present: Antoine, DeCoster, Eggleston, and Kilgas.

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder

Schell, Alder Moore, Street Sup. Van Gompel, Street Foreman Nelson, Fin. Dir. Van Rossum, HR Dir. Swaney, DPW/Eng. Neumeier, Planner Stephenson, and interested citizens.

- 1. Correspondence None.
- 2. Discussion Topics.
 - a. Temporary Class B License to Holy Cross Parish/St. Ignatius Catholic School, 220 Doty Street, lower floor and cafeteria on Saturday, February 11, 2023 for "That Chili Thing".

Motion by DeCoster, seconded by Kilgas to grant the Temporary Class B License to Holy Cross Parish/St. Ignatius Catholic School, 220 Doty Street, lower floor and cafeteria on Saturday, February 11, 2023 for "That Chili Thing".

All members voted ave.

Motion carried.

b. Temporary Class B License to Holy Cross Parish/St. Ignatius Catholic School, 220 Doty Street, gym, lobby, & cafeteria, on March 24, 25, & 26, 2023 and March 31, April 1, & 2, 2023 for "Holy Cross Men's Open".

Motion by Kilgas, seconded by Antoine to grant the Temporary Class B License to Holy Cross Parish/St. Ignatius Catholic School, 220 Doty Street, gym, lobby, & cafeteria, on March 24, 25, & 26, 2023 and March 31, April 1, & 2, 2023 for "Holy Cross Men's Open".

All members voted aye.

Motion carried.

c. Solicitors Licenses.

The following applicants have applied for a solicitor's license for the license year 2023 and have been recommended for approval based on their record check by the police department:

Hagen	Kevin	J.	911 E. Airport Rd.	Menasha
Kitelinger	Maxwell	K.	311 Reaume Ave.	Kaukauna
Lange	Travis	J.	1332 Doblon St.	Green Bay
Rose	Adrianna	T.	1470 Grant St.	De Pere
Williams	Walter	S.	540 Jefferson St.	Oshkosh

Motion by Antoine, seconded by DeCoster to grant the Solicitors Licenses.

All members voted aye.

Motion carried.

3. Adjourn.

Motion made by Kilgas, seconded by DeCoster to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:58 pm.

Sally Kenney, Clerk

Motion by Eggleston, seconded by Antoine to adopt the Health & Recreation Committee Meeting Minutes of February 6, 2023 as read.

All Ald. voted aye.

Motion carried.

Legislative Committee Meeting Minutes of February 6, 2023.

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, February 6, 2023 at 6:59 P.M.

Members present: Antoine, Coenen, Moore, and Thiele.

Also present: Mayor Penterman, Attorney Davidson, Alder DeCoster, Alder Eggleston, Alder Kilgas, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, HR Dir.

Swaney, Street Foreman Nelson, Fin. Dir. Van Rossum, Planner Stephenson

and interested citizens.

- 1. **Correspondence** none.
- 2. Discussion Topics.
 - a. Update to 11.11 Waste Ordinance Review.

City Staff have been working on updates to Municipal Code 11.11 Waste Material for several months. We are bringing back a final draft for Legislative Committee discussion and approval. Discussion was held and questions answered.

Motion by Thiele, seconded by Coenen to approve, and recommend approval to the Common Council, proposed ordinance 1875-2022 Ordinance repealing and recreating Section 11.11 Waste Material, and direct staff to present the proposed ordinance update in an informational campaign and/or hold a public informational meeting.

Motion by Moore to table this discussion. Moore rescinds his motion to table.

A vote was not taken on motion by Thiele to approve and recommend approval to the Common Council, proposed ordinance 1875-2022 Ordinance repealing and recreating Section 11.11 Waste Material, and direct staff to present the proposed ordinance update in an informational campaign and/or hold a public informational meeting.

Motion by Thiele, seconded by Coenen to direct staff to make recommended changes to Municipal Code Section 11.11 and bring back to the Legislative Committee for review and approval.

All members voted aye.

Motion carried.

b. Payment plan for Special Charges code violation abatements.

Finance Director Van Rossum stated the City has some recent special charges that have been issued to property owners that have spurred conversation on how the City can make it easier for property owners to pay these charges as well as increase the probability of getting back the expended funds that come along with these code violation abatements. Special charges include things like snow removal and lawn cutting, razing, and debris/junk removal expenses. Per the statutes, snow removal from sidewalks, lawn and tree cutting are expressly included in the statutes as allowable for a "special charge," allowing these to be put on the tax bill. However, things like razing, debris/junk, or any other abatement of code violation do not qualify to be transferred to the tax roll. For these other abatement charges, the city can place a lien on the property until it is paid. This is a mechanism to try and collect the cost of these various abatement expenditures before a property switches owners. The lien does not force a payment until the property is turned over. It typically is not a proactive approach to getting the cost back from the abatement. To be proactive on this collection effort, we would like to explore a payment plan for any special charge/abatement code violation over a certain amount. Based on the amount it could be enrolled in a payment plan with an interest rate close to what the local Credit unions and banks are charging. The term can be based on amount. The higher the amount the longer the term. An example of how this can look is in the table below.

Tiered Amount	Term	Rate	
Less than \$1,000	1-year term	Unison 3-year arm rate +.5%	
Between \$1,000 and \$5,000	3-year term Unison 3-year arm rate +.5%		
Between \$5,000 and \$7,000	5-year term	Unison 5-year arm rate +.5%	
Greater than \$7,000	10-year term	Unison 7-year arm rate +.5%	

This payment plan gives the property owner the option to pay the abatement violation in full, on a payment plan or go to a financial institution to finance the expense. Rather than waiting for the lien to come up in a title search as the property is being sold, with a payment plan we believe our collection rate will be higher as well as expedited. Community Development Block

Grant (CDBG) is another option depending on the abatement situation. CDBG is a regional program that offers Zero percent deferred loan payment housing rehabilitation loans to low-and moderate- income (LMI) owner-occupied households. Projects could include such actions as replacement of private water or wastewater systems, new electrical or plumbing systems, lead paint or asbestos abatement, roof replacement, or any other rehabilitation deemed necessary to meet housing quality standard (HQS) inspection. Discussion was held and questions answered.

Motion by Antoine, seconded by Moore to direct city staff to come back with a payment plan to be offered to property owners that have a code violation fee that cannot be transferred to the tax roll for collection; as well as, come up with an ad-hoc committee to review the fee structure and bring it back to the Council.

All members voted aye.

Motion carried.

c. Ordinance Update to Chapter 17.22(2) Commercial Highway District – Wholesale and Warehousing.

Planner Stephenson stated in reviewing the Commercial Highway District (CHD) zoning district regulations, a permitted use within the district is wholesaling and warehousing. While staff feels this use should not be disallowed, it should be in conjunction with a primary commercial activity and not purely wholesaling or warehousing. Wholesaling and warehousing as a standalone use is more appropriate within one of our industrial districts, which permit both uses by right. An amendment is being proposed to update the CHD that would allow wholesaling and warehousing only when another primary commercial business is on the site.

Motion by Coenen, seconded by Moore to approve the ordinance update to 17.22(2) Commercial Highway District (CHD) as presented and forward the updated ordinance to the Common Council.

All members voted ave.

Motion carried.

Adjourn.

Motion by Thiele, seconded by Moore to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:42 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Coenen to adopt the Legislative Committee Meeting Minutes of February 6, 2023 as read.

All Ald. voted aye.

Motion carried.

A recess was called at 7:33 pm and called back to order at 7:36 pm.

Plan Commission Meeting Minutes of December 21, 2022.

Motion by Moore, seconded by Thiele to receive and place on file the Plan Commission Meeting Minutes of December 21, 2022.

All Ald. voted aye. Motion carried.

Library Board Meeting Minutes of November 22, 2022.

Motion by Kilgas, seconded by Antoine to receive and place on file the Library Board Meeting Minutes of November 22, 2022.

All Ald. voted aye.

Motion carried.

1000 Islands Environmental Center Committee Meeting Minutes of November 17, 2022.

Motion by Eggleston, seconded by Coenen to receive and place on file the 1000 Islands Meeting Minutes of November 17, 2022.

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:

Barr	Amy	J.	133 E. Tobacnoir St.	Kaukauna
Denil	Nicole	B.	1500 S. Telulah Ave.	Appleton
Green	Tiffany	D.	W1993 County Road S	Freedom
Pokhrel	Sushma		W6484 Sonny Dr. #13	Menasha
Reybrock	Jennifer	M.	315 S. Maple St.	Kimberly
Timilsing	Samjhana		1101 River Rock Ct. #5	Kiel

Motion by Eggleston, seconded by DeCoster to approve the operator/bartender license. All Ald. voted ave.

Motion carried.

REPORTS OF CITY OFFICERS

Review and Consideration to Create Tax Increment District No. 12.

Finance Director Van Rossum introduced Dustin Wolff, AICP with Mead & Hunt. Mr. Wolff provided a map with an outline of the area to be included in Tax Increment District (TID) 12. The lifespan of TID 12 is 27 years, due to the area being more difficult to develop, but it may be retired early. A public hearing was held at the Plan Commission level. All property owners in the affected area were sent a letter notifying them of the public hearing. A handful of people were in attendance. No written comments or phone calls were made to the Planning Department. A list of proposed improvements to be included in TID 12 was provided. Some of the projects will be paid for by the TID, some will have shared revenue from other sources. Development incentives will be available to assist with some projects. Projects will change over time. The City is not obligated to undertake any of the projects, but are required to identify potential projects. The City is required to annually report the health of the TID to the State of Wisconsin. The Common Council will be evaluating projects on a case-by-case basis as they arise. Discussion was held and questions answered.

Review and Consideration for Commerce Crossing - Evergreen Drive development.

Planner Stephenson introduced Tyler Sheeran, Vice President of Development, Commonwealth Development Corporation. Mr. Sheeran discussed the offer, which was presented to the City of Kaukauna. This item will be discussed later in the meeting in closed session.

Kaukauna Professional Police Association Collective Bargaining Agreement for January 1, 2023 – December 31, 2025.

Mayor Penterman stated that this agreement was on the Finance & Personnel Committee meeting agenda last night and was asked to be put on this meeting agenda. Mayor stated this should not become a habit of taking matters out of committee. If there is a need to discuss at the Council level, the item should be put on a future meeting agenda rather than amending the next night's agenda.

Motion by Moore, seconded by Kilgas to approve the Kaukauna Professional Police Association Collective Bargaining Agreement for January 1, 2023 – December 31, 2025.

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

Motion carried 8-0.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2023-5366 Resolution accepting Bluestem Meadows 3 Subdivision and requiring sewer therein.

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Resolution 2023-5366.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2023-5366 as amended with correct date of 2023 instead of 2022 in the title.

All Ald. voted aye.

Motion carried.

Resolution 2023-5372 Resolution Authorizing Public Finance Authority to Issue Bonds to Finance Facilities in the City of Kaukauna, Wisconsin.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2023-5372.

All Ald. voted aye.

Motion carried.

Alder Moore stated that this resolution is being done in support of the development and the securing of bonding through their own financing. Alder Thiele expressed her concern regarding the agreement to build market rate apartments.

Motion by Moore, seconded by Thiele to adopt Resolution 2023-5372 as amended with date change.

All Ald. voted aye.

Motion carried.

Resolution 2023-5373 Approving Boundary and Project Plan to Create Tax Increment District No. 12 City of Kaukauna Outagamie County, Wisconsin.

Motion by Moore, seconded by Eggleston to suspend the rules and waive the reading of Resolution 2023-5373.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to adopt Resolution 2023-5373 Approving Boundary and Project Plan to Create Tax Increment District No. 12 City of Kaukauna Outagamie County, Wisconsin.

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

Motion carried 8-0.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property - former RR property.

Motion by Moore, seconded by Schell to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – former RR property. All Ald. voted aye.

Motion carried.

Adjourned to closed session at 8:27 p.m.

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

Motion carried.

Returned to open session at 8:37 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property - Commerce Crossing - Evergreen Drive.

Motion by Moore, seconded by Kilgas to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – Commerce Crossing – Evergreen Drive. All Ald. voted ave.

Motion carried.

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

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

All Ald. voted ave.

Motion carried.

Returned to open session at 9:10 p.m.

Motion by Moore, seconded by Kilgas to reject the offer from Commonwealth and direct staff to work with Commonwealth regarding the offer.

All Ald. voted ave.

Motion carried.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public funds - New Prosperity Industrial Park.

Motion by Moore, seconded by Coenen to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public funds - New Prosperity Industrial Park. All Ald. voted aye.

Motion carried.

Adjourned to closed session at 9:12 p.m.

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

Motion carried.

Returned to open session at 9:17 p.m.

Motion by Moore, seconded by Antoine to approve the WB44 Counter offer from Straightline Properties LLC with two amendments noted.

All Ald. voted aye.

Motion carried.

ADJOURN

Motion by Thiele, seconded by Kilgas to adjourn. All Ald. voted aye. Motion carried.

Meeting adjourned at 9:18 p.m.

Sally Kenney, Clerk

