

# COMMON COUNCIL

City of Kaukauna  
**Council Chambers**  
Municipal Services Building  
144 W. Second Street, Kaukauna



Tuesday, May 17, 2022 at 7:00 PM

## AGENDA

### In-Person

1. Roll call, one minute of silent prayer, Pledge of Allegiance to the American Flag.
2. Reading and approval of minutes.
  - [a.](#) Common Council Meeting Minutes of May 3, 2022.
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
  - [a.](#) Bills Payable.
4. Public appearances.
5. Business presented by Mayor.
  - a. Presentation by Jeff Belongia, from HSE, of the 2022 Kaukauna Sanitary and Storm Water Utility Bonding Results and Ratings.
  - b. Help for Homeless Hygiene Drive Tops \$527,000.
  - c. Reappointment of Will Van Rossum to the Fox Cities Room Tax Commission.
  - [d.](#) Proclamation Emergency Medical Services Week May 15-21, 2022.
  - [e.](#) Proclamation National Police Week May 15-21, 2022.
  - [f.](#) Proclamation National Public Works Week May 15-21, 2022.
6. Reports of standing and special committees.
  - [a.](#) Board of Public Works Meeting Minutes of May 16, 2022.
  - [b.](#) Finance & Personnel Meeting Minutes of May 16, 2022.
  - [c.](#) Health & Recreation Committee Meeting Minutes of May 16, 2022.
  - [d.](#) Legislative Committee Meeting Minutes of May 16, 2022.
  - [e.](#) Public Protection & Safety Committee Meeting of May 16, 2022.
  - [f.](#) Operator (Bartender) Licenses.
7. Reports of City officers.
  - [a.](#) Fire Report.
  - [b.](#) Ambulance Report.
  - [c.](#) Police Report.
  - [d.](#) Court Report.
  - [e.](#) Clerk-Treasurer's Daily Deposit Report.
  - [f.](#) Building Inspection Report.
  - g. Inside the Park Place Lots - Curran Real Estate - Update.
8. Presentation of ordinances and resolutions.
  - [a.](#) Resolution 2022-5336 Resolution Establishing City Wards and Boundaries.

- [b.](#) Resolution 2022-5337 Resolution Authorizing the Issuance and Sale of up to \$7,970,000 Sanitary Sewer System Revenue Bonds, Series 2022B of the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds.
  - [c.](#) Resolution 2022-5338 Resolution Authorizing the Issuance and Sale of up to \$9,680,000 Storm Water System Revenue Bonds, Series 2022C of the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds.
  - [d.](#) Resolution 2022-5339 Final Resolution Authorizing Public Improvements on Street, Sidewalk, Driveway Aprons and Utility Assessments on Gray Squirrel Lane, Red Fox Lane, White Birch Street, White Wolf Lane, and Island Street.
  - [e.](#) Resolution 2022-5340 Resolution Authorizing Curran Real Estate to List and Market Inside the Park Place Lots.
  - [f.](#) Ordinance 1862-2022 Ordinance creating Chapter 18 of the Municipal Code on Subdivisions.
- 9. Closed session.
  - a. Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss the purchasing of public property.
  - b. Return to Open Session for possible action.
  - c. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public funds - 250 Lawe Street.
  - d. Return to Open Session for possible action.
  - e. Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of municipally owned property - Commerce Crossing, Parcel #322095700.
  - f. Return to Open Session for possible action.
- 10. Consideration of Miscellaneous Business.
- 11. Adjourn.

## **NOTICES**

**IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER  
WILL BE MADE AVAILABLE AT NO CHARGE.**



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – MAY 3, 2022

Pursuant to adjournment on April 19, 2022, meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, May 3, 2022.

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

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fire Chief Carrel, Police Chief Graff, Fin. Dir. Van Rossum, Community Enrichment Services Dir. Vosters, HR Dir. Swaney, Library Dir. Thiem-Menning, 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 Schell to adopt the minutes of the Common Council meeting of April 19, 2022.

All Ald. voted aye.

Motion carried.

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

#### Bills Payable

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

All Ald. voted aye.

Motion carried.

### PUBLIC APPEARANCES

No one appeared.

Mayor Penterman expressed sympathy for the family of Carl Vanevenhoven who recently passed away. Carl served the City of Kaukauna as a Fireman and was one of the six original paramedics.

### BUSINESS PRESENTED BY THE MAYOR

#### Proclamation Professional Municipal Clerk's Week May 1-7, 2022.

Mayor Penterman read the proclamation and thanked Clerk Kenney for her role as the City of Kaukauna Municipal Clerk.

Motion by Antoine, seconded by Kilgas to receive and place on file the Proclamation Professional Municipal Clerk's Week May 1-7, 2022.

All Ald. voted aye.

Motion carried.

### REPORTS OF STANDING AND SPECIAL COMMITTEES

**Board of Public Works Meeting Minutes of May2, 2022.****BOARD OF PUBLIC WORKS**

A meeting of the Board of Public Works was called to order by Mayor Penterman on Monday, May 2, 2022, at 6:00 P.M.

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

Also present: Mayor Penterman, Attny. Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, Police Chief Graff, Proj. Eng. Conger, HR Dir. Swaney (via ZOOM) and interested citizens.

**1. Correspondence – none.**

Mayor Penterman introduced newly hired Project Engineer Taylor Conger and welcomed him to the City of Kaukauna.

**2. Discussion Topics.****a. Elect Chair.**

Motion by Moore that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Thiele as Chairperson of the Board of Public Works.

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

Motion carried.

**b. Elect Vice-Chair.**

Motion by Thiele that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Coenen as Vice-Chairman of the Board of Public Works.

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

Motion carried.

**c. Public Hearing for Project 1-22; Concrete Street 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 abutting property owners. Project updates will also be sent to affected residents via email.

Ald. Moore stated that he has received positive comments on the email notifications.

Mayor Penterman declared the Public Hearing open and asked if anyone in the Council Chambers wished to address the Board of Public Works regarding Project 1-22, Concrete Street Paving.

Anthony Sonnleitner, 1971 Bear Paw Trail expressed concern regarding the easement stakes on his property. He asked that City Engineers come out and view the stakes for any discrepancies.



Asking two more times if anyone else wished to address the Board, no one appeared, Mayor Penterman declared the public hearing closed.

**d. ACEC Award – Nelson Heritage Crossing.**

DPW/Eng. Neumeier explained the award and the criteria for winning it. Information on the organization granting the award was provided. He thanked all the groups, people, and communities who helped with the project.

Graef Engineering, Project Engineer Ryan VanCamp was present and thanked the City of Kaukauna for the opportunity to work on the project.

**e. Public Works Update.**

DPW/Eng. Neumeier updated the Board on the projects for 2022. The projects include Kaukauna Utilities water main, concrete street patching, paving project, Inside Park Place utility and road work are completed and home construction is starting, Island Street Bridge reconstruction behind Kaukauna Utilities, waste disposal site is open, utility contract was awarded and will start mid-July, S.E.H. Quiet Zone Study, and lift bridge repairs.

Ald. Moore stated residents are happy about the Konkapot Bridge being closed for only one week. The closure was an inconvenience to residents who travel the bridge.

Ald. DeCoster asked about the timeline for the closure of the Dodge Street bridge. There is concern about traffic for the “Electric City” event happening in the beginning of June. DPW/Eng. Neumeier stated a construction meeting will take place next week. If an opportunity is available to postpone the full closure of the bridge until after the event, without affecting the completion date, he will take it.

**3. General Matters - none.**

**4. Adjourn.**

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

Meeting adjourned at 6:23 p.m.

Sally Kenney  
Clerk

Motion by Thiele, seconded by Moore to adopt the Board of Public Works Meeting Minutes of May 2, 2022, as presented.  
All Ald. voted aye.  
Motion carried.

**Finance and Personnel Committee Meeting Minutes of May 2, 2022.**

**FINANCE AND PERSONNEL COMMITTEE**

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on

Monday, May 2, 2022, at 6:23 pm.

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

Also present: Ald. Thiele, Ald. Antoine, Ald. Eggleston, Attorney Davidson, DPW/Eng. Neumeier, Proj. Eng. Conger, Fire Chief Carrel, Police Chief Graff, HR Dir. Swaney (via ZOOM) and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Elect Vice-Chairman.**

Motion by DeCoster that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Moore as Vice-Chairman of the Finance and Personnel Committee.

Roll call vote: Coenen-aye, DeCoster-aye, Kilgas-aye, Moore-aye, Penterman-aye, Schell-aye.

Motion carried.

b. **Elect Secretary.**

Motion by Moore that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. DeCoster as Secretary of the Finance and Personnel Committee.

Roll call vote: Coenen-aye, DeCoster-aye, Kilgas-aye, Moore-aye, Penterman-aye, Schell -aye.

Motion carried.

c. **Resignation of Police Officer David Knepfel.**

HR Dir. Swaney notified the Committee of Police Officer Knepfel's resignation. His last day of work was in April.

d. **Authorization to fill vacant police officer position due to resignation.**

Motion by Coenen, seconded by Schell to authorize staff to fill the Patrol Officer vacancy due to resignation.

All members voted aye.

Motion carried.

e. **Amendments to the Kaukauna Housing Authority Agreement.**

DPW/Eng. Neumeier provided background information on the amendments. Due to an error found in a legal description for the Kaukauna Housing Authority property, the PILOT Agreement, Loan Agreement, and associated Subordination Agreement will require amendments. The proposed amendments were provided.

A resolution authorizing the Mayor and City Clerk to sign the amendments is on May 3, 2022, Common Council agenda.

3. **General Matters** - none.

4. **Adjourn.**

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

Meeting adjourned at 6:30 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Coenen to adopt the Finance and Personnel Committee Meeting Minutes of May 2, 2022, as presented.  
All Ald. voted aye.  
Motion carried.

### **Health & Recreation Meeting Minutes of May 2, 2022.**

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

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, May 2, 2022, at 6:30 P.M.

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

Also present: Mayor Penterman, Ald. Coenen, Moore, Thiele, Schell, Attorney Davidson, DPW/Eng. Neumeier, Proj. Eng. Conger, Fire Chief Carrel, Police Chief Graff, and interested citizens.

#### **1. Correspondence – None.**

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

##### **a. Elect Vice-Chairman.**

Motion by DeCoster that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Antoine as Vice-Chairman of the Health and Recreation Committee.

Roll call vote: Antoine-aye, DeCoster-aye, Eggleston-aye, Kilgas-aye.

Motion carried.

##### **b. Elect Secretary.**

Motion by DeCoster that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Kilgas as Secretary of the Health and Recreation Committee.

Roll call vote: DeCoster-aye, Eggleston-aye, Kilgas-aye, Antoine-aye.

Motion carried.

##### **c. Solicitor's License to Dylan Deal, Turf Badger, 5530 Neubert Road, Appleton for pest control.**

Motion by DeCoster, seconded by Kilgas to grant the Solicitor's License to Dylan Deal, Turf Badger, 5530 Neubert Road, Appleton for pest control.

All members voted aye.

Motion carried.

##### **d. Request for amplified music to Chris Wachel for "Riverside Rally" at Riverside Park on May 14, 2022, from 9 am to 2 pm.**

Motion by Kilgas, seconded by DeCoster to grant the request for amplified music to Chris Wachel for "Riverside Rally" at Riverside Park on May 14, 2022, from 9 am to 2 pm.  
All members voted aye.  
Motion carried.

### **3. General Matters – None.**

### **4. Adjourn.**

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

Meeting adjourned at 6:39 P.M.

Sally Kenney  
Clerk

Motion by Eggleston, seconded by DeCoster to adopt the Health & Recreation Meeting Minutes of May 2, 2022, as presented.  
All Ald. voted aye.  
Motion carried.

### **Legislative Committee Meeting Minutes of May 2, 2022.**

#### **LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, May 2, 2022, at 6:40 P.M.

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

Also present: Mayor Penterman, Ald. DeCoster, Eggleston, Kilgas, Schell, Atty. Davidson, DPW/Eng. Neumeier, Proj. Eng. Conger, Fire Chief Carrel, Police Chief Graff, and interested citizens.

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

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

##### **a. Elect Vice Chair.**

Motion by Moore that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Coenen as Vice-Chairman of the Legislative Committee.  
Roll call vote: Antoine-aye, Coenen-aye, Moore-aye, Thiele-aye.  
Motion carried.

##### **b. Elect Secretary.**

Motion by Moore that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Thiele as Secretary of the Legislative Committee.  
Roll call vote: Coenen-aye, Moore-aye, Thiele-aye, Antoine-aye.

Motion carried.

**c. Ordinance Amending Section 1.39 Grignon Mansion Board.**

This item was pulled from the agenda.

**3. General Matters – None.**

**4. Adjourn.**

Motion by Coenen, seconded by Moore to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:41p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Eggleston to adopt the Legislative Committee Meeting Minutes of May 2, 2022 as presented.

All Ald. voted aye.

Motion carried.

**Public Protection & Safety Committee Meeting Minutes of May 2, 2022.**

**PUBLIC PROTECTION AND SAFETY COMMITTEE**

A meeting of the Public Protection and Safety Committee was called to order by Chairman Kilgas on Monday, May 2, 2022, at 6:41 P.M.

Members present: Eggleston, Kilgas, Schell, Thiele.

Also present: Mayor Penterman, Ald. Antoine, Coenen, DeCoster, Moore, Atty. Davidson, DPW/Eng. Neumeier, Proj. Eng. Conger, Fire Chief Carrel, Police Chief Graff, and interested citizens.

**1. Correspondence - None.**

**2. Discussion Topics.**

**a. Elect Vice Chair.**

Motion by Thiele that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Schell as Vice-Chairperson of the Public Protection and Safety Committee.

Roll call vote: Eggleston-aye, Kilgas-aye, Schell-aye, Thiele-aye.

Motion carried.

**b. Elect Secretary.**

Motion by Thiele that nominations be closed, rules be suspended, and a unanimous ballot be cast for Ald. Eggleston as Secretary of the Public Protection and Safety Committee.

Roll call vote: Kilgas-aye, Schell-aye, Thiele-aye, Eggleston-aye.

Motion carried.

### 3. General Matters – None.

### 4. Adjourn.

Motion by Eggleston, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:44 p.m.

Sally Kenney

Clerk

Motion by Kilgas, seconded by Thiele to adopt the Public Protection & Safety Committee Meeting Minutes of May 2, 2022, as presented.

All Ald. voted aye.

Motion carried.

#### **Plan Commission Meeting Minutes of April 7, 2022.**

Motion by Moore, seconded by Antoine to receive and place on file the Plan Commission Meeting Minutes of April 7, 2022.

All Ald. voted aye.

Motion carried.

#### **Grignon Mansion Board Meeting Minutes of March 28, 2022.**

Motion by Thiele, seconded by Kilgas to receive and place on file the Grignon Mansion Board Meeting Minutes of March 28, 2022.

All Ald. voted aye.

Motion carried.

#### **Kaukauna Public Library Board Meeting Minutes of March 22, 2022.**

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

All Ald. voted aye.

Motion carried.

#### **1000 Islands Environmental Center Committee Minutes of March 17, 2022.**

Motion by Eggleston, seconded by Thiele to receive and place on file the 1000 Islands Environmental Center Committee Minutes of March 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:

Carey	Anne	P.	719 Desnoyer St.	Kaukauna
DeCoster	Deborah	K.	N1539 Lynn St.	Kaukauna
Dolan	Carla	M.	512 Desnoyer St.	Kaukauna

Dombrowski	Daniel	R.	N2972 French Rd.	Freedom
Eckes	Philip	K.	W2246 Gentry Dr. #1	Kaukauna
Fahrbach	Gene	D.	1136 Harrison St.	Kaukauna
Francis	Daniel	P.	120 W. 13 <sup>th</sup> St.	Kaukauna
Geibel	Mason	J.	2763 Gemini Ct.	Green Bay
Hofacker	Michelle		N4082 Twelve Corners Rd.	Black Creek
Jakubowski	Karen	A.	1268 Reber St.	Green Bay
LaChance	Jordan	M.	207 W. 7 <sup>th</sup> St.	Kaukauna
Marzahl	Gail	E.	720 S. Westhaven Place Unit A	Appleton
Moore	John	P.	2381 Fairway Dr.	Kaukauna
Peterson	Renee	E.	1140 Harrison St.	Kaukauna
Pristine	Alexander	M.	111 Lamp Lighter Dr. Apt. 15	Kaukauna
Rohan	Sean	P.	1808 Oakridge Ave.	Kaukauna
Sanderfoot	Merlin	J.	W1419 Peters Rd.	Kaukauna
Schmidt	Jordan	L.	1609 Glenview Ave.	Kaukauna
Singh	Jasbirpal		2906 Fieldcrest Dr.	Kaukauna
Smith	Thomas	M.	1100 Kristy St.	Kaukauna
St. John	Thomas	F.	1701 Biscayne Dr.	Little Chute
Stein	Rhonda	L.	712 W. 7 <sup>th</sup> St. Apt. B	Kaukauna
VandenBoogard	Kimberly	A.	W5580 Sumac Ln.	Appleton
VanRooy	Jennifer	A.	W2202 Center Valley Rd.	Freedom
Voet	Jamie	K.	525 W. 9 <sup>th</sup> St.	Kaukauna
Walczak	Kali	J.	1522 Orchard Dr.	Kaukauna
Wittman	David	J.	2400 Main Ave.	Kaukauna
Wyman	Melanie	M.	1512 Glenview Ave.	Kaukauna

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

The following applicants have applied for an operator's license for the license year **2022-2024, as well as a provisional license covering May & June of 2022**, and have been recommended for approval based on their record check by the police department:

Allen	Fiana	W.	207 W. 7 <sup>th</sup> St.	Kaukauna
Brennecke	Linda	L.	1338 W. Winnebago St.	Appleton
Kassel	William	J.	1106 W. Wisconsin Ave. Apt. 7	Appleton
Lancour	Fox	A.	3510 Cherry Vale Ave. Unit 37	Appleton
Merson	Hayley	M.	704 Buchanan St.	Little Chute
Rijal	Suman		2111 S. Maplecrest Dr. Apt. 6	Appleton
Winters	Ashley	L.	218 ½ E. 8 <sup>th</sup> St.	Kaukauna

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

The following applicant has applied for an operator's license and has been recommended for **denial** based on their record check by the police department:

Leary	Timothy	J.	133 Garfield St.	Kaukauna
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Motion by Eggleston, seconded by Thiele to deny the operator/bartender license.  
 All Ald. voted aye.  
 Motion carried.

## REPORTS OF CITY OFFICERS

None.

## PRESENTATION OF ORDINANCES AND RESOLUTIONS

### **Resolution 2022-5333 Resolution Authorizing the Mayor and Clerk to enter into a Loan Agreement, Pilot Agreement and Subordinate to Rad Use Agreement with Kaukauna Rad, LLC.**

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2022-5333.

All Ald. voted aye.  
 Motion carried.

Motion by Moore, seconded by Eggleston to adopt Resolution 2022-5333.

All Ald. voted aye.  
 Motion carried.

### **Resolution 2022-5334 Resolution Approving the Final Plan for Phase 1 of the Wolfinger Estates Subdivision.**

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2022-5334.

All Ald. voted aye.  
 Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2022-5334.

All Ald. voted aye.  
 Motion carried.

### **Resolution 2022-5335 Resolution Approving a 4-Lot Certified Survey Map at Lots 32, 33, 34, and 35 of Country Side Estates for Dercks Builders & Masonry, Inc.**

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of Resolution 2022-5335.

All Ald. voted aye.  
 Motion carried.

Motion by Moore, seconded by Schell to adopt Resolution 2022-5335.

All Ald. voted aye.  
 Motion carried.

### **Ordinance 1859-2022 Ordinance Authorizing Placement of Traffic Regulation Signs on Janet Street and Walter Street.**

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1859-2022.

All Ald. voted aye.  
 Motion carried.



Motion by Moore, seconded by Eggleston to adopt Ordinance 1859-2022.  
All Ald. voted aye.  
Motion carried.

**Ordinance 1860-2022 Ordinance Creating Section 10.08(1) of the Kaukauna Municipal Code to Prohibit Discharge of Grass Clippings, Leaves, Yard Waste and other Debris unto Public Streets.**  
Motion by Moore, seconded by DeCoster to suspend the rules and waive the reading of Ordinance 1860-2022.  
All Ald. voted aye.  
Motion carried.

Motion by Moore, seconded by Thiele to adopt Ordinance 1860-2022.  
All Ald. voted aye.  
Motion carried.

**Ordinance 1861-2022 Ordinance Repealing and Recreating Section 1.32(6) and Section 1.32(7) of the Kaukauna Code.**  
Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Ordinance 1861-2022.  
All Ald. voted aye.  
Motion carried.

Motion by Moore, seconded by Kilgas to adopt Ordinance 1861-2022.  
All Ald. voted aye.  
Motion carried.

**Ordinance 1862-2022 An Ordinance Amending Section 1.39 Grignon Mansion Board.**  
This item was pulled from the agenda.

## **CLOSED SESSION**

**Adjourn to Closed Session Pursuant to 19.85(1)(g) with respect to litigation in which the City is or is likely to become involved.**

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to 19.85(1)(g) with respect to litigation in which the City is or is likely to become involved.  
All Ald. voted aye.  
Motion carried.

Adjourned to closed session at 7:33 p.m.

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

Motion by Coenen, seconded by Kilgas to return to open session for possible action.  
All Ald. voted aye.  
Motion carried.

Returned to open session at 8:40 p.m.

**Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of public funds - 250 Lawe Street and 300 Lawe Street.**

Motion by Moore, seconded by Antoine to adjourn to closed session pursuant to 19.85(1)(e) to discuss disposition of public funds - 250 Lawe Street and 300 Lawe Street.

All Ald. voted aye.

Motion carried.

Adjourned to closed session at 8:41p.m.

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

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

All Ald. voted aye.

Motion carried.

Returned to open session at 8:56 p.m.

Motion by Moore, seconded by Antoine to direct staff to prepare loan term agreements for properties at 250 Lawe Street and 300 Lawe Street as discussed.

All Ald. voted aye.

Motion carried.

## **CONSIDERATION OF MISCELLANEOUS BUSINESS**

None.

## **ADJOURN**

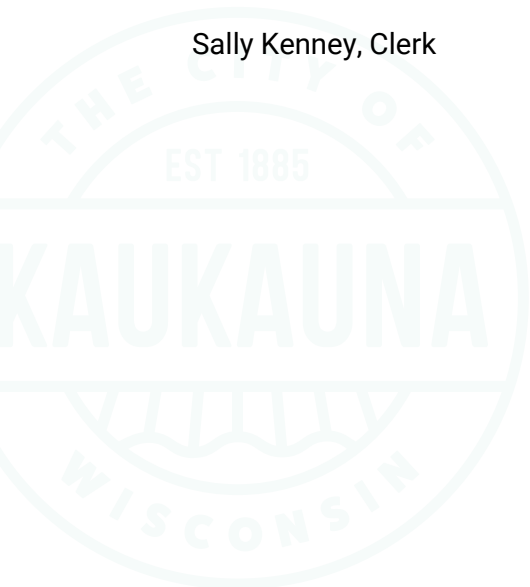
Motion by Moore, seconded by Coenen to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:57 p.m.

Sally Kenney, Clerk



# Accounts Payable

## Checks for Approval

User: cnelson  
Printed: 5/6/2022 - 1:58 PM



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	04/28/2022	General Fund	WI Retirement	Wisconsin Employee Trust Funds (ETF)		229,432.90
0	04/22/2022	General Fund	Group Health Insurance	Wisconsin Employee Trust Funds (ETF)		309,872.08
0	04/22/2022	General Fund	Group Life Insurance	Securian Financial Group, Inc.		2,536.74
0	04/15/2022	General Fund	Miscellaneous	Garrow Oil Corp.		28,857.92
0	04/22/2022	General Fund	Supplemental Dental/Vision Ins	Delta Dental of Wisconsin		1,084.10
0	04/22/2022	General Fund	Supplemental Dental/Vision Ins	Delta Dental of Wisconsin		220.84
0	04/22/2022	General Fund	Supplemental Dental/Vision Ins	Delta Dental of Wisconsin		11.42
0	04/29/2022	General Fund	General Government	Wis. Dept. of Revenue - ACH PAYMENT		0.55
0	04/29/2022	General Fund	Adult Programs	Wis. Dept. of Revenue - ACH PAYMENT		721.94
0	04/29/2022	General Fund	Facilities Rental	Wis. Dept. of Revenue - ACH PAYMENT		136.26
0	04/29/2022	General Fund	Aquatics	Wis. Dept. of Revenue - ACH PAYMENT		238.44
0	04/29/2022	1000 Islands	Building Rental (Taxable)	Wis. Dept. of Revenue - ACH PAYMENT		12.30
0	04/29/2022	1000 Islands	Gift Shop Sales	Wis. Dept. of Revenue - ACH PAYMENT		50.65
0	04/29/2022	1000 Islands	Fundraising Sales	Wis. Dept. of Revenue - ACH PAYMENT		336.95
0	04/29/2022	Solid Waste	Other Payments-Cart Repayments	Wis. Dept. of Revenue - ACH PAYMENT		88.13
0	04/29/2022	General Fund	Contractual Services	MYGOV, LLC		1,100.00
116155	04/15/2022	1000 Islands	Donations	1000 Islands Environmental Center		390.00
116156	04/15/2022	General Fund	Maintenance - Buildings	Amplitel Technologies LLC		189.00
116157	04/15/2022	General Fund	Contractual Services	City Of Appleton		780.50
116158	04/15/2022	General Fund	Maintenance - Automotive	Appleton Hydraulic Components, LLC		1,535.65
116158	04/15/2022	General Fund	Maintenance - Automotive	Appleton Hydraulic Components, LLC		4,600.48
116158	04/15/2022	General Fund	Maintenance - All Other Equipm	Appleton Hydraulic Components, LLC		486.61
116159	04/15/2022	General Fund	Contractual Services	Aramark Uniform		13.55
116159	04/15/2022	Sanitary Sewer Utility	Contractual Services	Aramark Uniform		23.25
116159	04/15/2022	General Fund	Clothing Expense	Aramark Uniform		24.80
116159	04/15/2022	General Fund	Contractual Services	Aramark Uniform		278.40
116159	04/15/2022	General Fund	Contractual Services	Aramark Uniform		121.75
116160	04/15/2022	General Fund	Hydro Live Expenses	ARS Productions		22,375.00
116161	04/15/2022	General Fund	Contractual Services	Ascension Medical Group - Fox Valley DBA - Ascen		165.00
116161	04/15/2022	General Fund	Contractual Services	Ascension Medical Group - Fox Valley DBA - Ascen		72.00
116162	04/15/2022	General Fund	General Supplies	Batteries Plus, LLC.		51.12
116163	04/15/2022	General Fund	Temporary Payroll	Faye Binsfeld		75.00
116164	04/15/2022	General Fund	Temporary Payroll	Peggy Blenke		105.00
116165	04/15/2022	Storm Water Utility	Maintenance - Automotive	Brooks Tractor Inc.		678.33

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116166	04/15/2022	General Fund	Temporary Payroll	Jim Carr		75.00
116167	04/15/2022	General Fund	Contractual Services	Charter Communications		1,097.11
116168	04/15/2022	1000 Islands	Contractual Services	Cintas		97.25
116168	04/15/2022	General Fund	Maintenance - Buildings	Cintas		311.50
116168	04/15/2022	General Fund	Maintenance - Buildings	Cintas		225.00
116168	04/15/2022	General Fund	Maintenance - Buildings	Cintas		263.05
116169	04/15/2022	General Fund	Due to VFW-Kaukauna Post	Creative Brick & Concrete		148.18
116170	04/15/2022	General Fund	Maintenance - Automotive	Cumberland Servicecenter Inc		348.13
116171	04/15/2022	Sanitary Sewer Utility	Contractual Services	Damage Prevention Services, LLC		228.00
116172	04/15/2022	General Fund	General Supplies	Diamond Vogel Inc.		1,269.00
116173	04/15/2022	Sanitary Sewer Utility	Contractual Services	Diggers Hotline Inc.		368.74
116174	04/15/2022	General Fund	Contractual Services	Diversified Benefit Services, Inc.		664.04
116175	04/15/2022	General Fund	Temporary Payroll	Janice Dunham		75.00
116176	04/15/2022	General Fund	Temporary Payroll	Mary Dusenbery		75.00
116177	04/15/2022	General Fund	General Supplies	Evergreen Power, LLC		49.99
116177	04/15/2022	General Fund	Maintenance - All Other Equipm	Evergreen Power, LLC		70.93
116177	04/15/2022	General Fund	Maintenance - All Other Equipm	Evergreen Power, LLC		353.62
116177	04/15/2022	General Fund	Maintenance - Automotive	Evergreen Power, LLC		164.75
116177	04/15/2022	General Fund	General Supplies	Evergreen Power, LLC		88.58
116178	04/15/2022	General Fund	Plumbing Supplies	Ferguson Enterprises, LLC #1550		203.00
116178	04/15/2022	General Fund	Plumbing Supplies	Ferguson Enterprises, LLC #1550		222.97
116178	04/15/2022	General Fund	Plumbing Supplies	Ferguson Enterprises, LLC #1550		609.00
116178	04/15/2022	General Fund	General Supplies	Ferguson Enterprises, LLC #1550		10.64
116179	04/15/2022	General Fund	General Supplies	Ferguson Waterworks #1476		432.00
116180	04/15/2022	General Fund	Maintenance - All Other Equipm	Flail-Master		504.50
116181	04/15/2022	General Fund	Temporary Payroll	Mary Frank		105.00
116182	04/15/2022	General Fund	Recycling Program	GFL Green For Life Environmental		134.94
116183	04/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		167.31
116183	04/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		21.12
116183	04/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		0.66
116183	04/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		46.53
116183	04/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		26.84
116184	04/15/2022	General Fund	Maintenance - Buildings	Grainger Inc		82.02
116185	04/15/2022	General Fund	Temporary Payroll	Chris Gries		225.00
116186	04/15/2022	General Fund	Miscellaneous	Greater Fox Cities Area Habitat For Humanity		5,000.00
116187	04/15/2022	General Fund	Building Permit	Heart of The Valley Metro.		5,408.00
116188	04/15/2022	Sanitary Sewer Utility	Water Sewer & Electric	Heart of The Valley Metropolitan Sewerage District		186,053.31
116189	04/15/2022	General Fund	Temporary Payroll	Teri Hietpas		225.00
116190	04/15/2022	General Fund	Contractual Services	Human Resources Consulting, LLC		4,590.00
116191	04/15/2022	General Fund	Library Materials	Ingram		86.11
116191	04/15/2022	General Fund	Library Materials	Ingram		343.25
116192	04/15/2022	General Fund	Maintenance - Automotive	Interstate Battery		425.90
116192	04/15/2022	General Fund	Maintenance - Automotive	Interstate Battery		119.95
116192	04/15/2022	Sanitary Sewer Utility	Maintenance - Automotive	Interstate Battery		291.90

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116192	04/15/2022	Sanitary Sewer Utility	Maintenance - Automotive	Interstate Battery		-15.00
116193	04/15/2022	General Fund	Maintenance - Automotive	K. R. West Company Inc		85.32
116193	04/15/2022	General Fund	Maintenance - All Other Equipm	K. R. West Company Inc		110.86
116193	04/15/2022	General Fund	Maintenance - Automotive	K. R. West Company Inc		112.82
116194	04/15/2022	Storm Water Utility	Water Sewer & Electric	Kaukauna Utilities		2,606.43
116195	04/15/2022	General Fund	Temporary Payroll	Mary Kavanaugh		75.00
116196	04/15/2022	General Fund	Miscellaneous	Kwik Trip, Inc.		18.55
116197	04/15/2022	General Fund	Temporary Payroll	Jean Landreman		75.00
116198	04/15/2022	General Fund	Temporary Payroll	Sarah Landreman		75.00
116199	04/15/2022	General Fund	Temporary Payroll	Todd Liebergen		175.00
116200	04/15/2022	Storm Water Utility	Maintenance - Automotive	MacQueen Equip Group		842.67
116201	04/15/2022	General Fund	Rent - Equipment	Marco		157.98
116201	04/15/2022	General Fund	Rent - Equipment	Marco		157.98
116201	04/15/2022	General Fund	Rent - Equipment	Marco		94.79
116201	04/15/2022	General Fund	Rent - Equipment	Marco		31.60
116201	04/15/2022	General Fund	Printing Expense	Marco		31.60
116201	04/15/2022	General Fund	Rent - Equipment	Marco		39.50
116201	04/15/2022	General Fund	Rent - Equipment	Marco		39.50
116201	04/15/2022	General Fund	Rent - Equipment	Marco		39.50
116201	04/15/2022	General Fund	Printing Expense	Marco		39.50
116201	04/15/2022	General Fund	Contractual Services	Marco		157.98
116201	04/15/2022	General Fund	Contractual Services	Marco		31.58
116201	04/15/2022	General Fund	Contractual Services	Marco		126.40
116202	04/15/2022	General Fund	General Supplies	Matheson Tri-Gas Inc.		125.69
116203	04/15/2022	General Fund	Temporary Payroll	James Merritt		75.00
116204	04/15/2022	General Fund	Library Materials	MicroMarketing LLC		-35.00
116204	04/15/2022	General Fund	Library Materials	MicroMarketing LLC		44.99
116204	04/15/2022	General Fund	Library Materials	MicroMarketing LLC		116.98
116205	04/15/2022	General Fund	Maintenance - All Other Equipm	Minnesota Equipment		280.31
116206	04/15/2022	General Fund	Maintenance - All Other Equipm	Motion Industries		89.26
116207	04/15/2022	General Fund	Printing Expense	News Publishing Co, Inc.		753.05
116207	04/15/2022	General Fund	Printing Expense	News Publishing Co, Inc.		827.34
116208	04/15/2022	General Fund	Temporary Payroll	Olivia O'Connell		175.00
116209	04/15/2022	General Fund	Postage	Office Enterprises, Inc.		203.30
116210	04/15/2022	General Fund	Miscellaneous	OSI Environmental Inc.		75.00
116211	04/15/2022	Park & Pool Capital	Trails and Bridges	Outagamie County Register of Deeds		30.00
116212	04/15/2022	General Fund	Maintenance - Roads & Walks	Outagamie County Treasurer		722.23
116212	04/15/2022	General Fund	Contractual Services	Outagamie County Treasurer		27,714.56
116213	04/15/2022	General Fund	Data Processing Supplies	Outagamie Waupaca Library System		301.77
116214	04/15/2022	General Fund	Maintenance - Automotive	Packer City International Trucks, Inc.		300.79
116215	04/15/2022	General Fund	Botanical & Agricultural	Paul's Stump Removal LLC		80.00
116216	04/15/2022	General Fund	Temporary Payroll	Eunice Plutz		175.00
116217	04/15/2022	General Fund	Recreation	Savannah Potter		10.00
116218	04/15/2022	General Fund	Postage	Quadient Finance USA, Inc.		2,000.00

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116219	04/15/2022	General Fund	Maintenance - Automotive	R.N.O.W., Inc.		179.98
116220	04/15/2022	General Fund	Temporary Payroll	Jean Rebholz		175.00
116221	04/15/2022	General Fund	Botanical & Agricultural	Reinders Inc.		3,200.00
116221	04/15/2022	General Fund	General Supplies	Reinders Inc.		533.20
116221	04/15/2022	General Fund	General Supplies	Reinders Inc.		320.00
116221	04/15/2022	General Fund	Botanical & Agricultural	Reinders Inc.		152.76
116222	04/15/2022	General Fund	Maintenance - All Other Equipm	Serwe Implement Municipal Sales Co. LLC		966.73
116223	04/15/2022	General Fund	General Supplies	The Sherwin Williams Co.		51.62
116223	04/15/2022	General Fund	Chemicals & Ordnance	The Sherwin Williams Co.		178.00
116223	04/15/2022	General Fund	General Supplies	The Sherwin Williams Co.		97.00
116223	04/15/2022	General Fund	General Supplies	The Sherwin Williams Co.		1.04
116223	04/15/2022	General Fund	Maintenance - All Other Equipm	The Sherwin Williams Co.		549.68
116223	04/15/2022	General Fund	Maintenance - All Other Equipm	The Sherwin Williams Co.		125.38
116223	04/15/2022	General Fund	Chemicals & Ordnance	The Sherwin Williams Co.		-178.00
116224	04/15/2022	General Fund	Temporary Payroll	Cheryl Smith		175.00
116225	04/15/2022	General Fund	Temporary Payroll	Robert Smith		175.00
116226	04/15/2022	General Fund	Temporary Payroll	Debbie Sonnleitner		75.00
116227	04/15/2022	General Fund	Temporary Payroll	Deb Sova		105.00
116228	04/15/2022	General Fund	Temporary Payroll	Richard Steffens		75.00
116229	04/15/2022	General Fund	Temporary Payroll	Jane Steger		75.00
116230	04/15/2022	General Fund	Temporary Payroll	Amy Stenz		75.00
116231	04/15/2022	General Fund	Maintenance - Buildings	Superior Chemical Corp.		500.00
116232	04/15/2022	Grignon Home	Contractual Services	TECC Security Systems, Inc.		237.50
116233	04/15/2022	General Fund	Temporary Payroll	Janet Teeters		75.00
116234	04/15/2022	General Fund	Temporary Payroll	Jeff Teeters		75.00
116235	04/15/2022	General Fund	Temporary Payroll	Pam VanDera		75.00
116236	04/15/2022	General Fund	Temporary Payroll	Carol Vandersteen		75.00
116237	04/15/2022	General Fund	Seminar Expenses	Charlie Vosters		93.60
116238	04/15/2022	General Fund	Facilities Rental Non-Taxable	Jenny M. Welhouse		200.00
116239	04/15/2022	General Fund	Contractual Services	Wis. Dept. of Justice		105.00
116240	04/15/2022	General Fund	Recreation	Coryna Wittman		10.00
116241	04/15/2022	General Fund	Maintenance - All Other Equipm	Zarnoth Brush Works		1,991.00
116241	04/15/2022	General Fund	Maintenance - All Other Equipm	Zarnoth Brush Works		470.05
116242	04/22/2022	General Fund	Contractual Services	Advanced Maintenance Solutions		1,278.35
116243	04/22/2022	General Fund	Contractual Services	Ascension Medical Group - Fox Valley DBA - Ascen		453.00
116243	04/22/2022	General Fund	Contractual Services	Ascension Medical Group - Fox Valley DBA - Ascen		175.00
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		93.24
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		15.06
116244	04/22/2022	General Fund	Maintenance - Buildings	Automotive Supply Co		79.66
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		169.88
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		30.72
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		34.21
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		42.01
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		383.89

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116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		48.43
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		28.20
116244	04/22/2022	General Fund	General Supplies	Automotive Supply Co		152.22
116244	04/22/2022	General Fund	General Supplies	Automotive Supply Co		30.82
116244	04/22/2022	General Fund	Maintenance - All Other Equipm	Automotive Supply Co		47.64
116244	04/22/2022	General Fund	Maintenance - All Other Equipm	Automotive Supply Co		203.44
116244	04/22/2022	General Fund	Maintenance - All Other Equipm	Automotive Supply Co		30.97
116244	04/22/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		151.00
116244	04/22/2022	Sanitary Sewer Utility	Maintenance - All Other Equip	Automotive Supply Co		55.09
116245	04/22/2022	General Fund	Youth Wrestling	Badger Sports Park		780.00
116246	04/22/2022	General Fund	Contractual Services	BayCare Clinic		4,500.00
116247	04/22/2022	General Fund	Mach Tools & Instruments	Baycom Inc.		100.00
116248	04/22/2022	General Fund	Dance Non-Taxable	Brooke Belling		25.00
116248	04/22/2022	General Fund	Dance Non-Taxable	Brooke Belling		25.00
116248	04/22/2022	General Fund	Dance Non-Taxable	Brooke Belling		25.00
116248	04/22/2022	General Fund	Dance Non-Taxable	Brooke Belling		25.00
116249	04/22/2022	General Fund	Facilities Rental	Isela Bera		325.00
116249	04/22/2022	General Fund	Facilities Rental Non-Taxable	Isela Bera		200.00
116250	04/22/2022	General Fund	Dance Non-Taxable	Ruth Boyea		25.00
116250	04/22/2022	General Fund	Dance Non-Taxable	Ruth Boyea		25.00
116251	04/22/2022	General Fund	Travel - City Business	Cardmember Service		108.74
116251	04/22/2022	General Fund	Contractual Services	Cardmember Service		250.41
116251	04/22/2022	General Fund	Office Supplies	Cardmember Service		195.15
116251	04/22/2022	General Fund	Desktop Printing Expense	Cardmember Service		179.34
116251	04/22/2022	General Fund	Data Processing Supplies	Cardmember Service		431.14
116251	04/22/2022	General Fund	Postage	Cardmember Service		9.81
116251	04/22/2022	General Fund	Service Contracts	Cardmember Service		79.60
116251	04/22/2022	General Fund	Library Programs	Cardmember Service		142.93
116251	04/22/2022	General Fund	Miscellaneous	Cardmember Service		28.18
116251	04/22/2022	Library Special Use	Misc Expenses	Cardmember Service		209.67
116252	04/22/2022	General Fund	Office Supplies	Complete Office of Wisconsin		24.72
116253	04/22/2022	General Fund	Maintenance - Buildings	Cummins Sales & Service		1,091.78
116253	04/22/2022	General Fund	Maintenance - Buildings	Cummins Sales & Service		1,008.00
116254	04/22/2022	General Fund	Dog Park Supplies	Dean Enterprises, LLC		104.00
116254	04/22/2022	General Fund	Contractual Services	Dean Enterprises, LLC		104.00
116254	04/22/2022	1000 Islands	Conservancy Zone Maint	Dean Enterprises, LLC		114.00
116255	04/22/2022	General Fund	Police Fees	DePere Municipal Court		124.00
116256	04/22/2022	General Fund	Medical & Laboratory Supplies	Emergency Medical Products		5.75
116256	04/22/2022	General Fund	Medical & Laboratory Supplies	Emergency Medical Products		185.70
116257	04/22/2022	General Fund	Expense Allowance	Fox River Vending, Inc.		100.00
116258	04/22/2022	General Fund	Recreation	Global Recognition		103.40
116259	04/22/2022	General Fund	Library Materials	Ingram		114.70
116259	04/22/2022	General Fund	Library Materials	Ingram		51.82
116259	04/22/2022	General Fund	Library Materials	Ingram		545.65



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116259	04/22/2022	General Fund	Library Materials	Ingram		916.65
116260	04/22/2022	General Fund	Rent - Equipment	James Imaging Systems, Inc.		56.20
116261	04/22/2022	General Fund	Recreation	Erin Jansen		52.52
116262	04/22/2022	General Fund	Printing Expense	JP Graphics		763.00
116263	04/22/2022	General Fund	Maintenance - Automotive	JX Enterprises, Inc.		350.08
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,770.25
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		4,512.56
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		3,501.75
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		127.52
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		74.64
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		156.24
116264	04/22/2022	Sanitary Sewer Utility	Water Sewer & Electric	Kaukauna Utilities		106.84
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,283.30
116264	04/22/2022	Nelson Crossing Fund	Boardwalk Bridge - Utilities	Kaukauna Utilities		33.63
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		552.78
116264	04/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,707.43
116264	04/22/2022	Industrial Park	Expenditures	Kaukauna Utilities		53.15
116264	04/22/2022	TID #5 Construction Fund	Property Acquisition	Kaukauna Utilities		82.17
116264	04/22/2022	1000 Islands	Water Sewer & Electric	Kaukauna Utilities		676.48
116264	04/22/2022	TID #8 Construction Fund	Marketing & Administration	Kaukauna Utilities		165.60
116264	04/22/2022	Storm Water Utility	Water Sewer & Electric	Kaukauna Utilities		8.00
116265	04/22/2022	General Fund	Contractual Services	Chad Koch		850.00
116266	04/22/2022	General Fund	Unidentifiable Rec Sys Rev	Gary Krieger		1,187.00
116267	04/22/2022	General Fund	Contractual Services	Ron Lindberg		375.00
116268	04/22/2022	Park & Pool Capital	Fox River Board Walk	Village of Little Chute		424,847.70
116269	04/22/2022	Streets & Sidewalk Capital	Street Improvements	Lunda Construction Co.		14,353.48
116270	04/22/2022	General Fund	Service Contracts	Marco		898.27
116271	04/22/2022	Park & Pool Capital	Trails and Bridges	McMahon Associates Inc		1,602.40
116271	04/22/2022	Storm Water Utility	Contractual Services	McMahon Associates Inc		626.04
116272	04/22/2022	General Fund	Library Materials	MicroMarketing LLC		39.99
116273	04/22/2022	General Fund	Library Materials	Midwest Tape		188.90
116273	04/22/2022	General Fund	Library Materials	Midwest Tape		29.99
116273	04/22/2022	General Fund	Library Materials	Midwest Tape		22.49
116273	04/22/2022	General Fund	Library Materials	Midwest Tape		40.23
116273	04/22/2022	General Fund	Library Materials	Midwest Tape		98.95
116274	04/22/2022	General Fund	Dance Non-Taxable	Hannah Mielke		25.00
116274	04/22/2022	General Fund	Dance Non-Taxable	Hannah Mielke		25.00
116275	04/22/2022	General Fund	Dance Non-Taxable	Randy Mielke		25.00
116275	04/22/2022	General Fund	Dance Non-Taxable	Randy Mielke		25.00
116275	04/22/2022	General Fund	Dance Non-Taxable	Randy Mielke		25.00
116276	04/22/2022	General Fund	Maintenance - Roads & Walks	Morton Salt		22,323.76
116276	04/22/2022	General Fund	Maintenance - Roads & Walks	Morton Salt		5,310.38
116276	04/22/2022	General Fund	Maintenance - Roads & Walks	Morton Salt		7,532.00
116277	04/22/2022	General Fund	Dance Non-Taxable	Beth Ott		25.00



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116278	04/22/2022	Park & Pool Capital	Buildings	Parkitecture + Planning		8,325.60
116279	04/22/2022	General Fund	Printing Expense	ProSolutions, Inc.		445.00
116280	04/22/2022	Environmental Remediate TID	Remediation Costs - City	Robert E Lee & Assoc. Inc		862.68
116281	04/22/2022	General Fund	Dance Non-Taxable	Laura Rouvari		25.00
116282	04/22/2022	General Fund	Dance Non-Taxable	Andrea Schaller		25.00
116282	04/22/2022	General Fund	Dance Non-Taxable	Andrea Schaller		25.00
116282	04/22/2022	General Fund	Dance Non-Taxable	Andrea Schaller		25.00
116282	04/22/2022	General Fund	Dance Non-Taxable	Andrea Schaller		25.00
116283	04/22/2022	General Fund	Contractual Services	Simplifile, LC		30.25
116283	04/22/2022	TID #6 Construction Fund	Marketing & Administration	Simplifile, LC		30.25
116283	04/22/2022	General Fund	Contractual Services	Simplifile, LC		30.25
116283	04/22/2022	Park & Pool Capital	Trails and Bridges	Simplifile, LC		30.25
116284	04/22/2022	1000 Islands	Building Rental (Non-Taxable)	Ryan Stoeger		200.00
116285	04/22/2022	1000 Islands	Animal & Bird Care	Stoneridge Piggly Wiggly		54.47
116285	04/22/2022	1000 Islands	Expendable Supplies	Stoneridge Piggly Wiggly		9.99
116285	04/22/2022	General Fund	Custodial Supplies	Stoneridge Piggly Wiggly		33.01
116285	04/22/2022	General Fund	Miscellaneous	Stoneridge Piggly Wiggly		5.85
116285	04/22/2022	General Fund	Miscellaneous	Stoneridge Piggly Wiggly		70.00
116286	04/22/2022	General Fund	Medical & Laboratory Supplies	Stryker Sales Corporation		1,053.15
116286	04/22/2022	General Fund	Medical & Laboratory Supplies	Stryker Sales Corporation		193.66
116287	04/22/2022	General Fund	Travel - City Business	Ashley Thiem-Menning		98.58
116288	04/22/2022	General Fund	Maintenance - Automotive	Truck Country Of Wisconsin		-19.27
116288	04/22/2022	General Fund	Maintenance - Automotive	Truck Country Of Wisconsin		-8.25
116288	04/22/2022	General Fund	Maintenance - Automotive	Truck Country Of Wisconsin		-0.79
116288	04/22/2022	General Fund	Maintenance - Automotive	Truck Country Of Wisconsin		-98.98
116288	04/22/2022	General Fund	Maintenance - Automotive	Truck Country Of Wisconsin		10.67
116288	04/22/2022	Storm Water Utility	Maintenance - Automotive	Truck Country Of Wisconsin		277.58
116288	04/22/2022	Storm Water Utility	Maintenance - Automotive	Truck Country Of Wisconsin		136.48
116289	04/22/2022	General Fund	Maintenance - Buildings	Unison Credit Union		517.97
116289	04/22/2022	Sanitary Sewer Utility	General Supplies	Unison Credit Union		299.27
116289	04/22/2022	General Fund	Miscellaneous	Unison Credit Union		236.00
116289	04/22/2022	General Fund	Contractual Services	Unison Credit Union		195.00
116289	04/22/2022	General Fund	Maintenance - Roads & Walks	Unison Credit Union		497.13
116289	04/22/2022	General Fund	Education & Memberships	Unison Credit Union		153.98
116289	04/22/2022	General Fund	Seminar Expenses	Unison Credit Union		250.00
116289	04/22/2022	General Fund	Maintenance - Buildings	Unison Credit Union		111.45
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		274.64
116289	04/22/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		36.91
116289	04/22/2022	General Fund	General Supplies	Unison Credit Union		74.88
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		23.01
116289	04/22/2022	General Fund	Communications	Unison Credit Union		161.03
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		12.02
116289	04/22/2022	General Fund	Miscellaneous	Unison Credit Union		100.00
116289	04/22/2022	General Fund	Medical & Laboratory Supplies	Unison Credit Union		75.82

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116289	04/22/2022	General Fund	Desktop Printer/Fax Expense	Unison Credit Union		55.48
116289	04/22/2022	General Fund	Office Equipment	Unison Credit Union		234.08
116289	04/22/2022	General Fund	Medical & Laboratory Supplies	Unison Credit Union		13.16
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		5.98
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		32.44
116289	04/22/2022	General Fund	Seminar Expenses	Unison Credit Union		250.00
116289	04/22/2022	General Fund	General Supplies	Unison Credit Union		9.98
116289	04/22/2022	General Fund	Education & Memberships	Unison Credit Union		40.00
116289	04/22/2022	General Fund	Medical & Laboratory Supplies	Unison Credit Union		10.91
116289	04/22/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		85.20
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		30.02
116289	04/22/2022	General Fund	Medical & Laboratory Supplies	Unison Credit Union		28.92
116289	04/22/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		91.98
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		49.54
116289	04/22/2022	General Fund	Communications	Unison Credit Union		328.34
116289	04/22/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		139.22
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		62.91
116289	04/22/2022	General Fund	Contractual Services	Unison Credit Union		9.99
116289	04/22/2022	General Fund	Clothing Expense	Unison Credit Union		27.95
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		22.59
116289	04/22/2022	General Fund	Clothing Expense	Unison Credit Union		51.90
116289	04/22/2022	1000 Islands	Programs	Unison Credit Union		6.77
116289	04/22/2022	General Fund	Travel - City Business	Unison Credit Union		-240.20
116289	04/22/2022	1000 Islands	Education & Memberships	Unison Credit Union		155.00
116289	04/22/2022	General Fund	Clothing Expense	Unison Credit Union		-409.50
116289	04/22/2022	1000 Islands	Postage	Unison Credit Union		58.00
116289	04/22/2022	General Fund	Seminar Expenses	Unison Credit Union		117.00
116289	04/22/2022	General Fund	Clothing Expense	Unison Credit Union		7.09
116289	04/22/2022	General Fund	Seminar Expenses	Unison Credit Union		18.01
116289	04/22/2022	General Fund	Maintenance - Automotive	Unison Credit Union		40.19
116289	04/22/2022	General Fund	Clothing Expense	Unison Credit Union		201.13
116289	04/22/2022	General Fund	Miscellaneous	Unison Credit Union		75.00
116289	04/22/2022	General Fund	Contractual Services	Unison Credit Union		1,931.25
116289	04/22/2022	General Fund	Crime Prevention Program	Unison Credit Union		574.06
116289	04/22/2022	General Fund	Clothing Expense	Unison Credit Union		-9.00
116289	04/22/2022	General Fund	Postage	Unison Credit Union		28.65
116289	04/22/2022	General Fund	Contractual Services	Unison Credit Union		422.00
116289	04/22/2022	General Fund	K9 Program	Unison Credit Union		20.00
116289	04/22/2022	General Fund	Education & Memberships	Unison Credit Union		50.00
116289	04/22/2022	General Fund	K9 Program	Unison Credit Union		60.00
116289	04/22/2022	General Fund	Education & Memberships	Unison Credit Union		265.00
116289	04/22/2022	General Fund	K9 Program	Unison Credit Union		50.00
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		18.48
116289	04/22/2022	General Fund	K9 Program	Unison Credit Union		50.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		668.59
116289	04/22/2022	General Fund	Seminar Expenses	Unison Credit Union		-139.00
116289	04/22/2022	General Fund	Office Supplies	Unison Credit Union		26.27
116289	04/22/2022	General Fund	Seminar Expenses	Unison Credit Union		300.00
116290	04/22/2022	General Fund	Contractual Services	West Bend Mutual Insurance Company		20.00
116291	04/22/2022	General Fund	Police Fees	Winnebago County Sheriff's Office		285.00
116292	04/22/2022	General Fund	Library Materials	Yes! Magazine		48.00
116293	04/29/2022	General Fund	Maintenance - Automotive	A T F Tires & Service Center Inc.		22.88
116293	04/29/2022	General Fund	Maintenance - Automotive	A T F Tires & Service Center Inc.		43.18
116293	04/29/2022	General Fund	Maintenance - Automotive	A T F Tires & Service Center Inc.		41.37
116293	04/29/2022	General Fund	Maintenance - All Other Equipm	A T F Tires & Service Center Inc.		146.98
116294	04/29/2022	Sanitary Sewer Utility	Contractual Services	AT&T		196.68
116295	04/29/2022	Sanitary Sewer Utility	Contractual Services	BoardmanClark		7,174.50
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		43.61
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		53.18
116296	04/29/2022	General Fund	Recreation	Capital One Commercial		14.56
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		49.78
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		61.62
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		-52.64
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		-17.98
116296	04/29/2022	1000 Islands	Office Supplies	Capital One Commercial		14.99
116296	04/29/2022	1000 Islands	Animal & Bird Care	Capital One Commercial		24.95
116296	04/29/2022	General Fund	Maintenance - Buildings	Capital One Commercial		369.80
116297	04/29/2022	General Fund	Travel - City Business	Brandon Cesafsky		139.11
116298	04/29/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		210.94
116298	04/29/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		1,630.95
116298	04/29/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		38.83
116298	04/29/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		35.23
116298	04/29/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		38.83
116298	04/29/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		36.82
116299	04/29/2022	General Fund	Contractual Services	Diversified Benefit Services, Inc.		251.54
116300	04/29/2022	General Fund	Printing Expense	Eagle Sign & Design LLC		200.00
116301	04/29/2022	1000 Islands	Expendable Supplies	Fox Specialty Company LLC		143.95
116302	04/29/2022	General Fund	Youth Programs Non-Taxable	Alisha Huss		220.00
116303	04/29/2022	General Fund	Youth Programs Non-Taxable	Dana Jahr		60.00
116304	04/29/2022	General Fund	Rent - Equipment	James Imaging Systems, Inc.		128.57
116305	04/29/2022	General Fund	Youth Programs	Stefanie Kasten		40.00
116306	04/29/2022	General Fund	Miscellaneous	Kaukauna High School		500.00
116307	04/29/2022	General Fund	Maintenance - All Other Equipm	Kustom Signals Inc.		292.00
116308	04/29/2022	General Fund	Contractual Services	Lance Lewis		499.00
116309	04/29/2022	General Fund	Seminar Expenses	Stephanie Maas		85.41
116310	04/29/2022	1000 Islands	Contractual Services	Marco		64.46
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		62.52
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		62.52

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		35.18
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		15.64
116311	04/29/2022	General Fund	Printing Expense	Marco Technologies LLC		15.64
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		19.55
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		19.55
116311	04/29/2022	General Fund	Rent - Equipment	Marco Technologies LLC		19.55
116311	04/29/2022	General Fund	Printing Expense	Marco Technologies LLC		19.55
116311	04/29/2022	General Fund	Contractual Services	Marco Technologies LLC		58.61
116311	04/29/2022	General Fund	Contractual Services	Marco Technologies LLC		15.64
116311	04/29/2022	General Fund	Contractual Services	Marco Technologies LLC		46.88
116311	04/29/2022	General Fund	Desktop Printer/Fax Expense	Marco Technologies LLC		11.85
116311	04/29/2022	1000 Islands	Contractual Services	Marco Technologies LLC		55.00
116312	04/29/2022	General Fund	Facilities Rental Non-Taxable	Jill Mignon		200.00
116313	04/29/2022	General Fund	Maintenance - Automotive	Monroe Truck Equip - Green Bay		303.69
116314	04/29/2022	General Fund	Education & Memberships	Outagamie County Fire Chief's Assn.		50.00
116315	04/29/2022	General Fund	Miscellaneous	Jack Pautz		240.60
116316	04/29/2022	General Fund	Maintenance - Buildings	Keith Petersen Plumbing Inc.		1,153.64
116317	04/29/2022	General Fund	Rent - Equipment	Pitney Bowes Global Financial Services Inc.		367.17
116318	04/29/2022	General Fund	K9 Program	Kevin R. Sheldahl		600.00
116319	04/29/2022	General Fund	Medical & Laboratory Supplies	TheDACare Laboratories		127.50
116320	04/29/2022	General Fund	Cash	Dylan Vandeleygraaf		285.00
116321	04/29/2022	General Fund	Contractual Services	von Briesen & Roper S.C.		126.00
116321	04/29/2022	General Fund	Contractual Services	von Briesen & Roper S.C.		220.50
116322	04/29/2022	General Fund	User Licencing	ZixCorp Systems Inc		13,332.00
Report Total:						1,431,921.34



# PROCLAMATION

Honoring emergency care personnel.

**WHEREAS**, emergency medical services are a vital public service to the people and communities of Wisconsin; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the State of Wisconsin hopes to improve its emergency medical services and trauma care systems in order to assure all citizens the highest standards of emergency medical care, and

**WHEREAS**, emergency care personnel, including skilled dispatchers, first responders, emergency medical technicians, paramedics, nurses, and physicians – both volunteers and paid personnel – engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, members of emergency medical services teams are ready to provide lifesaving care to those in need 24-hours-a-day, 7-days-a-week; and

**WHEREAS**, people in Wisconsin benefit daily from the knowledge and skills of these highly training individuals and their unselfish dedication to Wisconsin's residents and visitors.

**NOW, THEREFORE**, I, Anthony J. Penterman, Mayor of the City of Kaukauna, Wisconsin, do hereby proclaim the week of May 15-21, 2022, as

## EMERGENCY MEDICAL SERVICES WEEK

in the City of Kaukauna and I commend this observance to all of our citizens.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Seal of the City of Kaukauna to be affixed.

CITY OF KAUKAUNA



Anthony J. Penterman  
Mayor





# PROCLAMATION

Honoring men and women of law enforcement.

**WHEREAS**, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

**WHEREAS**, the members of the law enforcement agency of Kaukauna play an essential role in safeguarding the rights and freedoms of everyone; and

**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and weak against oppression; and

**WHEREAS**, the men and women of the law enforcement agency of Kaukauna unceasingly provide a vital public service.

**NOW, THEREFORE**, I, Anthony J. Penterman, Mayor of the City of Kaukauna, Wisconsin, call upon all citizens of Kaukauna and upon all patriotic, civic, and educational organizations to observe the week of May 15-21, 2022, as

## POLICE WEEK

in which all our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities, and in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

**IN WITNESS THEREOF**, I have hereunto set my hand this 17th day of May, 2022.

CITY OF KAUKAUNA



Anthony J. Penterman, Mayor





# PROCLAMATION

## NATIONAL PUBLIC WORKS WEEK

May 15-21, 2022

"Ready and Resilient"

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Kaukauna; and,

**WHEREAS**, these infrastructures, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in the City of Kaukauna to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2022 marks the 62<sup>nd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

**THEREFORE, BE IT RESOLVED**, that I, Mayor Anthony J. Penterman, do hereby designate the week May 15–21, 2022, as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Seal of the City of Kaukauna to be affixed this 17<sup>th</sup> day of May, 2022.

CITY OF KAUKAUNA

  
\_\_\_\_\_  
Anthony J. Penterman, Mayor



## BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairman Thiele on Monday, May 16, 2022 at 6:00 P.M.

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

Also present: Mayor Penterman, Attny. Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fire Chief Carrel, Police Chief Graff, Street Sup. Vandenheuvel, Com. Serv. Enrich. Dir. Vosters, Rec. Mgr. Malloy, Lib. Dir. Thiem-Menning, Naturalist Nowak, KU Gen. Mgr. Avanzi, KU Vandenheuvel, IT Dir. Krause, HR Dir. Swaney, Fin. Dir. Van Rossum (arrived at 6:45 p.m.) and interested citizens.

**1. Correspondence** – none.

**2. Discussion Topics.**

**a. Public Hearing for Project 3-22, 2022 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 abutting property owners. Questions from the Board were answered.

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 3-22, 2022 Alley Paving.

Asking two more times if anyone else wished to address the Board, no one appeared, Chair Thiele declared the public hearing closed.

**b. Award Bid for Project 10-22, CTH Q & CTH J Curb Replacement and Sidewalk Installation.**

DPW/Eng. Neumeier stated only one bid was received for this project. The Engineering Department has reviewed and analyzed the one bid received from Al Dix Concrete, received on May 11th, 2022, for the Project 10-22 - CTH Q & CTH J (Lawe Street) Curb Replacement and Sidewalk Installation. The Engineering Department is seeking to award the bid to Al Dix Concrete, for the total bid price of \$298,846.00. Due to significant price increases in materials and trucking (fuel) costs over the past few months the Engineering Department has compared the received bid prices against other projects let over the previous two months. A schedule of prices from the Al Dix bid, along with comparable bid tabs with similar work items was provided. In comparison with similar work, most of the project cost increases are typical in the region.

Ald. Moore thanked DPW/Eng. Neumeier for getting comparable prices from other projects.

Ald. Eggleston asked about only receiving one bid and what the reason for this might be. DPW/Eng. Neumeier stated he was not sure why only one bid was received. It may be that other companies are already booked with other projects or may not be interested in the work.

Motion by Moore, seconded by Schell to Award Project 10-22 CTH Q & CTH J (Lawe Street) Curb Replacement and Sidewalk Installation to Al Dix Concrete Inc, for a total bid price of \$298,846.00.

All Ald. voted aye.

Motion carried.

**c. Quiet Zone Update and Proposal.**



Quiet Zone information and proposal from Bryan Cunningham of SEH was provided. The next steps would be to get some designs and estimates done to formally apply for a quiet zone. Discussion was held and questions answered.

Motion by DeCoster, seconded by Moore to authorize the Director of Public Works to enter into an agreement with SEH to create preliminary plans and submit a notice of intent.

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

Motion carried 7-1.

**d. APWA Project of the Year Award - Nelson Heritage Crossing.**

DPW/Eng. Neumeier stated the City of Kaukauna, Village of Little Chute, Graef, and Michels have won an APWA-Wisconsin Chapter Project of the Year Award for the Nelson Family Heritage Crossing project. The Public Works Project of the Year Award recognizes the strong alliance between the managing agency, the consultant/architect/engineer, and the contractor to effectively complete public works projects. Award plaques were presented to the City, Village, and Graef at the 2022 APWA-Wisconsin Chapter spring conference in Appleton earlier this month.

Motion by Coenen, seconded by Moore to go out of order and take-up next item.

All Ald. voted aye.

Motion carried.

**e. Public Works Update.**

DPW/Eng. Neumeier updated the Board on the current projects. The Island Street Bridge project will have a starting date of June 27 and the completion date to be sometime in September. The Concrete Street Paving is about halfway completed. The Kaukauna Utilities Project on the Island is wrapping up with restoration done by early June.

**f. Trash Collection Discussion.**

DPW/Neumeier gave a presentation providing information on weekly curb pickup, business pickup and large and irregular pickup. The background, budgetary impact, and recommendations of the three types of trash collections were provided. Discussion was held and questions answered.

**3. General Matters.**

Ald. Thiele thanked all the volunteers who helped with the Habitat for Humanity "Rock the Block" which took place over the last week.

**4. Adjourn.**

Motion made by Coenen, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:20 p.m.

Sally Kenney  
Clerk

## FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, May 16, 2022, at 7:21pm.

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

Also present: Ald. Thiele, Ald. Antoine, Ald. Eggleston, Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fire Chief Carrel, Police Chief Graff, Street Sup. Vandenheuvel, Com. Serv. Enrich. Dir. Vosters, Rec. Mgr. Malloy, Lib. Dir. Thiem-Menning, Naturalist Nowak, KU Gen. Mgr. Avanzi, KU Vandenheuvel, IT Dir. Krause, HR Dir. Swaney, Fin. Dir. Van Rossum and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

**a. ARPA Project presentation and discussion on what projects to fund.**

Finance Director Van Rossum stated the City of Kaukauna was allocated \$1.7 million from the Coronavirus State and Local Fiscal Recovery Funds. The City received half the funds in June of 2021 and is expected to receive the other half in May 2022. Funds must be allocated by December 2024 and must meet eligible program spend categories. The main spend categories, restricted use, and requirements of the City were explained.

An ARPA Group was formed with City and Kaukauna Utilities staff. A list of projects was created by this group. The top projects were presented by staff with a description and cost. This list will be brought back to the Council for further review and approval.

**b. Permission to enter into agreement for an Analysis of current status of Information Technology.**

KU General Manager Avanzi stated after extensive research into consulting firms, they feel that Fortium Partners is the company that is the best fit and the best value for this professional service. Discussion was held and questions answered.

Motion by Moore, seconded by Coenen to enter into an agreement for an analysis of current status of Information Technology.

All members voted aye.

Motion carried.

**c. Approval to enter into contract with Human Resources Consulting, LLC for completion of a classification and compensation analysis.**

HR Dir. Swaney stated the City of Kaukauna solicited proposals from four consultants to complete a classification and compensation analysis of the City's non-represented employees. The RFP requested that consultants put a plan together to review all current job descriptions and classifications to determine appropriate classifications based on skills, essential functions, and position specific requirements. The consultants were asked to develop a classification and compensation system that is competitive, flexible, and easy to maintain. And to suggest ways in which job evaluation can be incorporated into the compensation system.

The evaluation team unanimously agreed that the proposal from Human Resources Consulting, LLC, met all the standards and criteria continued in the RFP, and included some additional services which the other two proposals did not. The proposal from HRC includes a project to be completed by September 30, 2022 with a cost not to exceed \$16,800.

Motion by Moore, seconded by Kilgas to authorize staff to enter into an agreement with HRC for the completion of a Compensation Analysis of the City's non-represented employees at a cost not to exceed \$16,800.

All members voted aye.

Motion carried.

**d. Approval to fill Administrative and Communications Coordinator position due to retirement of Karen Koch.**

Mayor Penterman stated earlier when Karen first talked about retirement it was discussed to combine the Administrative Coordinator and Communications Coordinator into one position. The Kaukauna Utilities would like to have Brittany Simonson, Communications Coordinator there full-time.

Motion by DeCoster, seconded by Schell to authorize staff to fill the Administrative and Communications Coordinator position due to retirement of Karen Koch.

All members voted aye.

Motion carried.

**e. Notification and resignation of Travis Teesch, Assistant Chief.**

HR Director Swaney stated Assistant Fire Chief Travis Teesch is resigning from the City of Kaukauna. He has taken the Fire Chief position with the City of Watertown.

**f. Wages and Incentives for Seasonal Lifeguard Staff.**

The Recreation Department is seeing a shortage of lifeguards for the summer of 2022. Presently, 10 of the 20 lifeguard/swim instructor positions are vacant. We are currently seeing neighboring communities increase their hourly wages, offer incentives and waiving course fees as a draw to work seasonally for their Recreation Departments. We are fearful if we do not follow suit: we will be extremely short staffed and unable to offer quality services to the residents of Kaukauna. The current wage scale and recommended wage increases, and bonus program was provided. The fiscal impact to the 2022 budget would be approximately \$25,000.

Motion by Kilgas, seconded by Schell to accept the proposed increase in hourly wages and offer incentives with the adjustment to the 2022 budget.

Roll call vote: Coenen-aye, DeCoster-aye, Kilgas-aye, Moore-nay, Schell-aye.

Motion carried.

Ald. Moore stated he feels the wages and incentives should be higher.

**3. General Matters - none.**

Motion by Moore, seconded DeCoster to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 8:51pm.

Sally Kenney, Clerk

## HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, May 16, 2022 at 8:54 P.M.

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

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

### 1. Correspondence – None.

### 2. Discussion Topics.

#### a. Carnival License to Stuart Schmitt, S & J Enterprizes, N578 Military Road, Sherwood, for Electric City Experience at Hydro Park/City Parking Lot on June 9, 10 & 11, 2022.

Motion by DeCoster, seconded by Kilgas to approve the Carnival License to Stuart Schmitt, S & J Enterprizes, N578 Military Road, Sherwood, for Electric City Experience at Hydro Park/City Parking Lot on June 9, 10 & 11, 2022.

All members voted aye.

Motion carried.

#### b. Temporary Class "B" License to Kaukauna Lions Club, Hydro Park, on June 1, 8, 15, 22, 29, July 3, 6, 13, 20, 27, August 3, 10 & 11, 2022 for "Hydro Live"..

Motion by DeCoster, seconded Antoine to approve the Temporary Class "B" License to Kaukauna Lions Club, Hydro Park, on June 1, 8, 15, 22, 29, July 3, 6, 13, 20, 27, August 3, 10 & 11, 2022 for "Hydro Live".

All members voted aye.

Motion carried.

#### c. 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 DeCoster, seconded by Antoine to grant the Fireworks application submitted by G&M Fireworks, LLC for the sale of fireworks in the Piggly Wiggly parking lot, 300 E. Ann Street contingent upon the Fire Departments approval.

All members voted aye.

Motion carried.

### 3. General Matters – None.

### 4. Adjourn.

Motion made by DeCoster, seconded by Kilgas to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 8:58 P.M.

Sally Kenney  
Clerk

## LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, May 16, 2022 at 8:58 P.M.

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

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

### 1. Correspondence - None.

### 2. Discussion Topics.

#### a. Consideration to change City Attorney from elected to appointed through referendum.

The risks to the City of this role as an elected position are several. There are only four selection criteria for the City Attorney office as an elected position. 1. The individual must have a law degree. 2. The individual must live within the corporate limits of the City of Kaukauna. 3. The individual must complete and file the requisite candidacy nomination papers. 4. The candidate must receive greater than 50% of the popular vote at election. Beyond those four requirements, there is nothing further that the Council, Mayor, staff or the public can do to ensure that the candidate for the position has appropriate professional qualifications or experience. As Attorney Davidson has expressed, number 1, merely having achieved a law degree, is not a sufficient qualifier to rely upon for the chief risk management function of the City.

If the decision is to have a referendum and the referendum passes, it will have very little impact on the budget. The City Attorney position is a 0.75 Full-time employee (FTE) that has benefits as an appointed position does. If the position is moved to appointed, it is also suggested that the position go 1.0 FTE. The impact to the budget at this point is an additional 10 hours per week of salary. With the City Attorney Position just getting reelected it gives the City time to plan for the budget impacts over two budget cycles assuming the referendum passes in November 2022. The change will take effect April 16, 2024.

Motion by Thiele, seconded by Moore to add the referendum questions "Shall the City of Kaukauna, Outagamie County, Wisconsin change the City Attorney position from elected to appointed?" to the November 2022 ballot and hold 2-3 informational sessions for the public to better understand the question ahead of the election.

All members voted aye.

Motion carried.

#### b. Consideration to change Mayor term from 2 to 4 years.

The constituents of Kaukauna like to see some consistency at the helm when they vote on who to run the City. When a mayor is elected for the first time or even reelected this happens in the month of April. With that a mayor has one budget year that he/she will have from start to finish. The first year a new mayor takes office, they are getting the previous Mayor's budget. If an incumbent mayor isn't reelected, they only have 4 months of the budget they created for their last year of their 2-year term. There are some projects and initiatives that take much longer than 2 years to see through. Even if a project starts on the first day a mayor is in office, they are really limited to 20 months of dedicated focus on seeing that project come to fruition. Come December prior to the (re)election year (20 months later) they are likely gearing up for campaigning which takes, time, effort, and focus away from running the

City. This doesn't account for the learning curve a mayor has the first year he/she is in office. There is a lot to learn from the day-to-day administrative duties. If you think of any other job, it takes a good 2-3 years before someone is truly settled in and follows the learning curve. Two years doesn't allow enough time for a new mayor to get settled in and make a difference in the City. Kaukauna is one of the few of our size in the state with a mayor on a 2-year term. Most other Cities of our size have a mayor with a 4-year term. The mayor term is solidified by City Code 2011, § 1.04. Any change to this would have to come in the form of an ordinance change that is done at the council level. Discussion was held on the pros and cons of changing the mayor's term to 4 years.

This item will be brought back to the Legislative Committee at a future meeting for further review.

**3. General Matters – None.**

**4. Adjourn.**

Motion by Moore, seconded by Thiele to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 9:23 p.m.

Sally Kenney, Clerk

## **PUBLIC PROTECTION AND SAFETY COMMITTEE**

A meeting of the Public Protection and Safety Committee was called to order by Chairman Kilgas on Monday, May 16, 2022 at 9:23 pm.

Members present: Eggleston, Kilgas, Schell, Thiele.

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

1. **Correspondence** - None.

2. **Discussion Topics.**

**a. Authorize Fire Chief to enter into Agreement to Participate in the Outagamie County-wide All Hazard Mitigation Plan Update.**

Chief Carrel stated that the Hazard Mitigation Plan is required to be updated every five years. A consulting firm has been hired to assist with the updates. A grant was applied for and will cover 75% of the cost and the County will cover the remaining 25%. The only cost to the City is staff time to help identify hazards. Once the plan is complete and hazards identified, ongoing grant opportunities would be available and applied for.

Motion by Eggleston, seconded by Schell to authorize the Fire Chief to enter into an agreement to participate in the Outagamie County-wide All Hazard Mitigation Plan Update.

All members voted aye.

Motion carried.

3. **General Matters** – None.

4. **Adjourn.**

Motion by Thiele, seconded by Eggleston to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 9:26 p.m.

Sally Kenney  
Clerk

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:

Ashauer	Christopher	P.	525 Idlewild St. Apt. #4	Kaukauna
Ashauer	Paula	A.	543 Songbird Ave.	Wrightstown
Ashauer	Sarah	J.	103 Golden Wheat Lane	Wrightstown
Barlow	Amanda	F.	1215 E. Wisconsin Ave	Little Chute
Bay	Thomas	E.	2550 Haas Rd.	Kaukauna
Biesterveld	Theresa	M.	321 W. 12th St.	Kaukauna
Bogenschutz	Alyssa	M.	N3809 McHugh Rd.	Freedom
Brantmeier	Bob	J.	701 Eden Ave	Kaukauna
Casanova	Kendra	E.	525 Idlewild St. #4	Kaukauna
Champeau	Hunter	A.	722 Lincoln Ave.	Kaukauna
DeCoster	Amos	A.	W5580 Sumac Ln.	Appleton
DeCoster	Jaclyn	M.	157 Raught St.	Kaukauna
Duda	Barbara	J.	919 Grignon St.	Kaukauna
Duda	Larry	S.	116 W. 14th St.	Kaukauna
Fink	E.	Kevin	215 Franklin St.	Little Chute
Garcia	Jesse	J.	317 Brothers St.	Kaukauna
Garner	Paige	M.	103 ½ W. 9 <sup>th</sup> St.	Kaukauna
Hartzheim	Brett	M.	521 E. Evergreen Dr.	Kaukauna
Hietpas	Rose	E.	1409 Glenview Ave.	Kaukauna
Hovde	Leigh	A.	461 Taft St.	Green Bay
Johnson	Kaitlynn	I.	646 Alyssa St.	Kaukauna
Knott	Michael	J.	412 W. 10th Street	Kaukauna
Koester	Nikki	L.	102 Parkway Dr.	Combined Locks
Kohler	Tiffani	T.	132 S. Buchanan St.	Appleton
Kohlman	Lindsey	M.	W5520 Rustic Ln.	Appleton
Kressin	Audrey	A.	501 Gertrude St.	Kaukauna
Lau	Lexie	J.	403 Vander Loop Ct.	Kaukauna
McGee	Jennifer	T.	227 Kamps St.	Combined Locks
Moore	Philip	J.	239 S. Lynndale Dr.	Appleton
Moua	Aranya	K.	933 E. Main St.	Little Chute
Osterberg	Mark	A.	4001 Towne Lakes Circle Apt. 5216	Appleton
Quella	Luke	S.	N4770 State Hwy 55	Freedom
Roehrborn	Marie	L.	W3187 Dundas Rd.	Kaukauna
Schuelke	Nicole	L.	202 ½ Whitney St.	Kaukauna
Seefeldt	Kim	M.	123 Arthur St.	Kaukauna
Shears	Shandra	M.	609 W. 9th St.	Kaukauna
Shiffert	Deneen	L.	1906 Green Bay Rd.	Kaukauna
Stadtmueller	Ebony	L.	1408 Kenneth Ave.	Kaukauna
Stadtmueller	Jason	D.	1408 Kenneth Ave.	Kaukauna
Tschimperle	Karen	A.	615 Desnoyer St.	Kaukauna
VanBerkel	Krista	M.	W3112 Schmidt Rd.	Brillion
VanDeLoo	Molly	B.	N2218 Farrell Rd.	Kaukauna
Vandenberg	Riley	R.	208 Lox Ct.	Combined Locks
VandenBoogard	Eric	M.	4840 N. Latitude Ln. Unit E	Appleton
VanHandel	Brodie	E.	808 Sue St.	Little Chute
Verkuilen	George	H.	901 State St.	Kaukauna
Waite	Mandy	J.	106 W 7 <sup>th</sup> St.	Kaukauna
Zastrow	Janiece	M.	2678 W. Parkmoor Ct.	Appleton
Zietlow	Sarah	M.	209 W. Division St.	Kaukauna



The following applicants have applied for an operator's license for the license year **2022-2024, as well as a provisional license covering May & June of 2022**, and have been recommended for approval based on their record check by the police department:

Cleveland	Chase	P.	507 E. 20th St.	Kaukauna
Halsey	Jamie	L.	1025 Augustine St.	Kaukauna
Hartjes	Graysin	N.	2050 Olde Country Circle	Kaukauna
Lugviel	Arno	P.	154 E Third St.	Kaukauna

# Kaukauna Fire Department

## Fire Report - April 2022

Item 7.a.

### Incident Type: Fire

Code - Description	Number of Runs	Year to Date
111 - Building Fire	1	2
113 - Cooking Fire, confined to container	1	1
118 - Trash or rubbish fire, contained	1	1
131 - Passenger vehicle fire	1	1
154 - Dumpster or Other Outside Trash Receptacle Fire	0	1
<b>Total</b>	<b>4</b>	<b>6</b>

### Incident Type: Rescue & Emergency Medical Services

Code - Description	Number of Runs	Year to Date
311 - Medical Assist, Assist EMS Crew	0	3
321 - EMS Call	116	457
322 - Motor Vehicle Accident with Injuries	2	16
323 - Motor Vehicle/Pedestrian Accident	0	1
324 - Motor Vehicle Accident with No Injuries	1	3
350 - Extrication, Rescue, Other	0	1
381 - Rescue or EMS Standby	1	2
<b>Total</b>	<b>120</b>	<b>483</b>

### Incident Type: Hazardous Condition (No Fire)

Code - Description	Number of Runs	Year to Date
400 - Hazardous Condition, Other	0	1
411 - Gasoline or Other Flammable Liquid Spill	0	3
413 - Oil or Other Combustible Liquid Spill	1	1
424 - Carbon Monoxide Incident	0	1
440 - Electrical Wiring/Equipment Problem	1	2
444 - Power line down	1	3
463 - Vehicle Accident, General Cleanup	0	2
<b>Total</b>	<b>3</b>	<b>13</b>

### Incident Type: Service Call

Code - Description	Number of Runs	Year to Date
500 - Service call, other	0	1
511 - Lock-out	3	6
522 - Water or Steam Leak	0	1
531 - Smoke or Odor Removal	0	1
550 - Public Service Assistance, Other	1	1
<b>Total</b>	<b>4</b>	<b>10</b>

# Kaukauna Fire Department Fire Report - April 2022

Item 7.a.

## Incident Type: Good Intent Call

Code - Description	Number of Runs	Year to Date
611 - Dispatched and Canceled Enroute	1	4
621 - Wrong Location	0	1
622 - No Incident Found on Arrival at Dispatch Address	2	2
651 - Smoke Scare, Odor of Smoke	0	3
<b>Total</b>	<b>3</b>	<b>10</b>

## Incident Type: False Alarm & False Call

Code - Description	Number of Runs	Year to Date
700 - False Alarm or False Call, Other	0	1
714 - Central Station, Malicious False Alarm	0	1
733 - Smoke Detector Activation Due to Malfunction	0	2
734 - Heat Detector Activation Due to Malfunction	0	1
735 - Alarm System Sounded Due to Malfunction	3	5
736 - CO Detector Activation Due to Malfunction	0	1
740 - Unintentional Transmission of Alarm, Other	1	1
743 - Smoke Detector Activation, No Fire, Unintentional	0	1
745 - Alarm System Activation, No Fire - Unintentional	1	3
746 - Carbon Monoxide Detector Activation, No CO Found	0	1
<b>Total</b>	<b>5</b>	<b>17</b>

<b>Grand Total</b>	<b>139</b>	<b>539</b>
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## Fire Inspection Summary

	Completed This Month	Year to Date
Inspections Completed	94	396
Violations Found	11	29
Violations Corrected	1	7

\* Reflects corrected YTD numbers

# Kaukauna Fire Department Ambulance Report - April 2022

Item 7.b.

## Runs by Municipality

City / Village / Town	Number of Runs	Year to Date
City of Kaukauna	95	395
Village of Combined Locks	14	35
Town of Kaukauna	8	21
Town of Vandenbroek	2	13
Village of Little Chute	4	14
Town of Buchanan	1	6
City of Appleton	0	2
Town of Holland	0	1
Village of Kimberly	0	1
<b>Total</b>	<b>124</b>	<b>488</b>

## Runs by County

County	Number of Runs	Year to Date
Outagamie	123	486
Brown	1	2
<b>Total</b>	<b>124</b>	<b>488</b>

## Runs by Disposition

Disposition	Number of Runs	Year to Date
Patient Treated, Transported by Kaukauna Fire	87	347
Patient Treated, Released	12	55
Patient Evaluated, No Treatment/Transport Required	8	36
Patient Refused Evaluation/Care, No Transport	10	27
Patient Dead at Scene - No Resuscitation Attempted	0	9
Canceled on Scene, No Patient Contact	3	5
Patient Treated, Transferred Care to Another EMS Unit	0	3
Canceled Prior to Arrival	1	2
Canceled on Scene, No Patient Found	2	2
Standby- No Services or Support Provided	1	2
<b>Total</b>	<b>124</b>	<b>488</b>

## Runs by Ambulance

Primary Unit	Number of Runs	Year to Date
First Out Ambulance, Unit 2191	106	419
Second Out Ambulance, Unit 2192	15	63
Third Out Ambulance, Unit 2193	2	2
Engine Company, Unit 2121	1	4
<b>Total</b>	<b>124</b>	<b>488</b>

## Mutual Aid

	Number of Runs	Year to Date
Provided	0	3
Received	0	3

<b>Police calls generated by:</b>			
911 call	166		
Officer initiated	631		
Called general phone number	307		
<b>TOTAL</b>	<b>1104</b>		
<b>Breakdown of calls:</b>			
ABANDONED VEHICLE	2		
ACCIDENT	26		
ALARMS	12		
ALCOHOL OFFENSE	1		
ANIMAL	29		
ARSON	0		
ASSISTS	135		
ASSAULT	0		
BURGLARY	0		
CIVIL	0		
CRIME PREVENTION	241		
DAMAGE TO PROPERTY	4		
DISTURBANCES	23		
DOMESTIC	1		
DRUGS	6		
FINGERPRINTING	0		
FIRE CALLS	12		
FIREWORKS	0		
FRAUD	6		
HARASSMENT	7		
HAZARD	13		
JUVENILE	21		
LOCKOUT	16		
LOST & FOUND	8		
MEDICAL	74		
MISSING PERSON	1		
OPEN DOOR	6		
OPERATING WHILE INTOXICATED	1		
ORDINANCE VIOLATIONS	17		
PARKING	12		
RECKLESS DRIVE COMPLAINT	14		
SEX OFFENSE	8		
SUICIDE; ATTEMPT, THREAT, COMPLETED	4		
SUSPICIOUS PERSON, VEHICLE , SITUATION	35		
THEFT	15		
TRAFFIC	119		
TRAFFIC SAFETY	13		
TRESPASS	3		
TRUANCY	3		
VIOLATE COURT ORDER	1		
WANTED PERSON OR APPREHENSION	10		
WARNINGS	85		
WEAPON	0		
WELFARE CHECK	31		
911 HANGUP/ASSIST	60		
<b>total</b>	<b>1075</b>		
note- the difference between the totals is some calls have multiple offenses			

**MUNICIPAL JUDGE  
COURT REPORT**

**APRIL**

	<b>2021</b>	<b>2022</b>	<b>2021 CUMULATIVE</b>	<b>2022 CUMULATIVE</b>
FORFEITURES/MUNICIPAL ORDINANCE VIOLATIONS	\$10,726.40	\$6,739.84	\$32,568.67	\$22,882.26
MUNICIPAL COURT COSTS	\$4,092.93	\$1,925.83	\$12,946.69	\$8,219.40
PENALTY SURCHARGES	\$2,683.91	\$2,173.54	\$8,431.12	\$6,668.47
COUNTY JAIL SURCHARGES	\$1,045.22	\$644.46	\$3,456.05	\$2,460.06
DRIVER IMPROVEMENT SURCHARGES	\$2,874.27	\$1,291.37	\$8,261.02	\$3,963.38
CRIME LAB/DRUG ENFORCEMENT SURCHARGES	\$1,395.31	\$851.61	\$4,554.56	\$3,230.93
IGNITION INTERLOCK DEVICE SURCHARGE	\$100.00	\$50.00	\$100.00	\$100.00
SAFE RIDE PROGRAM	\$350.00	\$67.00	\$883.00	\$417.00
<b>TOTAL</b>	<b>\$23,268.04</b>	<b>\$13,743.65</b>	<b>\$71,201.11</b>	<b>\$47,941.50</b>



## Clerk-Treasurer Daily Deposit Report

Date	Deposit	Balance
4/1/2022	\$20,466.89	\$50,466.89
4/4/2022	\$1,506.16	\$31,506.16
4/6/2022	\$29,731.92	\$69,523.66
4/6/2022	\$9,586.74	\$39,791.74
4/6/2022	\$80.00	\$30,205.00
4/6/2022	\$65.00	\$30,125.00
4/6/2022	\$60.00	\$30,060.00
4/7/2022	\$621,856.76	\$651,886.76
4/7/2022	\$30.00	\$30,030.00
4/8/2022	\$14,597.43	\$45,057.93
4/8/2022	\$435.50	\$30,460.50
4/8/2022	\$25.00	\$30,025.00
4/11/2022	\$58,586.49	\$89,297.49
4/11/2022	\$646.00	\$30,711.00
4/11/2022	\$65.00	\$30,065.00
4/12/2022	\$9,173.74	\$39,274.74
4/12/2022	\$52.00	\$30,101.00
4/12/2022	\$49.00	\$30,049.00
4/13/2022	\$19,164.91	\$49,299.91
4/13/2022	\$135.00	\$30,135.00
4/14/2022	\$105.00	\$30,149.00
4/14/2022	\$35.00	\$30,044.00
4/14/2022	\$9.00	\$30,009.00
4/15/2022	\$738.00	\$31,176.00
4/15/2022	\$403.00	\$30,438.00
4/15/2022	\$20.00	\$30,035.00
4/15/2022	\$15.00	\$30,015.00
4/18/2022	\$18,757.21	\$48,757.21
4/19/2022	\$34,486.06	\$64,695.06
4/19/2022	\$134.00	\$30,209.00
4/19/2022	\$75.00	\$30,075.00
4/20/2022	\$16,348.85	\$46,393.85
4/20/2022	\$45.00	\$30,045.00
4/21/2022	\$130,390.49	\$160,426.49
4/21/2022	\$25.00	\$30,036.00
4/21/2022	\$11.00	\$30,011.00
4/22/2022	\$473.25	\$30,908.75
4/22/2022	\$335.50	\$30,435.50
4/22/2022	\$100.00	\$30,100.00
4/25/2022	\$1,990.09	\$33,007.09
4/25/2022	\$750.00	\$31,017.00
4/25/2022	\$267.00	\$30,267.00
4/26/2022	\$3,983.13	\$34,658.13

Month of: *April*

4/26/2022	\$675.00	\$30,675.00
4/27/2022	\$8,388.85	\$38,752.85
4/27/2022	\$350.00	\$30,364.00
4/27/2022	\$14.00	\$30,014.00
4/28/2022	\$47,297.89	\$78,979.57
4/28/2022	\$465.00	\$31,681.68
4/28/2022	\$53.00	\$31,216.68
4/29/2022	\$201,416.69	\$233,496.69
4/29/2022	\$1,570.00	\$32,080.00
4/29/2022	\$510.00	\$30,510.00

*Note: This deposit report includes all cash and checks that were handled/receipted in the clerk's office and deposited at close of business for the month indicated on the top of report*



## Monthly Building Permit Summary

Permit Issued Date from Projects feed: 04/01/2022 - 04/30/2022

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Commercial Add-On / Remodel	22-000305	100 E Kelso Rd.	Dave Stubbs - 9207665795, Velocity Water Works	Dave Stubbs	04/21/2022 at 8:18 AM	\$ 11,241.09	
Driveway permit	22-000324	726 Saunders Rd.	Dylan Brockman - (920) 422-2231, owner owner - 5555555555	owner owner	04/25/2022 at 8:15 AM	\$ 40.00	
Driveway permit	22-000327	1814 Florence St.	owner owner - 5555555555, Wendi Butkovich	owner owner	04/22/2022 at 7:51 AM	\$ 40.00	
Electrical Permit	22-000155	3121 S Weiler Rd.	Dwayne Hipke - 9208501713, Tom Mchugh	Dwayne Hipke	04/12/2022 at 3:04 AM	\$ 224.80	
Electrical Permit	22-000160	3141 S Weiler Rd.	Dwayne Hipke - 9208501713, Tom Mchugh	Dwayne Hipke	04/12/2022 at 3:50 AM	\$ 236.14	
Electrical Permit	22-000166	3181 S Weiler Rd.	Dwayne Hipke - 9208501713, Tom Mchugh	Dwayne Hipke	04/12/2022 at 3:37 AM	\$ 221.92	
Electrical Permit	22-000169	3201 S Weiler Rd.	Dwayne Hipke - 9208501713, Tom Mchugh	Dwayne Hipke	04/12/2022 at 2:53 AM	\$ 236.14	
Electrical Permit	22-000175	3221 S Weiler Rd.	Dwayne Hipke - 9208501713, Tom Mchugh	Dwayne Hipke	04/12/2022 at 3:43 AM	\$ 237.16	
Electrical Permit	22-000180	3020 S Weiler Rd.	Dwayne Hipke - 9208501713, Tom Mchugh	Dwayne Hipke	04/12/2022 at 2:44 AM	\$ 220.36	
Electrical Permit	22-000240	702 Alyssa St.	Solcius - 8443572258, James Shomin - (920) 205-8686	Solcius	04/01/2022 at 2:14 AM	\$ 40.00	
Electrical Permit	22-000283	228 Margaret St.	Heather Gliniecki , Zach Biese - 9208516922	Zach Biese	04/13/2022 at 2:32 AM	\$ 40.00	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Electrical Permit	22-000295	1540 Harrison St.	Solcius - 8443572258, Dan Koester	Solcius	04/15/2022 at 9:04 AM	\$ 40.00	
Electrical Permit	22-000330	3900 Fieldcrest Dr.	Jonathan Clark - 9206092285, Nick Nelson	Jonathan Clark	04/19/2022 at 8:35 AM	\$ 61.00	
Fence Permit	22-000253	148 Prospector Ct.	Custom Fence - 9208631146, Kathleen Eastman	Custom Fence	04/04/2022 at 5:02 AM	\$ 45.00	
Fence Permit	22-000261	1355 Boxer St.	Jordan Van Fosssen , Mark Marotz - 9207577240	Mark Marotz	04/27/2022 at 3:14 AM	\$ 45.00	
Fence Permit	22-000287	1355 Greyhound St.	Gereon Methner , Kathy Sarver - 8884245734	Kathy Sarver	04/12/2022 at 4:49 AM	\$ 45.00	
Fence Permit	22-000288	120 Mckinley St.	- 9207319009, Guy P. Hartjes		04/12/2022 at 5:01 AM	\$ 45.00	
Fence Permit	22-000292	1407 Mera Ln.	Owner - 9205555555, Dennis Wachendonk	Owner	04/14/2022 at 5:41 AM	\$ 45.00	
Fence Permit	22-000300	2727 Welhouse Dr.	Owner - 9205555555, Garrett Schadrie	Owner	04/14/2022 at 9:03 AM	\$ 45.00	
Fence Permit	22-000302	1512 Yorkshire Ave.	Amanda Ankerson - 9209156572, Scott & Melissa Crosan - (512) 653-4341	Amanda Ankerson	04/19/2022 at 8:19 AM	\$ 45.00	
Fence Permit	22-000323	621 Black St.	Owner - 9205555555, Paul Aschinger	Owner	04/25/2022 at 2:28 AM	\$ 45.00	
Fence Permit	22-000325	121 Mckinley St.	Owner - 9205555555, Mary Faust	Owner	04/27/2022 at 3:02 AM	\$ 45.00	
Fence Permit	22-000326	1106 Oviatt St.	MiT - 9207316645, Brian P. Grainger - (920) 574-4453	MiT	04/29/2022 at 5:11 AM	\$ 45.00	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Fence Permit	22-000328	2902 Fieldcrest Dr.	Don Thompson , Josh Jared - 9208438917	Josh Jared	04/29/2022 at 5:18 AM	\$ 45.00	
Fence Permit	22-000329	320 W 8th St.	Owner - 9205555555, Brandon Bork	Owner	04/22/2022 at 10:00 AM	\$ 45.00	
Fence Permit	22-000345	408 E 15th St.	Owner - 9205555555, Matt Roberts - (920) 427-8664	Owner	04/26/2022 at 3:24 AM	\$ 45.00	
Fence Permit	22-000365	203 Division St.	Custom Fence - 9208631146, Doug W. Briski	Custom Fence	04/29/2022 at 2:18 AM	\$ 45.00	
Mechanical Permit	22-000153	3121 S Weiler Rd.	Bob Boucher - 9207407414, Tom Mchugh	Bob Boucher	04/12/2022 at 3:01 AM	\$ 135.32	
Mechanical Permit	22-000158	3141 S Weiler Rd.	Bob Boucher - 9207407414, Tom Mchugh	Bob Boucher	04/12/2022 at 3:48 AM	\$ 131.24	
Mechanical Permit	22-000165	3181 S Weiler Rd.	Bob Boucher - 9207407414, Tom Mchugh	Bob Boucher	04/12/2022 at 3:34 AM	\$ 132.44	
Mechanical Permit	22-000170	3201 S Weiler Rd.	Bob Boucher - 9207407414, Tom Mchugh	Bob Boucher	04/12/2022 at 2:55 AM	\$ 131.24	
Mechanical Permit	22-000173	3221 S Weiler Rd.	Bob Boucher - 9207407414, Tom Mchugh	Bob Boucher	04/12/2022 at 3:40 AM	\$ 132.60	
Mechanical Permit	22-000178	3020 S Weiler Rd.	Bob Boucher - 9207407414, Tom Mchugh	Bob Boucher	04/12/2022 at 2:43 AM	\$ 131.24	
Mechanical Permit	22-000239	49 Eagles Ct.	Boucher - 9207348672, NOBILITY PROPERTIES LLC	Boucher	04/13/2022 at 2:38 AM	\$ 248.44	
Mechanical Permit	22-000246	2104 Olde Country Cir.	Weather - 9209390329, Michael F. Rogers	Weather	04/01/2022 at 7:28 AM	\$ 35.00	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Mechanical Permit	22-000247	145 Grant St.	Matt Van Theil , Todd Nennig - 9207885091	Todd Nennig	04/01/2022 at 7:42 AM	\$ 30.00	
Mechanical Permit	22-000248	2101 Progress	Harp's Gallery , Kevin Reindl - 9208328225	Kevin Reindl	04/04/2022 at 2:43 AM	\$ 890.00	
Mechanical Permit	22-000274	2311 Campfire Ct.	David Lamers - 9204703499, Troy Hartl	David Lamers	04/07/2022 at 7:02 AM	\$ 155.32	
Mechanical Permit	22-000276	3180 S Weiler Rd.	David Lamers - 9204703499, Troy Hartl	David Lamers	04/07/2022 at 7:06 AM	\$ 144.92	
Mechanical Permit	22-000298	690 Frances St.	BLACK - 9207579990, Mary Ott	BLACK	04/14/2022 at 8:31 AM	\$ 60.00	
Mechanical Permit	22-000311	1890 White Dove Ln.	Bryan Renaud , Pat Randerson - 9208331924	Pat Randerson	04/19/2022 at 2:36 AM	\$ 96.36	
Mechanical Permit	22-000313	3491 Grey Squirrel Ln.	Van Handel - 9207793171, Jon Huss	Van Handel	04/19/2022 at 2:51 AM	\$ 170.28	
Mechanical Permit	22-000314	930/932 Denise Ct.	Darrell LaCrosse - 9204947411, Tina Wenninger	Darrell LaCrosse	04/19/2022 at 2:56 AM	\$ 35.00	
Mechanical Permit	22-000315	2310 Campfire Ct.	Haak - 9207346937, Max Lassee	Haak	04/19/2022 at 3:01 AM	\$ 132.36	
Mechanical Permit	22-000316	3000 S Weiler Rd.	Haak - 9207346937, Max Lassee	Haak	04/19/2022 at 3:05 AM	\$ 140.36	
Mechanical Permit	22-000338	3213 Fieldcrest Dr.	BLACK - 9207579990, Tim Reichenberegger	BLACK	04/25/2022 at 3:11 AM	\$ 35.00	
Mechanical Permit	22-000344	3900 Fieldcrest Dr.	Mike Bray - 9208503902, Nick Nelson	Mike Bray	04/26/2022 at 3:16 AM	\$ 30.00	



TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
New Duplex Permit	22-000262	2411-2413 Welhouse Dr.	Jon Verstegen , Jon Verstegen - 9208199683	Jon Verstegen	04/07/2022 at 4:11 AM	\$ 3,625.56	
New Duplex Permit	22-000263	2407-2409 Welhouse Dr.	Jon Verstegen , Jon Verstegen - 9208199683	Jon Verstegen	04/07/2022 at 4:12 AM	\$ 3,625.56	
New Duplex Permit	22-000264	2417-2419 Welhouse Dr.	Jon Verstegen , Jon Verstegen - 9208199683	Jon Verstegen	04/07/2022 at 4:13 AM	\$ 3,625.56	
New Duplex Permit	22-000265	2501-2503 Welhouse Dr.	Jon Verstegen , Jon Verstegen - 9208199683	Jon Verstegen	04/07/2022 at 4:14 AM	\$ 3,625.56	
New Home Permit	22-000152	3121 S Weiler Rd.	Tom Mchugh , Tom McHugh - 9205401167	Tom McHugh	04/12/2022 at 3:00 AM	\$ 2,010.40	
New Home Permit	22-000157	3141 S Weiler Rd.	Tom Mchugh , Tom McHugh - 9205401167	Tom McHugh	04/12/2022 at 3:47 AM	\$ 2,044.42	
New Home Permit	22-000162	3181 S Weiler Rd.	Tom Mchugh , Tom McHugh - 9205401167	Tom McHugh	04/12/2022 at 3:30 AM	\$ 2,001.76	
New Home Permit	22-000167	3201 S Weiler Rd.	Tom Mchugh , Tom McHugh - 9205401167	Tom McHugh	04/12/2022 at 2:51 AM	\$ 2,044.42	
New Home Permit	22-000172	3221 S Weiler Rd.	Tom Mchugh , Tom McHugh - 9205401167	Tom McHugh	04/12/2022 at 3:39 AM	\$ 2,047.48	
New Home Permit	22-000177	3020 S Weiler Rd.	Tom Mchugh , Tom McHugh - 9205401167	Tom McHugh	04/12/2022 at 2:42 AM	\$ 1,997.08	
New Home Permit	22-000266	1971 White Dove Ln.	Arlen Baumann , Arlen Baumann - 9203090191	Arlen Baumann	04/12/2022 at 4:06 AM	\$ 2,095.00	
New Home Permit	22-000267	1851 White Dove Ln.	Arlen Baumann , Arlen Baumann - 9203090191	Arlen Baumann	04/12/2022 at 4:07 AM	\$ 2,095.00	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
New Home Permit	22-000268	1970 White Dove Ln.	Arlen Baumann , Arlen Baumann - 9203090191	Arlen Baumann	04/12/2022 at 4:07 AM	\$ 2,095.00	
New Home Permit	22-000281	3140 S Weiler Rd.	DERCKS BUILDERS & INC , Troy Hartl - 9208515608	Troy Hartl	04/12/2022 at 4:09 AM	\$ 2,048.74	
New Home Permit	22-000282	1891 White Wolf Ln.	Benjamin Jacobs - 9205745178, K&B Developments Inc	Benjamin Jacobs	04/13/2022 at 2:30 AM	\$ 2,145.76	
New Home Permit	22-000304	2210 White Wolf Ln.	Justin & Elizabeth Dregger , Todd Schuh - 9205851895	Todd Schuh	04/18/2022 at 4:00 AM	\$ 2,498.74	
New Home Permit	22-000306	2310 Campfire Ct.	Max Lasee - 9206093754, Max Lasee	Max Lasee	04/18/2022 at 5:06 AM	\$ 2,044.06	
New Home Permit	22-000307	3000 S Weiler Rd.	Max Lasee - 9206093754, Max Lasee	Max Lasee	04/18/2022 at 5:07 AM	\$ 2,086.54	
New Home Permit	22-000356	2920 S Weiler Rd.	DERCKS BUILDERS & MASONRY INC , Riley Vander Wyst - 9204281317	Riley Vander Wyst	04/27/2022 at 3:36 AM	\$ 1,975.12	
New Home Permit	22-000357	2980 S weiler Rd.	DERCKS BUILDERS & MASONRY INC , Riley Vander Wyst - 9204281317	Riley Vander Wyst	04/27/2022 at 3:35 AM	\$ 1,963.24	
New Home Permit	22-000358	210 Nikki Ln.	Owner - 9205555555, Nick Kampo	Owner	04/27/2022 at 3:34 AM	\$ 1,839.58	
New Home Permit	22-000359	1830 White Dove Ln.	Bryan Renaud , Bryan Renaud - 9202130230	Bryan Renaud	04/28/2022 at 2:15 AM	\$ 2,231.26	
New Home Permit	22-000360	2330 Campfire Ct.	Troy Hartl , Troy Hartl - 9208515608	Troy Hartl	04/27/2022 at 3:07 AM	\$ 2,102.02	
Plumbing Lateral Permit	22-000156	3121 S Weiler Rd.	Chad Reader - 9207882494, Tom Mchugh	Chad Reader	04/12/2022 at 3:05 AM	\$ 105.00	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Plumbing Lateral Permit	22-000161	3141 S Weiler Rd.	Chad Reader - 9207882494, Tom Mchugh	Chad Reader	04/12/2022 at 3:51 AM	\$ 105.00	
Plumbing Lateral Permit	22-000163	3181 S Weiler Rd.	Chad Reader - 9207882494, Tom Mchugh	Chad Reader	04/12/2022 at 3:31 AM	\$ 105.00	
Plumbing Lateral Permit	22-000171	3201 S Weiler Rd.	Chad Reader - 9207882494, Tom Mchugh	Chad Reader	04/12/2022 at 2:56 AM	\$ 105.00	
Plumbing Lateral Permit	22-000176	3221 S Weiler Rd.	Chad Reader - 9207882494, Tom Mchugh	Chad Reader	04/12/2022 at 3:44 AM	\$ 105.00	
Plumbing Lateral Permit	22-000181	3020 S Weiler Rd.	Chad Reader - 9207882494, Tom Mchugh	Chad Reader	04/12/2022 at 2:46 AM	\$ 105.00	
Plumbing Lateral Permit	22-000289	1950 White Dove Ln.	Van Vreede - 9207074629, Schmidt Brother Builders	Van Vreede	04/13/2022 at 7:42 AM	\$ 105.00	
Plumbing Lateral Permit	22-000322	210 Nikki Ln.	Jason Keldermann - 9204505398, Nick Kampo	Jason Keldermann	04/25/2022 at 4:23 AM	\$ 105.00	
Plumbing Lateral Permit	22-000333	2210 White Wolf Ln.	Justin & Elizabeth Dregger , Ric Huss - 9205855606	Ric Huss	04/25/2022 at 3:26 AM	\$ 105.00	
Plumbing Lateral Permit	22-000339	935 Buchanan Rd.	Margaret Welhouse , Roger Bowers - 9207663210	Roger Bowers	04/26/2022 at 2:48 AM	\$ 35.00	
Plumbing Permit	22-000154	3121 S Weiler Rd.	Jason Keldermann - 9204505398, Tom Mchugh	Jason Keldermann	04/12/2022 at 3:03 AM	\$ 194.48	
Plumbing Permit	22-000159	3141 S Weiler Rd.	Jason Keldermann - 9204505398, Tom Mchugh	Jason Keldermann	04/12/2022 at 3:49 AM	\$ 188.36	
Plumbing Permit	22-000164	3181 S Weiler Rd.	Jason Keldermann - 9204505398, Tom Mchugh	Jason Keldermann	04/12/2022 at 3:33 AM	\$ 190.16	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Plumbing Permit	22-000168	3201 S Weiler Rd.	Jason Keldermann - 9204505398, Tom Mchugh	Jason Keldermann	04/12/2022 at 2:52 AM	\$ 188.36	
Plumbing Permit	22-000174	3221 S Weiler Rd.	Jason Keldermann - 9204505398, Tom Mchugh	Jason Keldermann	04/12/2022 at 3:41 AM	\$ 190.40	
Plumbing Permit	22-000179	3020 S Weiler Rd.	Jason Keldermann - 9204505398, Tom Mchugh	Jason Keldermann	04/12/2022 at 2:44 AM	\$ 188.36	
Plumbing Permit	22-000250	805 W Ann St.	Kirk Knight - 9207579990, Linda Treiber	Kirk Knight	04/04/2022 at 2:00 AM	\$ 30.00	
Plumbing Permit	22-000251	1801 Sherry Ln.	Christopher , Scott Jackson , Fields - 9207595163, Taylor Vandermoss	Christopher , Scott Jackson , Fields	04/13/2022 at 2:36 AM	\$ 30.00	
Plumbing Permit	22-000273	1800 Fieldcrest Dr.	Amanda Ajango , Jason Quandt - 9202671575	Jason Quandt	04/07/2022 at 6:59 AM	\$ 35.00	
Plumbing Permit	22-000284	637 Joyce St.	Calvin J. Watters - 9207338125, Dale K. Siebers	Calvin J. Watters	04/12/2022 at 3:09 AM	\$ 30.00	
Plumbing Permit	22-000285	1308 Glenview Ave.	Bruce R. Walker - (920) 766-5902, Edward Turek - 9207310462	Edward Turek	04/12/2022 at 3:33 AM	\$ 30.00	
Plumbing Permit	22-000286	7 Eagles Ct.	Edward Turek - 9207310462, Michael Redman - (920) 883-0043	Edward Turek	04/12/2022 at 3:36 AM	\$ 30.00	
Plumbing Permit	22-000290	2311 Campfire Ct.	Terry L. Huss - 9208430568, Troy Hartl	Terry L. Huss	04/13/2022 at 7:48 AM	\$ 225.48	
Plumbing Permit	22-000291	3180 S Weiler Rd.	Terry L. Huss - 9208430568, Troy Hartl	Terry L. Huss	04/13/2022 at 7:52 AM	\$ 209.88	
Plumbing Permit	22-000317	3491 Grey Squirrel Ln.	Calvin J. Watters - 9207338125, Jon Huss	Calvin J. Watters	04/19/2022 at 4:47 AM	\$ 204.42	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Plumbing Permit	22-000318	413 W 6th St.	Calvin J. Watters - 9207338125, Travis S. Broehm - (920) 810-5034	Calvin J. Watters	04/19/2022 at 4:49 AM	\$ 30.00	
Plumbing Permit	22-000319	121 W 15th St.	Calvin J. Watters - 9207338125, Marvin & Kathleen Behnke - (920) 766-4007	Calvin J. Watters	04/19/2022 at 4:53 AM	\$ 30.00	
Plumbing Permit	22-000321	210 Nikki Ln.	Jason Keldermann - 9204505398, Nick Kampo	Jason Keldermann	04/25/2022 at 4:22 AM	\$ 186.86	
Plumbing Permit	22-000336	3900 Fieldcrest Dr.	Adam Griesbach - 9204609797, Nick Nelson	Adam Griesbach	04/25/2022 at 8:10 AM	\$ 40.00	
Plumbing Permit	22-000337	145 Grant St.	Adam Griesbach - 9204609797, Matt Van Theil	Adam Griesbach	04/25/2022 at 8:11 AM	\$ 45.00	
Plumbing Permit	22-000341	700 Desnoyer St.	Edward Turek - 9207310462, John G. Verkuilen	Edward Turek	04/26/2022 at 3:01 AM	\$ 30.00	
Plumbing Permit	22-000342	929 Wilson St.	Edward Turek - 9207310462, Matt McLagan	Edward Turek	04/26/2022 at 3:06 AM	\$ 30.00	
Plumbing Permit	22-000343	1101 Ben's Way	Ben Verhagen , Edward Turek - 9207310462	Edward Turek	04/26/2022 at 3:12 AM	\$ 30.00	
Residential Add-On / Remodel	22-000202	121 Mckinley St.	Owner - 9205555555, Mary Faust	Owner	04/01/2022 at 2:12 AM	\$ 117.50	
Residential Add-On / Remodel	22-000256	223 E 9th St.	Doug Newhouse - 9209679655, LC Improvements	Doug Newhouse	04/05/2022 at 2:00 AM	\$ 63.50	
Residential Add-On / Remodel	22-000293	513 Margaret St.	Owner - 9205555555, Charles Pruitt	Owner	04/13/2022 at 8:02 AM	\$ 40.00	
Residential Add-On / Remodel	22-000299	704 High St.	Abby Van Den Berg - 9204502757, Jeremiah Kunstman	Abby Van Den Berg	04/15/2022 at 5:46 AM	\$ 67.74	

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	EST. BUILDING COST
Residential Add-On / Remodel	22-000334	304 Doty St.	Howard Fuerst - 9209548702, James D. Kieffer	Howard Fuerst	04/25/2022 at 3:40 AM	\$ 0	
Residential Add-On / Remodel	22-000335	116 Sarah St.	Debra J. Zimmerman - (920) 574-5297, Howard Fuerst - 9209548702	Howard Fuerst	04/25/2022 at 3:43 AM	\$ 0	
Residential Add-On / Remodel	22-000347	1004 Joyce St.	Owner - 9205555555, Adam Anderson	Owner	04/27/2022 at 3:13 AM	\$ 40.00	
Residential Add-On / Remodel	22-000348	1480 Marie Dr.	Brian Vanderloop - 9204284142, David Ehley	Brian Vanderloop	04/27/2022 at 3:17 AM	\$ 151.36	
Residential Add-On / Remodel	22-000349	1025 Melrose Ct.	Greg Klister - 9208415982, Tara Haen	Greg Klister	04/29/2022 at 7:10 AM	\$ 157.60	
Residential Add-On / Remodel	22-000354	1627 Hillcrest Dr.	Doug Newhouse - 9209679655, Tim Retzlaff - (920) 257-1124	Doug Newhouse	04/28/2022 at 3:37 AM	\$ 70.00	
Residential Add-On / Remodel	22-000366	222 Sunny Meadows Dr.	Owner - 9205555555, Gerhardus Swanepoel	Owner	04/28/2022 at 2:17 AM	\$ 56.60	
Siding Permit	22-000312	1016 Melrose Ct.	Infinity - 2626505040, Mary Diestler , Mary Jensen	Infinity	04/19/2022 at 2:44 AM	\$ 45.00	
Sign Permit	22-000260	2929 Lawe St.	Bergstrom Kaukauna Inc , Jessica Niles - 9203368900	Jessica Niles	04/12/2022 at 3:10 AM	\$ 40.00	
AVERAGE						\$ 643.01	
TOTAL						116 \$ 74,589.65	



**City of Kaukauna**  
**Common Council May 17, 2022**  
 SK/Clerk's Office

Agenda Item: 8a

**Background**

On April 20 we were notified wards in our municipality have been split by legislative districts as a result of redistricting. Notification information provided below:

In light of the newly adopted WI Legislative maps by the Wisconsin Supreme Ct, and correspondence received from WEC, we write to provide an update on next steps in local redistricting.

**1. Community Impact**

- a. Impacted: The new maps only impact the Town of Grand Chute, City of Kaukauna, City of Appleton, and City of New London.
- b. No Longer Impacted/no action required: The Towns of Dale and Freedom are no longer impacted by the new state legislative maps. No further action to adopt revised ward plans is required at this time.

**2. Key Dates/Next Steps:**

- a. **Deadline for submission of ward plan amendments through WISELR is May 25<sup>th</sup>.**
- b. City of Appleton – City staff will lead their process, including mapping; City GIS staff to coordinate with County GIS staff for data editing and submission.
- c. Town of Grand Chute, City of New London & City of Kaukauna – We will initiate the same process we began last month, but with new maps, data and timelines, with county providing technical support.
- d. **OVERVIEW OF COUNTY & MUNICIPAL DUTIES IN WARD AMENDMENT PROCESS:**  
 The process is based on information from WEC, and more specifically the legislation found within [5.15 Wis Stats](#) (a portion of which is copied below).

[5.15\(4\)\(a\)](#) Except as provided in par. (c), the division ordinance or resolution shall number all wards in the municipality with unique whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. 5.10(2). The ordinance or resolution shall be accompanied by a list of the block numbers used by the U.S. bureau of the census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, and a map of the municipality which illustrates the revised ward boundaries. If the legislature, in an act redistricting legislative districts under article IV, section 3, of the constitution, or in redistricting congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body shall, no later than April 10 of the 2nd year following the year of the federal decennial census on which the act is based, **amend the ordinance or resolution** to the extent required to effect the act. The amended ordinance or resolution shall designate the polling place for any ward that is created to effect the legislative act. Nothing in this paragraph shall be construed to compel a county or city to alter or redraw supervisory or aldermanic districts.

To aid you in your local effort to amend your local ward plan, the **COUNTY** will provide you the following services:

1. Amended ward plan MAP illustrating wards to be amended for New London, Grand Chute & Kaukauna (by week's end)
2. TABLE illustrating amended wards, showing Ward #; Census Block #s and population for New London, Grand Chute & Kaukauna (aligns with **TEAL** section of statutes; will be provided by week's end)
3. County will submit new ward shapefiles to WISE-Decade as instructed by WEC, by no later than May 25, 2022 for all affected communities.

The **TOWN/CITY** is responsible for the following:

1. Drafting the resolution or ordinance to AMEND your ward plan (as required by **YELLOW** highlight above) & adopting it per state and municipal requirements.
2. Ensuring your resolution includes the county provided items from COUNTY #2 AND the polling place & boundary description per the **GREEN** highlight in 5.15(4)(a), and any other requirements necessary per statute or local code.
3. Informing our redistricting team of your planed date to adopt your Amended Ward Plan.
4. Providing a copy of your Resolution/Ordinance amending your ward Plan to the County Clerk, Jeff King (per 5.15(4)(b)) - please copy Traci Meulemans in GIS, no later than 5 days after adoption OR May 24, 2022, whichever is sooner.
  1. [jeffrey.king@outagamie.org](mailto:jeffrey.king@outagamie.org)
  2. [traci.meulemans@outagamie.org](mailto:traci.meulemans@outagamie.org)
5. We recommend you consult with your local legal counsel if you have questions on how your resolution/ordinance should be put together/adopted to comply with statutes and local codes The county cannot provide legal counsel to a municipality.

### **Recommended Action**

Approve Resolution 2022-5336 Resolution Establishing City Wards and Boundaries.

## RESOLUTION 2022-5336

### CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN RESOLUTION AMENDING ESTABLISHED CITY WARDS AND BOUNDARIES

**The Common Council, City of Kaukauna, Outagamie County, Wisconsin, Do hereby ordain as follows:**

**WHEREAS**, The Kaukauna Common Council, adopted Resolution 2021-5300 on October 5, 2021 and if the legislature, in an act redistricting legislative districts under article IV, section 3, of the constitution, or in redistricting congressional districts, established a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body shall, no later than April 10 of the 2<sup>nd</sup> year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act.

**WHEREAS**, on March 23, 2022 the United States Supreme Court reversed the Wisconsin Supreme Court's March 3, 2022 decision that selected the state assembly and senate maps proposed by Governor Evers. This reversal caused delays for Wisconsin municipalities in amending their ward boundaries until further action was taken by Wisconsin Supreme Court.

**WHEREAS**, the United States Supreme Court left in place the Wisconsin Supreme Court decision regarding congressional districts.

**WHEREAS**, on April 15, 2022 the Wisconsin Supreme Court, failing to act timely, adopted state legislative district maps drawn by the Wisconsin Legislature.

**WHEREAS**, the 2020 U.S. Census has been completed and establishing the population of the City of Kaukauna as 17,089; and

**WHEREAS**, the City of Kaukauna has received the Outagamie County Ward Map, by which the City of Kaukauna is required to create wards for its use; and

**WHEREAS**, the City of Kaukauna has completed said ward map, submitted the same to the Outagamie County Planning Department for review and approval (copy attached as "City of Kaukauna Proposed Wards & Population per Ward"); and

**WHEREAS**, the Outagamie County Planning Department has approved the concept map as conforming to the guidelines required by Wisconsin State Statutes for redistricting.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kaukauna, Wisconsin, that the said City is hereby divided into sixteen wards with boundaries described as follows:

**WARD 1** – Commencing at the point where Lawe Street intersects with Delanglade Street; thence Southwesterly along Lawe Street to the center point of the Fox River; thence Westerly along the Fox River to the City Boundary; thence Northerly along the City Boundary to Hyland

Avenue; thence Easterly along Highland Avenue to Delanglade Street; thence Southeasterly along Delanglade Street to the Point of Beginning.

**WARD 2** – Commencing at the point where Lawe Street intersects with Delanglade Street; thence Northwesterly along Delanglade Street to Hyland Avenue; thence Westerly along Hyland Avenue to the City Boundary; thence along the City Boundary to Lawe Street; thence along Lawe Street to the City Boundary; thence along the City Boundary to Lawe Street, Thence along Lawe Street to the Point of Beginning.

**WARD 3** – Commencing at the point where Lawe Street intersects with Kelso Road; thence along the City Boundary to Lawe Street; thence northerly along Lawe Street to the Point of Beginning. And

Commencing at the point where Lawe Street intersects with Farmland Drive; Thence Northerly along the City Boundary to the intersection of Lawe Street and Lamplighter Drive; Thence Northerly along the City Boundary to the Point of Beginning. And

Commencing at the point where Lawe Street intersects with Arthur Street; thence Northerly along Lawe Street to the City Boundary; thence along the City Boundary to Green Bay Road; thence along Green Bay Road to Arthur Street; thence along Arthur Street to the Point of Beginning. And

The parcel addressed as 2433 Lawe Street Kaukauna, Wisconsin

**WARD 4** – Commencing at the point where Lawe Street intersects with Arthur Street; thence along Arthur Street to Green Bay Road; thence Northerly along Green Bay Road to the City Boundary; thence along the City Boundary to Hillcrest Drive; thence Northerly along Hillcrest Drive to Cleveland Avenue; thence Northerly along Cleveland Avenue to Dodge Street; thence Westerly along Dodge Street to Crooks Avenue; thence Northerly along Crooks Avenue to the point of Street name change on the Lawe Street Bridge to Lawe Street; Thence Northerly along Lawe Street to the Point of Beginning.

**WARD 5** – Commencing at the point where Crooks Avenue intersects with Dodge Street; thence Southwesterly along Dodge Street to Cleveland Avenue; thence Southerly along Cleveland Avenue to Hillcrest Drive; thence Southerly along Hillcrest Drive to CTH CE; thence Westerly along CTH CE to the City Boundary; thence along the City Boundary to the Southeast corner of Lot D CSM 50; thence along the South line of Lot D CSM 50 to the Southeast corner of Lehrer's 3<sup>rd</sup> Subdivision; thence along the South line of Lehrer's 3<sup>rd</sup> Subdivision to Oakridge avenue; thence Northerly along Oakridge Avenue to East 19<sup>th</sup> Street; Thence Westerly along East 19<sup>th</sup> Street to Lehrer Lane; thence Northerly along Lehrer Lane to Eat 18<sup>th</sup> Street; thence Westerly along East 18<sup>th</sup> Street to Crooks Avenue; thence Northerly along Crooks Avenue to the Point of Beginning.

**WARD 6** – Commencing at the point where the Fox River intersects with Crooks Avenue; thence Southerly along Crooks Avenue to Henry Street; thence Westerly along Henry Street to

Glenview Avenue; thence Northerly along Glenview Avenue to West 13<sup>th</sup> Street; thence Westerly along West 13<sup>th</sup> Street to Kenneth Avenue; thence Northerly along Kenneth Avenue to Park Street; thence Westerly along Park Street and the extension of to the centerline of the Fox River; thence along the Fox River to the Point of Beginning.

**WARD 7** – Commencing at the point where Park Street intersects with Kenneth Avenue; thence Southerly along Kenneth Avenue to West 13<sup>th</sup> Street; thence Westerly along West 13<sup>th</sup> Street to Thelen Avenue; thence Southerly along Thelen Avenue to Ferncliff Drive; thence Westerly along Ferncliff Drive to Country Lane; thence Southerly along Country Lane to Wildwood Drive; thence Westerly along Wildwood Drive to Paul Drive; thence Southerly along Paul Drive to Henry Street; thence Westerly along Henry Street to Fieldcrest Drive; Thence Southerly along Fieldcrest Drive to Ann Street; thence Westerly along Ann Street to the City Boundary; thence Northerly along the City Boundary to the centerline of the Fox River; thence along the Fox River to the Extension of Park Street; thence along the extension and Park Street to the Point of Beginning.

**WARD 8** – Commencing at the point where Henry Street and Crooks Avenue intersect; thence Southerly along Crooks Avenue to CTH CE; thence Westerly along CTH CE to Fieldcrest Drive; thence Northerly along Fieldcrest Drive to Henry Street; thence Easterly along Henry Street to Paul Drive; thence Northerly along Paul Drive to Wildwood Drive; thence Easterly along Wildwood Drive to Country Lane; thence Northerly along Country Lane to Ferncliff Drive; thence Easterly along Ferncliff Drive to Thelen Avenue; thence Northerly along Thelen Avenue to West 13<sup>th</sup> Street; thence Easterly along West 13<sup>th</sup> Street to Glenview Avenue; thence Southerly along Glenview Avenue to Henry Street; thence Easterly along Henry Street to the Point of Beginning.

**WARD 9** – Commencing at the point where Crooks Avenue intersects with East 18<sup>th</sup> Street; thence Easterly along East 18<sup>th</sup> Street to Lehrer Lane; thence Southerly along Lehrer Lane to East 19<sup>th</sup> Street; thence Easterly along East 19<sup>th</sup> Street to Oakridge Avenue; thence Southerly along Oakridge Avenue to the South line of Lehrer's 3<sup>rd</sup> Subdivision; thence Easterly along the South line of Lehrer's 3<sup>rd</sup> Subdivision to the Southwest corner of Lot D CSM 50; thence Easterly to the Southeast corner of Lot D CSM 50; thence along the City Boundary to Morningside Drive; thence Westerly along Morningside Drive to Parkwood Drive; thence along Southerly along Parkwood Drive to Green Haven Lane; thence Westerly along Green Haven Lane to the City Boundary; thence along the City Boundary to CTH HH; thence Northerly along CYH HH to Ann Street; thence Easterly along Ann Street to Fieldcrest Drive; thence Southerly along Fieldcrest Drive to CTH CE; thence Easterly along CTH CE to Crooks Avenue; thence Northerly along Crooks Avenue to the Point of Beginning.

**WARD 10** – Commencing at the point where Morningside Drive and STH 55 intersect; thence Southerly along the City Boundary to the north line of the Inside the Park Place Subdivision; thence along the north line of the Inside the Park Place Subdivision to the west line of said plat; thence along the west line of the Inside the Park Place Subdivision to the south line

of said plat; thence along the south line of the Inside the Park Place Subdivision to the centerline of STH 55; thence along the centerline of STH 55 to CTH KK; thence Westerly along CTH KK to the extension of the West line of Lot 1 CSM 3674; thence Northerly to the Southeast corner of Lot 1 CSM 1555; thence Westerly along the South line of CSM 1555 to Fieldcrest Drive; thence Southerly along Fieldcrest Drive to CTH KK; thence Westerly along CTH KK to Debruin Road; thence Northerly along Debruin Road to the Northwest Corner of Lot 1 Haen Meadows Plat; thence along the City Boundary to Green Haven Lane; thence Easterly along Green Haven Lane to Parkwood Drive; thence Northerly along Parkwood Drive to Morningside Drive; thence Easterly along Morningside Drive to the Point of Beginning.

**WARD 11** – Commencing at the point where CTH CE and CTH Q intersect; thence Southerly along the City Boundary to the point where CTH CE and the Southwest corner of Lot 19 Manchester Estates Plat intersect; thence along CTH CE to the Northeast corner of lot 140 of the 4<sup>th</sup> Addition to Country Manor Estates Plat; thence along the City Boundary to the northeast corner of Blue Stem Meadows Plat; thence along the east line of the Blue Stem Meadows Plat to the Southeast corner of said Plat thence along the City Boundary to CTH CE; thence Easterly along CTH CE to the Point of Beginning.

**WARD 12** – All of Lot 1 CSM#1026 as recorded in the Calumet County Register of Deeds office.

**WARD 13** – All of the Inside the Park Place Subdivision

**WARD 14** – Commencing at the point where STH 55 AND CTH KK intersect; thence northerly along STH 55 to the point where the Corporate Boundary heads easterly; thence along the Corporate Boundary to CTH KK; thence westerly along CTH KK to the point of Beginning.

**WARD 15** – All of the Country Side Estates Subdivision, and Part Government Lot 1 Section 4 T21N R19E as adopted in City of Kaukauna Ordinance 1805.

**WARD 16** - Being part of Lot 1 of Certified Survey Map No. 7442 as recorded in Document No. 2116139 and part of the northwest 1/4 of the fractional southwest 1/4, all in Section 30, Township 21 north, Range 19 east, Town of Buchanan, Outagamie County, Wisconsin, bounded and described as follows: commencing at the southwest corner of Section 30; thence N01°04'32"E (recorded as N01°14'59"E), 1765.49 feet (recorded as 1765.57 feet) along the west line of the fractional southwest 1/4 of Section 30 to a point on the westerly extension of the north line of Certified Survey Map No. 2938 as recorded in Document No. 1237574; thence S88°12'36"E (recorded as S88°02'09"E), 598.04 feet along said westerly extension and said north line to the east line of said Certified Survey Map and the point of beginning; thence continuing S88°12'36"E (recorded as S88°02'09"E), 100.00 feet along the easterly extension of said north line; thence S22°35'05"W, 546.56 feet to a point on the northerly right-of-way line of Killian Drive; thence N12°13'07"E (recorded as N12°23'34"E), 519.54 feet along the east line of Certified Survey Map No. 2938 to the point of beginning.



The voting place for wards 1-5 shall be in the Municipal Services Building. The voting place for wards 6-16 shall be in the Streets/Parks/Recreation (SPAR) Building.

Both the attached list of U.S. Bureau of the Census Block Numbers wholly or partly contained within each ward as indicated and the attached ward boundary map are incorporated and made a part hereof by reference.

Introduced are adopted this 17<sup>th</sup> day of May 2022.

APPROVED: \_\_\_\_\_

Anthony J Penterman, Mayor

ATTEST: \_\_\_\_\_

Sally A. Kenney, Clerk

SEAL

**REDISTRICTING**

Ward 1 – 1,697

Ward 2 – 1,758

Ward 3 – 940

Ward 4 – 2028

Ward 5 – 2,047

Ward 6 – 2,010

Ward 7 – 2,072

Ward 8 – 1,293

Ward 9 – 1,328

Ward 10 – 1,064

Ward 11 – 856

Ward 12 – Calumet County – 0

Ward 13 – 0

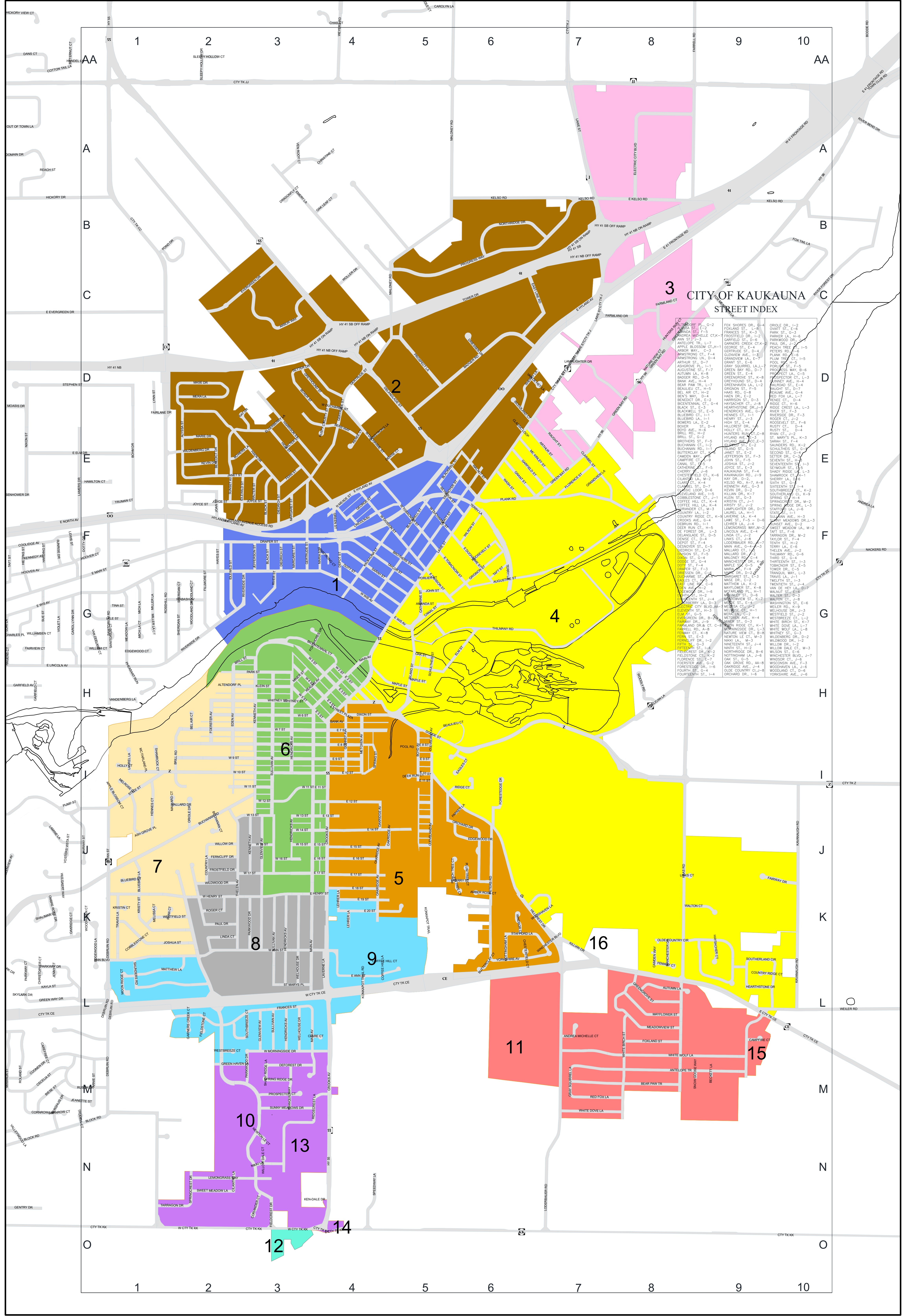
Ward 14 – 0

Ward 15 – 0

Ward 16 - 0

Within 30 days after the wards have been readjusted, the Common Council shall redistrict the boundaries of its Aldermanic District, so that all Aldermanic Districts are as compact in area as possible and contain, as nearly practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population.





# KAUKAUNA WARDS



## RESOLUTION NO. 2022-5337

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$8,095,000 SANITARY SEWER SYSTEM REVENUE BONDS, SERIES 2022B  
OF THE CITY OF KAUKAUNA, OUTAGAMIE AND CALUMET COUNTIES, WISCONSIN  
AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH  
RESPECT TO THE BONDS**

WHEREAS, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "City") owns and operates its Sanitary Sewer System (the "System") which is operated for a public purpose as a public utility; and

WHEREAS, under the provisions of Section 66.0621, Wisconsin Statutes, any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility and for refunding obligations issued to finance extensions, additions and improvements to a public utility from the proceeds of bonds, which bonds are payable only from the income and revenues derived from any source by such utility and are secured by a pledge of the revenues of the utility; and

WHEREAS, pursuant to a resolution adopted on August 20, 2013 (the "2013 Resolution"), the City has heretofore issued its Sanitary Sewer System Revenue Bonds, Series 2013, dated September 4, 2013 (the "2013 Bonds"), which bonds are payable from the income and revenues of the System; and

WHEREAS, pursuant to a resolution adopted on August 18, 2015 (the "2015 Resolution"), the City has heretofore issued its Sanitary Sewer System Revenue Bonds, Series 2015, dated September 1, 2015 (the "2015 Bonds"), which bonds are payable from the income and revenues of the System on a parity with the 2013 Bonds; and

WHEREAS, pursuant to a resolution adopted on October 18, 2016 (the "2016 Resolution") the City issued its Sanitary Sewer System Revenue Bonds, Series 2016B, dated November 1, 2016 (the "2016B Bonds"), which bonds are payable from the income and revenues of the System on a parity with the 2013 Bonds and the 2015 Bonds; and

WHEREAS, pursuant to a resolution adopted on August 21, 2018 (the "2018 Resolution") (the 2013 Resolution, the 2015 Resolution, the 2016 Resolution and the 2018 Resolution shall be referred to collectively as the "Prior Resolutions"), the City has heretofore issued its Sanitary Sewer System Revenue Bonds, Series 2018B, dated September 5, 2018 (the "2018 Bonds"), which bonds are payable from the income and revenues of the System on a parity with the 2013 Bonds, the 2015 Bonds and the 2016 Bonds (hereinafter the 2013 Bonds, the 2015 Bonds, the 2016 Bonds and the 2018 Bonds shall be referred to collectively as the "Prior Bonds"); and

WHEREAS, the Prior Resolutions permit the issuance of additional bonds payable from revenues of the System on a parity with the Prior Bonds upon compliance with certain conditions; and

WHEREAS, to the best of the Common Council's knowledge, information and belief, the City complies with such conditions; and

WHEREAS, the City has determined that certain additions, improvements and extensions to the System, including sanitary sewer improvements and extensions, interceptor and forcemain improvements and manhole repairs (collectively, the "Project") are necessary to adequately supply the needs of the City and the residents thereof; and

WHEREAS, the City has outstanding its Sanitary Sewer System Revenue Bond Anticipation Notes, Series 2019C, dated October 30, 2019 (the "Refunded Obligations"), which were issued to provide interim financing for certain improvements, additions and extensions to and acquisitions for the System; and

WHEREAS, the Refunded Obligations were issued to provide temporary, short-term financing, and the Common Council has determined that it is necessary and desirable to refund the Refunded Obligations (the "Refunding") for the purpose of providing permanent financing for the projects financed by the Refunded Obligations; and

WHEREAS, it is necessary, desirable and in the best interests of the City to authorize and sell revenue bonds designated "Sanitary Sewer System Revenue Bonds, Series 2022B" (the "Bonds") for such purposes payable solely from the revenues of the System, which Bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes on a parity with the Prior Bonds; and

WHEREAS, other than the Prior Bonds and the Refunded Obligations, the City has no bonds or obligations outstanding which are payable from the income and revenues of the System; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the Municipality to sell the Bonds to Huntington Securities, Inc. dba Huntington Capital Markets (the "Purchaser"), pursuant to the terms and conditions of its bond purchase agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, the Common Council of the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin, do resolve that:

Section 1A. Authorization of Bonds. For the purpose of paying the cost of the Project and the Refunding, the City shall borrow on the credit of the income and revenue of the System the sum of \$8,095,000. Negotiable, fully-registered bonds of the City, in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. The Bonds shall be designated "Sanitary Sewer System Revenue Bonds, Series 2022B", shall be numbered from R-1 upward and shall be dated their date of issuance. The Bonds shall bear interest at the rates per annum set forth in the Proposal and shall mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference.

Interest on the Bonds shall be payable on March 1 and September 1 of each year, commencing September 1, 2022. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

The Bonds maturing on September 1, 2031 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on September 1, 2030 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. The Proposal specifies that certain of the Bonds are subject to mandatory redemption. The terms of such mandatory redemption are set forth on Schedule MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Schedule MRP for such Bonds in such manner as the City shall direct.

The schedule of maturities is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The Common Council hereby determines that the Refunding is advantageous and necessary to the City.

Section 1B. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the City nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund provided for in Section 4 herein, and shall be a valid claim of the registered owner or owners thereof only against the Special Redemption Fund and the Revenues of the System pledged to such fund, on a parity with the pledge granted to the owners of the Prior Bonds. Sufficient Revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds and the Bonds as the same becomes due.

Section 2. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 3. Definitions. In addition to the words defined elsewhere in this Resolution, the following words shall have the following meanings unless the context or use indicates another or different meaning or intent:

"Annual Debt Service Requirement" means the total amount of principal and interest due in any Fiscal Year on the Prior Bonds, the Bonds and Parity Bonds.

"Bond Year" means the one-year period ending on a principal payment date or mandatory redemption date for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended.

"DTC" means The Depository Trust Company, New York, New York, or any successor securities depository for the City with respect to the Bonds.

"Fiscal Year" means the fiscal year adopted by the City for the System, which is currently the calendar year.

"Net Revenues" means the Revenues minus all Operation and Maintenance Expenses of the System.

"Operation and Maintenance Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but excluding depreciation, debt service, tax equivalents and capital expenditures.

"Parity Bonds" means additional bonds or obligations issued on a parity as to pledge and lien with the Bonds in accordance with the provisions of Section 7 of this Resolution.

"Reserve Requirement" means an amount, determined as of the date of issuance of the Bonds, equal to the least of (a) the maximum annual debt service on the Prior Bonds and the Bonds; and (b) 125% of average annual debt service on the Prior Bonds and the Bonds; provided, however, that on an ongoing basis it shall never exceed the remaining maximum annual principal and interest due on the outstanding Prior Bonds and Bonds in any Bond Year. If Parity Bonds which are to be secured by the Reserve Account are issued, the Reserve Requirement shall mean an amount, determined as of the date of issuance of the Parity Bonds, equal to the least of (a) the maximum annual debt service on outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued; and (b) 125% of average annual debt service on the outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued; provided, however, that on an ongoing basis it shall never exceed the remaining maximum annual principal and interest due on the outstanding obligations secured by the Reserve Account and Parity Bonds in any Bond Year.

"Regulations" means the Regulations of the Commissioner of Internal Revenue under the Code.

"Revenues" means all income and revenue derived from operation of the System, including the revenues received from the City for services rendered to it and all moneys received from any other source, including income derived from investments.

"System" means the entire Sanitary Sewer System of the City specifically including that portion of the Project owned by the City and including all property of every nature now or hereafter owned by the City for the collection, transmission, treatment, storage, metering and disposal of domestic, industrial and public sewage, including all improvements and extensions thereto made by the City while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such Sanitary Sewer System and including all appurtenances, contracts, leases, franchises and other intangibles.

Section 4. Income and Revenue Funds. When the Bonds shall have been delivered in whole or in part, the Revenues shall be set aside into the Sanitary Sewer System Revenue Fund and then transferred to the following separate and special funds in the order of priority listed below, which were created and established by the 2013 Resolution, continued by the 2015



Resolution, the 2016 Resolution and the 2018 Resolution and are hereby further continued and shall be used and applied as described below:

- Revenues in amounts sufficient to provide for the reasonable and proper operation and maintenance of the System through the payment of Operation and Maintenance Expenses shall be set aside into the Sanitary Sewer System Operation and Maintenance Fund (the "Operation and Maintenance Fund").

- Revenues in amounts sufficient to pay the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement shall be set aside into the Sanitary Sewer System Revenue Bond and Interest Special Redemption Fund (the "Special Redemption Fund"), to be applied to the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement. The monies standing in the Special Redemption Fund are irrevocably pledged to the payment of principal of and interest on the Prior Bonds, the Bonds and Parity Bonds.

- Revenues in amounts sufficient to provide a proper and adequate depreciation account for the System shall be set aside into the Sanitary Sewer System Depreciation Fund (the "Depreciation Fund").

The Operation and Maintenance Fund and Depreciation Fund shall be deposited as received in public depositories to be selected by the Common Council in the manner required by Chapter 34, Wisconsin Statutes and may be invested in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Money in the Operation and Maintenance Fund shall be used to pay Operation and Maintenance Expenses as the same come due; money not immediately required for Operation and Maintenance Expenses shall be used to accumulate a reserve in the Operation and Maintenance Fund equal to estimated Operation and Maintenance Expenses for one month. Any money then available and remaining in the Operation and Maintenance Fund may be transferred to the Surplus Fund, which fund is hereby continued.

Revenues shall be deposited in the Depreciation Fund each month until such amount as the Common Council may from time to time determine to constitute an adequate and reasonable depreciation account for the System (the "Depreciation Requirement") is accumulated therein. Money in the Depreciation Fund shall be available and shall be used, whenever necessary, to restore any deficiency in the Special Redemption Fund and for the maintenance of the Reserve Account therein. When the Special Redemption Fund is sufficient for its purpose, funds in the Depreciation Fund may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Depreciation Fund in excess of the Depreciation Requirement which is not required during the current Fiscal Year for the purposes of the Depreciation Fund, may be transferred to the Surplus Fund.

It is the express intent and determination of the Common Council that the amount of Revenues to be set aside and paid into the Special Redemption Fund (including the Reserve Account) shall in any event be sufficient to pay principal of and interest on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement, and the City Treasurer shall each Fiscal Year deposit at least sufficient Revenues in the Special Redemption Fund to pay promptly

all principal and interest falling due on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement.

The Revenues so set aside for payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds shall be set apart and shall be paid into the Special Redemption Fund not later than the 10th day of each month. The amount deposited each month shall be not less than one-sixth of the interest next coming due, plus one-twelfth of the principal next maturing.

The minimum amounts to be so deposited for debt service on the Bonds, in addition to all amounts to be deposited to pay debt service on the Prior Bonds, are set forth on the Schedule.

The Special Redemption Fund shall be used for no purpose other than the payment of interest upon and principal of the Prior Bonds, the Bonds and Parity Bonds promptly as the same become due and payable or to pay redemption premiums. All money in the Special Redemption Fund shall be deposited in a special account and invested in legal investments subject to Section 66.0603(1m), Wisconsin Statutes, and the monthly payments required to be made to the Special Redemption Fund shall be made directly to such account.

The Reserve Account established by Section 4 of the 2013 Resolution shall be continued to additionally secure the payment of principal of and interest on the Prior Bonds and the Bonds. The City covenants and agrees that upon the issuance of the Bonds an amount sufficient to make the amount on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited into the Reserve Account and shall be maintained therein.

The City covenants and agrees that at any time that the Reserve Account is drawn on and the amount in the Reserve Account shall be less than the Reserve Requirement, an amount equal to one-twelfth of the Reserve Requirement will be paid monthly into the Reserve Account from those funds in the Special Redemption Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Surplus Fund which are in excess of the minimum amounts required by the preceding paragraphs to be paid therein until the Reserve Requirement will again have accumulated in the Reserve Account. No such payments need be made into the Reserve Account at such times as the monies in the Reserve Account are equal to the highest remaining annual debt service requirement on the Prior Bonds, the Bonds and Parity Bonds secured by the Reserve Account in any Bond Year. If at any time the amount on deposit in the Reserve Account exceeds the Reserve Requirement, the excess shall be transferred to the Special Redemption Fund and used to pay principal and interest on the Bonds. If for any reason there shall be insufficient funds on hand in the Special Redemption Fund to meet principal or interest becoming due on the Prior Bonds, the Bonds or Parity Bonds secured by the Reserve Account, then all sums then held in the Reserve Account shall be used to pay the portion of interest or principal on such Prior Bonds, Bonds or Parity Bonds becoming due as to which there would otherwise be default, and thereupon the payments required by this paragraph shall again be made into the Reserve Account until an amount equal to the Reserve Requirement is on deposit in the Reserve Account.

Funds in the Special Redemption Fund in excess of the minimum amounts required to be paid therein plus reserve requirements may be transferred to the Surplus Fund.

Money in the Surplus Fund shall first be used when necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Special Redemption Fund including the Reserve Account, and the Depreciation Fund. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wisconsin Statutes; except that it may not be paid into or transferred to the general fund of the City.

Section 5. Service to the City. The reasonable cost and value of any service rendered to the City by the System by furnishing sanitary sewer services for public purposes, including reasonable health protection charges, shall be charged against the City and shall be paid by it in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the Revenues, and out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the reasonable cost and value of such service to the City in each year shall be in an amount which, together with Revenues of the System, will produce Net Revenues equivalent to not less than 1.25 times the Annual Debt Service Requirement. Such compensation for such service rendered to the City shall, in the manner provided hereinabove, be paid into the separate and special funds described in Section 4 of this Resolution. However, such payment is subject to (a) annual appropriations by the Common Council therefor, (b) approval of the Wisconsin Public Service Commission, or successors to its function, if necessary, and (c) applicable levy limits, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and above the reasonable cost and value of services rendered to the City and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 6. Operation of System; City Covenants. It is covenanted and agreed by the City with the owner or owners of the Bonds, and each of them, that:

(a) The City will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, and will collect and segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

(b) The City will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions, extensions, or improvements that may be made part thereto, except that the City shall have the right to sell, lease or otherwise dispose of any property of the System found by the Common Council to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

(c) The City will cause the improvements to the System financed by the Bonds to be made as expeditiously as reasonably possible;

(d) The City will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or its Revenues or could impair the security of the Bonds;

(e) The City will maintain in reasonably good condition and operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that in each Fiscal Year Net Revenues shall not be less than 125% of the Annual Debt Service Requirement, and so that the Revenues of the System herein agreed to be set aside to provide for the payment of the Prior Bonds, the Bonds and Parity Bonds and the interest thereon as the same becomes due and payable, and to meet the Reserve Requirement, will be sufficient for those purposes;

(f) The City will prepare a budget not less than sixty days prior to the end of each Fiscal Year and, in the event such budget indicates that the Net Revenues for each Fiscal Year will not exceed the Annual Debt Service Requirement for each corresponding Fiscal Year by the proportion stated hereunder, will take any and all steps permitted by law to increase rates so that the aforementioned proportion of Net Revenues to the Annual Debt Service Requirement shall be accomplished as promptly as possible;

(g) The City will keep proper books and accounts relative to the System separate from all other records of the City and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants including a balance sheet and a profit and loss statement of the System as certified by such accountants. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein shall include the following: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the City has carried out the requirements of this Resolution and the accountants' recommendations for any changes or improvements in the operation of the System; (5) the number of connections to the System at the end of the Fiscal Year, for each user classification (i.e., residential, commercial, public and industrial); (6) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy; and (7) the volume of water used as the basis for computing the service charge; and

(h) So long as any of the Bonds are outstanding the City will carry for the benefit of the owners of the Bonds insurance of the kinds and in the amounts normally carried by private companies or other public bodies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any casualty policies shall be used in repairing the damage or in replacing the property destroyed provided that if the Common Council shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 7. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds. No bonds or obligations payable out of the Revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge is junior and subordinate to that of the Bonds. Additional obligations may be issued on a parity with the Bonds as to the pledge of Revenues of the System ("Parity Bonds") only if all of the following conditions are met:

a. The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional obligations must have been equal to at least 1.25 times the highest annual principal and interest requirements on all Prior Bonds, Bonds and Parity Bonds outstanding payable from Revenues of the System (other than Prior Bonds, Bonds and Parity Bonds being refunded) and on the Parity Bonds then to be issued in any Fiscal Year. Should an increase in permanent rates and charges, including those made to the City, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional obligations or during that part of the Fiscal Year of issuance prior to such issuance, then Revenues for purposes of such computation shall include such additional Revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

b. The payments required to be made into the funds and accounts enumerated in Section 4 of this Resolution (including the Reserve Account, but not the Surplus Fund) must have been made in full.

c. The Parity Bonds must have principal maturing on September 1 of each year in which principal falls due and interest falling due on March 1 and September 1 of each year.

d. If the Parity Bonds are to be secured by the Reserve Account, the amount on deposit in the Reserve Account must be increased to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds as defined in Section 3 of this Resolution.

e. The proceeds of the Parity Bonds must be used only for the purpose of providing additions, extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 8. Sale of Bonds. The City shall sell and deliver the Bonds to the Purchaser for the purchase price set forth in the Proposal. The Proposal is hereby approved, and the appropriate City officials are hereby authorized and directed to execute the same. The officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 9. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. An amount of proceeds of the Bonds, which when added to other funds of the City used for that purpose, is sufficient to make

the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. An amount of proceeds of the Bonds necessary to provide for the Refunding shall be deposited into a special fund designated as "Refunding Fund" to be used for that purpose. The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, shall be deposited in a special fund designated as "Sanitary Sewer System Improvement Fund." Said special fund shall be adequately secured and used solely for the purpose of meeting costs of extending, adding to and improving the System, as described in the preamble hereof. The balance remaining in said Improvement Fund after paying said costs shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Bonds.

Section 10. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

a. The City may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and

b. This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the City; provided, however, that no amendment shall permit any change in the pledge of Revenues derived from the System, or in the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 11. Defeasance. When all Bonds have been discharged, all pledges, liens, covenants and other rights granted to the owners thereof by this Resolution shall cease. The City may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The City, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption has been duly given as required by this Resolution. The City, at its option, may also discharge all Bonds of said issue at any time by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the City's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the City's option, if said Bond is prepayable, at its earliest redemption date, with the premium

required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for. Upon such payment or deposit, in the amount and manner provided by this Section, all liability of the City with respect to the Bonds shall cease, terminate and be completely discharged, and the owners thereof shall be entitled only to payment out of the money so deposited.

Section 12. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 9 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wisconsin Statutes, until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Prior Bonds, Bonds and Parity Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the City and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations.

An officer of the City, charged with the responsibility for issuing the Bonds, shall, on the basis of the facts, estimates and circumstances in existence on the date of closing, make such certifications as are necessary to permit the conclusion that the Bonds are not "arbitrage bonds" under Section 148 of the Code or the Regulations.

Section 13. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 10, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the City, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the City, its governing body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.



Section 15. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 16. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on September 1, 2022 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit D and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 17. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 18. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 19. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further

covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

The foregoing covenants shall remain in full force and effect, notwithstanding the defeasance of the Bonds, until the date on which all of the Bonds have been paid in full.

Section 20. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the closing of the Bonds, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 21. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 22. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 23. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 24. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 25. Conflicting Ordinances or Resolutions. All prior ordinances, resolutions (other than the Prior Resolutions), rules, or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolutions, the Prior Resolutions shall control so long as any bonds of the series of Prior Bonds authorized thereby are outstanding.

Adopted, approved and recorded May 17, 2022.

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Anthony J. Penterman  
Mayor

ATTEST:

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Sally A. Kenney  
City Clerk

(SEAL)

EXHIBIT A

Proposal

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-1

Pricing Summary

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-2

Debt Service Schedule

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

## SCHEDULE MRP

### Mandatory Redemption Provision

The Bonds due on September 1, 2036 and 2042 (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from special redemption fund deposits which are required to be made in amounts sufficient to redeem on September 1 of each year the respective amount of Term Bonds specified below:

#### For the Term Bonds Maturing on September 1, 2036

Redemption Date	Amount
2033	\$405,000
2034	600,000
2035	625,000
2036	650,000 (maturity)

#### For the Term Bonds Maturing on September 1, 2042

Redemption Date	Amount
2037	\$650,000
2038	675,000
2039	700,000
2040	700,000
2041	750,000
2042	775,000 (maturity)



## EXHIBIT C

(Form of Bond)

REGISTERED  
 UNITED STATES OF AMERICA  
 STATE OF WISCONSIN  
 OUTAGAMIE AND CALUMET COUNTIES  
 NO. R-\_\_\_\_ CITY OF KAUKAUNA  
 \$\_\_\_\_\_  
 SANITARY SEWER SYSTEM REVENUE BOND, SERIES 2022B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
 September 1, \_\_\_\_\_ June 3, 2022 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
 (\$\_\_\_\_\_)

FOR VALUE RECEIVED, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), solely from the fund hereinafter specified, on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2022 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

The Bonds maturing on September 1, 2031 and thereafter are subject to redemption prior to maturity, at the option of the City, on September 1, 2030 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

The Bonds maturing in the years 2036 and 2042 are subject to mandatory redemption by lot as provided in the Resolution referenced below at the redemption price of par plus accrued interest to the date of redemption and without premium.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

This Bond is one of an issue aggregating \$8,095,000, issued for the purpose of paying the cost of additions, improvements and extensions and refunding obligations issued to finance additions, improvements and extensions to the Sanitary Sewer System of the City, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, acts supplementary thereto and a Resolution adopted May 17, 2022 (the "Resolution") and is payable only from the income and revenues of said Sanitary Sewer System. Such revenues have been set aside and pledged as a special fund for that purpose and identified as "Special Redemption Fund", created by a resolution adopted by the City on August 20, 2013 and continued by the Resolution. The Bonds are issued on a parity with the City's Sanitary Sewer System Revenue Bonds, Series 2013, dated September 4, 2013, Sanitary Sewer System Revenue Bonds, Series 2015, dated September 1, 2015, Sanitary Sewer System Revenue Bonds, Series 2016B, dated November 1, 2016 and Sanitary Sewer System Revenue Bonds, Series 2018B, dated September 5, 2018. This Bond does not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or provision.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as

negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

It is hereby certified, recited and declared that all conditions, things and acts required by law to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said City from its Sanitary Sewer System has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

COPY

IN WITNESS WHEREOF, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF KAUKAUNA,  
OUTAGAMIE AND CALUMET COUNTIES,  
WISCONSIN

By: \_\_\_\_\_  
Anthony J. Penterman  
Mayor

(SEAL)

By: \_\_\_\_\_  
Salley A. Kenney  
City Clerk

Date of Authentication: \_\_\_\_\_, \_\_\_\_\_

### CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned Resolution of the City of Kaukauna, Wisconsin.

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION,  
GREEN BAY, WISCONSIN

By \_\_\_\_\_  
Authorized Signatory

COPY

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)

## EXHIBIT D

NOTICE OF FULL CALL\*

CITY OF KAUKAUNA  
 OUTAGAMIE AND CALUMET COUNTIES, WISCONSIN  
 SANITARY SEWER SYSTEM REVENUE BOND ANTICIPATION NOTES, SERIES 2019C,  
 DATED OCTOBER 30, 2019

NOTICE IS HEREBY GIVEN that the Notes of the above-referenced issue which mature on the date and in the amount; bear interest at the rate; and have a CUSIP No. as set forth below have been called for prior payment on September 1, 2022 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
09/01/2024	\$2,550,000	2.625%	486311CN1

Upon presentation and surrender of said Notes to Associated Trust Company, National Association, Green Bay, Wisconsin, the registrar and fiscal agent for said Notes, the registered owners thereof will be paid the principal amount of the Notes plus accrued interest to the date of prepayment.

Said Notes will cease to bear interest on September 1, 2022.

By Order of the  
 Common Council  
 City of Kaukauna  
 City Clerk

Dated \_\_\_\_\_

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\* To be provided to Associated Trust Company, National Association, Green Bay, Wisconsin at least thirty-five (35) days prior to September 1, 2022. The registrar and fiscal agent shall be directed to give notice of such prepayment by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by The Depository Trust Company, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to September 1, 2022 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at [www.emma.msrb.org](http://www.emma.msrb.org).

## RESOLUTION NO. 2022-5338

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$9,140,000 STORM WATER SYSTEM REVENUE BONDS, SERIES 2022C  
OF THE CITY OF KAUKAUNA, OUTAGAMIE AND CALUMET COUNTIES, WISCONSIN  
AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH  
RESPECT TO THE BONDS

WHEREAS, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "City") owns and operates its Storm Water System (the "System") which is operated for a public purpose as a public utility; and

WHEREAS, under the provisions of Section 66.0621, Wisconsin Statutes, any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility and for refunding obligations issued to finance extensions, additions and improvements to a public utility from the proceeds of bonds, which bonds are payable only from the income and revenues derived from any source by such utility and are secured by a pledge of the revenues of the utility; and

WHEREAS, pursuant to a resolution adopted on October 18, 2016 (the "Prior Resolution"), the City has heretofore issued its Storm Water System Revenue Bonds, Series 2016C, dated November 1, 2016 (the "Prior Bonds"), which bonds are payable from the income and revenues of the System; and

WHEREAS, the Prior Resolution permits the issuance of additional bonds payable from revenues of the System on a parity with the Prior Bonds upon compliance with certain conditions; and

WHEREAS, to the best of the Common Council's knowledge, information and belief, the City complies with such conditions; and

WHEREAS, the City has determined that certain additions, improvements and extensions to the System, including storm sewer improvements and erosion control and remediation (collectively, the "Project") are necessary to adequately supply the needs of the City and the residents thereof; and

WHEREAS, the City has outstanding its Storm Water System Revenue Bond Anticipation Notes, Series 2019D, dated October 30, 2019 (the "Refunded Obligations"), which were issued to provide interim financing for certain improvements, additions and extensions to and acquisitions for the System; and

WHEREAS, the Refunded Obligations were issued to provide temporary, short-term financing, and the Common Council has determined that it is necessary and desirable to refund the Refunded Obligations (the "Refunding") for the purpose of providing permanent financing for the projects financed by the Refunded Obligations; and



WHEREAS, it is necessary, desirable and in the best interests of the City to authorize and sell revenue bonds designated "Storm Water System Revenue Bonds, Series 2022C" (the "Bonds") for such purposes payable solely from the revenues of the System, which Bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes on a parity with the Prior Bonds; and

WHEREAS, other than the Prior Bonds and the Refunded Obligations, the City has no bonds or obligations outstanding which are payable from the income and revenues of the System; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the Municipality to sell the Bonds to Huntington Securities, Inc. dba Huntington Capital Markets (the "Purchaser"), pursuant to the terms and conditions of its bond purchase agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, the Common Council of the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin, do resolve that:

Section 1A. Authorization of Bonds. For the purpose of paying the cost of the Project and the Refunding, the City shall borrow on the credit of the income and revenue of the System the sum of \$9,140,000. Negotiable, fully-registered bonds of the City, in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. The Bonds shall be designated "Storm Water System Revenue Bonds, Series 2022C", shall be numbered from R-1 upward and shall be dated their date of issuance. The Bonds shall bear interest at the rates per annum set forth in the Proposal and shall mature on September 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference.

Interest on the Bonds shall be payable on March 1 and September 1 of each year, commencing September 1, 2022. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

The Bonds maturing on September 1, 2031 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on September 1, 2030 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. The Proposal specifies that certain of the Bonds are subject to mandatory redemption. The terms of such mandatory redemption are set forth on Schedule MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Schedule MRP for such Bonds in such manner as the City shall direct.

The schedule of maturities is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The Common Council hereby determines that the Refunding is advantageous and necessary to the City.

Section 1B. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the City nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund provided for in Section 4 herein, and shall be a valid claim of the registered owner or owners thereof only against the Special Redemption Fund and the Revenues of the System pledged to such fund, on a parity with the pledge granted to the owners of the Prior Bonds. Sufficient Revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds and the Bonds as the same becomes due.

Section 2. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 3. Definitions. In addition to the words defined elsewhere in this Resolution, the following words shall have the following meanings unless the context or use indicates another or different meaning or intent:

"Annual Debt Service Requirement" means the total amount of principal and interest due in any Fiscal Year on the Prior Bonds, the Bonds and Parity Bonds.

"Bond Year" means the one-year period ending on a principal payment date or mandatory redemption date for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended.

"DTC" means The Depository Trust Company, New York, New York, or any successor securities depository for the City with respect to the Bonds.

"Fiscal Year" means the fiscal year adopted by the City for the System, which is currently the calendar year.

"Net Revenues" means the Revenues minus all Operation and Maintenance Expenses of the System.

"Operation and Maintenance Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but excluding depreciation, debt service, tax equivalents and capital expenditures.

"Parity Bonds" means additional bonds or obligations issued on a parity as to pledge and lien with the Bonds in accordance with the provisions of Section 7 of this Resolution.

"Reserve Requirement" means an amount, determined as of the date of issuance of the Bonds, equal to the least of (a) the maximum annual debt service on the Prior Bonds and the Bonds; and (b) 125% of average annual debt service on the Prior Bonds and the Bonds; provided, however, that on an ongoing basis it shall never exceed the remaining maximum annual principal and interest due on the outstanding Prior Bonds and Bonds in any Bond Year. If Parity Bonds which are to be secured by the Reserve Account are issued, the Reserve Requirement shall mean an amount, determined as of the date of issuance of the Parity Bonds, equal to the least of (a) the maximum annual debt service on outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued; and (b) 125% of average annual debt service on the outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued; provided, however, that on an ongoing basis it shall never exceed the remaining maximum annual principal and interest due on the outstanding obligations secured by the Reserve Account and Parity Bonds in any Bond Year.

"Regulations" means the Regulations of the Commissioner of Internal Revenue under the Code.

"Revenues" means all income and revenue derived from operation of the System, including the revenues received from the City for services rendered to it and all moneys received from any other source, including income derived from investments.

"System" means the entire Storm Water System of the City specifically including that portion of the Project owned by the City and including all property of every nature now or hereafter owned by the City for the collection, detention, conveyance, processing, treatment and disposal of storm water, including all improvements and extensions thereto made by the City while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such Storm Water System and including all appurtenances, contracts, leases, franchises and other intangibles.

Section 4. Income and Revenue Funds. When the Bonds shall have been delivered in whole or in part, the Revenues shall be set aside into the Storm Water System Revenue Fund and then transferred to the following separate and special funds in the order of priority listed below, which were created and established by the Prior Resolution and are hereby further continued and shall be used and applied as described below:

- Revenues in amounts sufficient to provide for the reasonable and proper operation and maintenance of the System through the payment of Operation and Maintenance Expenses shall be set aside into the Storm Water System Operation and Maintenance Fund (the "Operation and Maintenance Fund").

- Revenues in amounts sufficient to pay the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement shall be set aside into the Storm Water System Revenue Bond and Interest Special Redemption Fund (the "Special Redemption Fund"), to be applied to the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement. The monies standing in the Special Redemption Fund are irrevocably pledged to the payment of principal of and interest on the Prior Bonds, the Bonds and Parity Bonds.

- Revenues in amounts sufficient to provide a proper and adequate depreciation account for the System shall be set aside into the Storm Water System Depreciation Fund (the "Depreciation Fund").

The Operation and Maintenance Fund and Depreciation Fund shall be deposited as received in public depositories to be selected by the Common Council in the manner required by Chapter 34, Wisconsin Statutes and may be invested in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Money in the Operation and Maintenance Fund shall be used to pay Operation and Maintenance Expenses as the same come due; money not immediately required for Operation and Maintenance Expenses shall be used to accumulate a reserve in the Operation and Maintenance Fund equal to estimated Operation and Maintenance Expenses for one month. Any money then available and remaining in the Operation and Maintenance Fund may be transferred to the Surplus Fund, which fund is hereby continued.

Revenues shall be deposited in the Depreciation Fund each month until such amount as the Common Council may from time to time determine to constitute an adequate and reasonable depreciation account for the System (the "Depreciation Requirement") is accumulated therein. Money in the Depreciation Fund shall be available and shall be used, whenever necessary, to restore any deficiency in the Special Redemption Fund and for the maintenance of the Reserve Account therein. When the Special Redemption Fund is sufficient for its purpose, funds in the Depreciation Fund may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Depreciation Fund in excess of the Depreciation Requirement which is not required during the current Fiscal Year for the purposes of the Depreciation Fund, may be transferred to the Surplus Fund.

It is the express intent and determination of the Common Council that the amount of Revenues to be set aside and paid into the Special Redemption Fund (including the Reserve Account) shall in any event be sufficient to pay principal of and interest on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement, and the City Treasurer shall each Fiscal Year deposit at least sufficient Revenues in the Special Redemption Fund to pay promptly all principal and interest falling due on the Prior Bonds, the Bonds and Parity Bonds and to meet the Reserve Requirement.

The Revenues so set aside for payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds shall be set apart and shall be paid into the Special Redemption Fund not later than the 10th day of each month. The amount deposited each month shall be not less than one-sixth of the interest next coming due, plus one-twelfth of the principal next maturing.

The minimum amounts to be so deposited for debt service on the Bonds, in addition to all amounts to be deposited to pay debt service on the Prior Bonds, are set forth on the Schedule.

The Special Redemption Fund shall be used for no purpose other than the payment of interest upon and principal of the Prior Bonds, the Bonds and Parity Bonds promptly as the same become due and payable or to pay redemption premiums. All money in the Special Redemption Fund shall be deposited in a special account and invested in legal investments subject to Section

66.0603(1m), Wisconsin Statutes, and the monthly payments required to be made to the Special Redemption Fund shall be made directly to such account.

The Reserve Account established by Section 4 of the Prior Resolution shall be continued to additionally secure the payment of principal of and interest on the Prior Bonds and the Bonds. The City covenants and agrees that upon the issuance of the Bonds an amount sufficient to make the amount on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited into the Reserve Account and shall be maintained therein.

The City covenants and agrees that at any time that the Reserve Account is drawn on and the amount in the Reserve Account shall be less than the Reserve Requirement, an amount equal to one-twelfth of the Reserve Requirement will be paid monthly into the Reserve Account from those funds in the Special Redemption Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Surplus Fund which are in excess of the minimum amounts required by the preceding paragraphs to be paid therein until the Reserve Requirement will again have accumulated in the Reserve Account. No such payments need be made into the Reserve Account at such times as the monies in the Reserve Account are equal to the highest remaining annual debt service requirement on the Prior Bonds, the Bonds and Parity Bonds secured by the Reserve Account in any Bond Year. If at any time the amount on deposit in the Reserve Account exceeds the Reserve Requirement, the excess shall be transferred to the Special Redemption Fund and used to pay principal and interest on the Bonds. If for any reason there shall be insufficient funds on hand in the Special Redemption Fund to meet principal or interest becoming due on the Prior Bonds, the Bonds or Parity Bonds secured by the Reserve Account, then all sums then held in the Reserve Account shall be used to pay the portion of interest or principal on such Prior Bonds, Bonds or Parity Bonds becoming due as to which there would otherwise be default, and thereupon the payments required by this paragraph shall again be made into the Reserve Account until an amount equal to the Reserve Requirement is on deposit in the Reserve Account.

Funds in the Special Redemption Fund in excess of the minimum amounts required to be paid therein plus reserve requirements may be transferred to the Surplus Fund.

Money in the Surplus Fund shall first be used when necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Special Redemption Fund including the Reserve Account, and the Depreciation Fund. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wisconsin Statutes; except that it may not be paid into or transferred to the general fund of the City.

Section 5. Service to the City. The reasonable cost and value of any service rendered to the City by the System by furnishing storm water services for public purposes, including reasonable health protection charges, shall be charged against the City and shall be paid by it in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the Revenues, and out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the reasonable cost and value of such service to the City in each year shall be in an amount which, together with Revenues of the System, will produce Net Revenues equivalent to not less than 1.25 times the Annual Debt Service Requirement. Such compensation for such service rendered to the City shall, in the manner provided hereinabove, be paid into the separate and

special funds described in Section 4 of this Resolution. However, such payment is subject to (a) annual appropriations by the Common Council therefor, (b) approval of the Wisconsin Public Service Commission, or successors to its function, if necessary, and (c) applicable levy limits, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and above the reasonable cost and value of services rendered to the City and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 6. Operation of System; City Covenants. It is covenanted and agreed by the City with the owner or owners of the Bonds, and each of them, that:

(a) The City will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, and will collect and segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

(b) The City will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions, extensions, or improvements that may be made part thereto, except that the City shall have the right to sell, lease or otherwise dispose of any property of the System found by the Common Council to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

(c) The City will cause the improvements to the System financed by the Bonds to be made as expeditiously as reasonably possible;

(d) The City will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or its Revenues or could impair the security of the Bonds;

(e) The City will maintain in reasonably good condition and operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that in each Fiscal Year Net Revenues shall not be less than 125% of the Annual Debt Service Requirement, and so that the Revenues of the System herein agreed to be set aside to provide for the payment of the Prior Bonds, the Bonds and Parity Bonds and the interest thereon as the same becomes due and payable, and to meet the Reserve Requirement, will be sufficient for those purposes;

(f) The City will prepare a budget not less than sixty days prior to the end of each Fiscal Year and, in the event such budget indicates that the Net Revenues for each Fiscal Year will not exceed the Annual Debt Service Requirement for each corresponding Fiscal Year by the proportion stated hereunder, will take any and all steps permitted by law to increase rates so that the aforementioned proportion of Net Revenues to the Annual Debt Service Requirement shall be accomplished as promptly as possible;

(g) The City will keep proper books and accounts relative to the System separate from all other records of the City and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants including a balance sheet and a profit and loss statement of the System as certified by such accountants. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein shall include the following: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the City has carried out the requirements of this Resolution and the accountants' recommendations for any changes or improvements in the operation of the System; (5) the number of customers of the System at the end of the Fiscal Year, for each user classification (i.e., residential, commercial, public and industrial); and (6) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy; and

(h) So long as any of the Bonds are outstanding the City will carry for the benefit of the owners of the Bonds insurance of the kinds and in the amounts normally carried by private companies or other public bodies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any casualty policies shall be used in repairing the damage or in replacing the property destroyed provided that if the Common Council shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 7. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds. No bonds or obligations payable out of the Revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge is junior and subordinate to that of the Bonds. Additional obligations may be issued on a parity with the Bonds as to the pledge of Revenues of the System ("Parity Bonds") only if all of the following conditions are met:

a. The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional obligations must have been equal to at least 1.25 times the highest annual principal and interest requirements on all Prior Bonds, Bonds and Parity Bonds outstanding payable from Revenues of the System (other than Prior Bonds, Bonds and Parity Bonds being refunded) and on the Parity Bonds then to be issued in any Fiscal Year. Should an increase in permanent rates and charges, including those made to the City, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional obligations or during that part of the Fiscal Year of issuance prior to such issuance, then Revenues for purposes of such computation shall include such additional Revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

b. The payments required to be made into the funds and accounts enumerated in Section 4 of this Resolution (including the Reserve Account, but not the Surplus Fund) must have been made in full.

c. The Parity Bonds must have principal maturing on September 1 of each year in which principal falls due and interest falling due on March 1 and September 1 of each year.

d. If the Parity Bonds are to be secured by the Reserve Account, the amount on deposit in the Reserve Account must be increased to an amount equal to the Reserve Requirement applicable upon the issuance of Parity Bonds as defined in Section 3 of this Resolution.

e. The proceeds of the Parity Bonds must be used only for the purpose of providing additions, extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 8. Sale of Bonds. The City shall sell and deliver the Bonds to the Purchaser for the purchase price set forth in the Proposal. The Proposal is hereby approved, and the appropriate City officials are hereby authorized and directed to execute the same. The officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 9. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. An amount of proceeds of the Bonds, which when added to other funds of the City used for that purpose, is sufficient to make the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. An amount of proceeds of the Bonds necessary to provide for the Refunding shall be deposited into a special fund designated as "Refunding Fund" to be used for that purpose. The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, shall be deposited in a special fund designated as "Storm Water System Improvement Fund." Said special fund shall be adequately secured and used solely for the purpose of meeting costs of extending, adding to and improving the System, as described in the preamble hereof. The balance remaining in said Improvement Fund after paying said costs shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Bonds.

Section 10. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

a. The City may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and

b. This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds of the principal amount of the Bonds then outstanding,



exclusive of Bonds held by the City; provided, however, that no amendment shall permit any change in the pledge of Revenues derived from the System, or in the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 11. Defeasance. When all Bonds have been discharged, all pledges, liens, covenants and other rights granted to the owners thereof by this Resolution shall cease. The City may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The City, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption has been duly given as required by this Resolution. The City, at its option, may also discharge all Bonds of said issue at any time by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the City's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the City's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for. Upon such payment or deposit, in the amount and manner provided by this Section, all liability of the City with respect to the Bonds shall cease, terminate and be completely discharged, and the owners thereof shall be entitled only to payment out of the money so deposited.

Section 12. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 9 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wisconsin Statutes, until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Prior Bonds, Bonds and Parity Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the City and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations.

An officer of the City, charged with the responsibility for issuing the Bonds, shall, on the basis of the facts, estimates and circumstances in existence on the date of closing, make such certifications as are necessary to permit the conclusion that the Bonds are not "arbitrage bonds" under Section 148 of the Code or the Regulations.

Section 13. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 10, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the City, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the City, its governing body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 15. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 16. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on September 1, 2022 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit D and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 17. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made

only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 18. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 19. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

The foregoing covenants shall remain in full force and effect, notwithstanding the defeasance of the Bonds, until the date on which all of the Bonds have been paid in full.

Section 20. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the closing of the Bonds, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 21. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 22. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 23. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 24. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has

contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 25. Conflicting Ordinances or Resolutions. All prior ordinances, resolutions (other than the Prior Resolution), rules, or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolution, the Prior Resolution shall control so long as any Prior Bonds are outstanding.

Adopted, approved and recorded May 17, 2022.

---

Anthony J. Penterman  
Mayor

ATTEST:

---

Sally A. Kenney  
City Clerk

(SEAL)

EXHIBIT A

Proposal

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-1

Pricing Summary

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-2

Debt Service Schedule

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)



## SCHEDULE MRP

### Mandatory Redemption Provision

The Bonds due on September 1, 2036 and 2042 (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from special redemption fund deposits which are required to be made in amounts sufficient to redeem on September 1 of each year the respective amount of Term Bonds specified below:

#### For the Term Bonds Maturing on September 1, 2036

Redemption <u>Date</u>	<u>Amount</u>
2033	\$500,000
2034	515,000
2035	525,000
2036	550,000 (maturity)

#### For the Term Bonds Maturing on September 1, 2042

Redemption <u>Date</u>	<u>Amount</u>
2037	\$575,000
2038	600,000
2039	625,000
2040	650,000
2041	675,000
2042	700,000 (maturity)

## EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA  
 STATE OF WISCONSIN DOLLARS  
 OUTAGAMIE AND CALUMET COUNTIES  
 NO. R-\_\_\_\_ CITY OF KAUKAUNA \$\_\_\_\_\_  
 STORM WATER SYSTEM REVENUE BOND, SERIES 2022C

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
 September 1, \_\_\_\_\_ June 3, 2022 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
 (\$\_\_\_\_\_)

FOR VALUE RECEIVED, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), solely from the fund hereinafter specified, on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2022 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

The Bonds maturing on September 1, 2031 and thereafter are subject to redemption prior to maturity, at the option of the City, on September 1, 2030 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

The Bonds maturing in the years 2036 and 2042 are subject to mandatory redemption by lot as provided in the Resolution referenced below at the redemption price of par plus accrued interest to the date of redemption and without premium.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

This Bond is one of an issue aggregating \$9,140,000, issued for the purpose of paying the cost of additions, improvements and extensions and refunding obligations issued to finance additions, improvements and extensions to the Storm Water System of the City, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, acts supplementary thereto and a Resolution adopted May 17, 2022 (the "Resolution") and is payable only from the income and revenues of said Storm Water System. Such revenues have been set aside and pledged as a special fund for that purpose and identified as "Special Redemption Fund", created by a resolution adopted by the City on October 18, 2016 and continued by the Resolution. The Bonds are issued on a parity with the City's Storm Water System Revenue Bonds, Series 2016C, dated November 1, 2016. This Bond does not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or provision.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

It is hereby certified, recited and declared that all conditions, things and acts required by law to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said City from its Storm Water System has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

COPY

IN WITNESS WHEREOF, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF KAUKAUNA,  
OUTAGAMIE AND CALUMET COUNTIES,  
WISCONSIN

By: \_\_\_\_\_  
Anthony J. Penterman  
Mayor

(SEAL)

By: \_\_\_\_\_  
Salley A. Kenney  
City Clerk

Date of Authentication: \_\_\_\_\_, \_\_\_\_\_

### CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned Resolution of the City of Kaukauna, Wisconsin.

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION,  
GREEN BAY, WISCONSIN

By \_\_\_\_\_  
Authorized Signatory

COPY

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)

## EXHIBIT D

NOTICE OF FULL CALL\*

CITY OF KAUKAUNA  
 OUTAGAMIE AND CALUMET COUNTIES, WISCONSIN  
 STORM WATER SYSTEM REVENUE BOND ANTICIPATION NOTES, SERIES 2019D,  
 DATED OCTOBER 30, 2019

NOTICE IS HEREBY GIVEN that the Notes of the above-referenced issue which mature on the date and in the amount; bear interest at the rate; and have a CUSIP No. as set forth below have been called for prior payment on September 1, 2022 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
09/01/2024	\$3,800,000	2.625%	486321AR3

Upon presentation and surrender of said Notes to Associated Trust Company, National Association, Green Bay, Wisconsin, the registrar and fiscal agent for said Notes, the registered owners thereof will be paid the principal amount of the Notes plus accrued interest to the date of prepayment.

Said Notes will cease to bear interest on September 1, 2022.

By Order of the  
 Common Council  
 City of Kaukauna  
 City Clerk

Dated \_\_\_\_\_

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\* To be provided to Associated Trust Company, National Association, Green Bay, Wisconsin at least thirty-five (35) days prior to September 1, 2022. The registrar and fiscal agent shall be directed to give notice of such prepayment by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by The Depository Trust Company, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to September 1, 2022 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at [www.emma.msrb.org](http://www.emma.msrb.org).



## RESOLUTION NO. 2022-5339

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENTS ON STREET, SIDEWALK, DRIVEWAY APRONS AND UTILITY ASSESSMENTS ON GRAY SQUIRREL LANE, RED FOX LANE, WHITE BIRCH STREET, WHITE WOLF LANE, AND ISLAND STREET.

WHEREAS, the Board of Public Works of the Common Council of the City of Kaukauna, Wisconsin, held a public hearing in the Council Chambers at 6:00 p.m. on May 2<sup>nd</sup> 2022, for the purpose of hearing all interested persons concerning the Report of the Board of Public Works and the City Engineer on the installation of concrete street, curb and gutter, concrete sidewalk, driveway approaches, storm sewer laterals, grading, topsoil, landscaping, and engineering services related thereto and the amount that should be assessed to each parcel of real estate by reason of such improvement on the following streets:

- Gray Squirrel Lane – Bear Paw Trail to Red Fox Lane
- Red Fox Lane – Gray Squirrel Lane to White Birch Street
- White Birch Street – Red Fox Lane to Bear Paw Trail
- White Wolf Lane – Haas Road to a point 1350' East of Haas Road
- Island Street – Dodge Street to a point 411' North of Dodge Street

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin:

(1) That the report of the City Engineer and the Board of Public Works pertaining to the public improvements as indicated above, including the final plans and specifications thereof, is hereby adopted and approved and that said work and improvements be carried out in accordance with said report.

(2) That payment for the improvements is to be made by assessing the cost against the property as indicated in the report.

(3) That the Schedule of Assessments, as shown on the report is true and correct and, in accordance therewith, abutting property on the following streets shall be assessed for installation of concrete streets, curb and gutter, driveway approaches, concrete sidewalks, storm sewer laterals, sanitary sewer laterals and with other associated work and services as set forth above, at the rates of:

Special Assessment Rates for Concrete Street Paving – Island Street Reconstruction	
<u>37-foot B/B Wide 8-inch Concrete Street with Curb and Gutter</u>	
<ul style="list-style-type: none"> <li>• Island Street – Dodge Street to a point 411' North of Dodge Street.....</li> </ul>	\$113.99 / Frontage Foot

<b>Special Assessment Rates for Concrete Street Paving – New Construction Streets</b>	
<u>33-foot B/B Wide 6" Concrete Street with Curb and Gutter</u>	
• Gray Squirrel Lane – Bear Paw Trail to Red Fox Lane.....	\$66.91 / Frontage Foot
• Red Fox Lane – Gray Squirrel Lane to White Birch Street.....	\$66.91 / Frontage Foot
• White Wolf Lane – Haas Road to a point 1350' East of Haas Road.....	\$66.91 / Frontage Foot
<u>37-foot B/B Wide 6" Concrete Street with Curb and Gutter</u>	
• White Birch Street – Red Fox Lane to Bear Paw Trail.....	\$73.46 / Frontage Foot

<b>Special Assessment Rate for Sidewalk/Driveway Apron Installation</b>	
<u>Island Street / Fine Grade Areas - Sidewalk and Driveway Aprons</u>	
• Island Street – Dodge Street to a point 411' North of Dodge Street.....	\$5.40 /Square Foot – 4" \$5.90 /Square Foot – 6"
-----	-----
• Gray Squirrel Lane – Bear Paw Trail to Red Fox Lane.....	\$5.05 /Square Foot – 4"
• Red Fox Lane – Gray Squirrel Lane to White Birch Street.....	\$5.60 /Square Foot – 6"
• White Wolf Lane – Haas Road to a point 1350' East of Haas Road.....	
• White Birch Street – Red Fox Lane to Bear Paw Trail.....	

(4) That assessments against any parcel related to the installation of Concrete Street, curb and gutter, sidewalks, driveway approaches, and storm sewer laterals may be paid in cash or over a period of 10 years or less. All deferred payments shall bear interest at the rate paid by the City on the borrowed money plus one percent (1%).

(5) That the City Clerk is hereby directed to publish this Resolution in the Times-Villager, the official newspaper of the City of Kaukauna.

(6) That the City Clerk is further directed to mail a copy of this Resolution to every interested person whose post office address is known or can with reasonable diligence be ascertained.

Introduced and adopted this 17<sup>th</sup> day of May, 2022.

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Sally A. Kenney, Clerk

## RESOLUTION NO. 2022-5340

### A RESOLUTION AUTHORIZING CURRAN REAL ESTATE TO LIST AND MARKET INSIDE THE PARK PLACE LOTS

WHEREAS, Curran Real Estate LLC has the skills and knowledge of the Inside the Park Place development to assist with selling the lots; and

WHEREAS, it is desirable to sell Inside the Park Place lots in a timely manner to promote the orderly and timely growth of the neighborhood; and

WHEREAS, increased exposure from a professional real estate group will increase lots sales; and

WHEREAS, attached as Exhibit A is a copy of the WB- 3, allowing the City to enter into a Vacant Land Listing Contract with Curran Real Estate LLC;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin, that the City will enter into said agreement with Curran Real Estate LLC for the purposes of selling lots at Inside the Park Place.

SECTION 1: That the following described property:

ALL OF LOTS 6, 7, 8, 9, 10, 12, 13, 14, 17, 19, 20, 21, 22, 23, 24, AND 25 OF INSIDE THE PARK PLACE, PART OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$ , SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY, RECORDED IN DOCUMENT #2243700.

Introduced and adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 17th day of May 2022.

APPROVED:

\_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST:

\_\_\_\_\_  
Sally A. Kenney, City Clerk

**WB-3 VACANT LAND LISTING CONTRACT - EXCLUSIVE RIGHT TO SELL**

**1 SELLER GIVES THE FIRM THE EXCLUSIVE RIGHT TO SELL THE PROPERTY ON THE FOLLOWING TERMS:**

2 **■ PROPERTY DESCRIPTION:** Street address is: "INSIDE THE PARK PLACE" Lots on Ridgecrest Ln and Nikki Lane, See Addendum  
3 in Section 35 in the City of Kaukauna, County of Outagamie,  
4 Wisconsin. Insert additional description, if any, at lines 313-317 or attach as an addendum per lines 318-319.

5 **■ INCLUDED IN LIST PRICE:** Seller is including in the list price the Property, Fixtures not excluded on lines 8-9, and  
6 the following items: --

8 **■ NOT INCLUDED IN LIST PRICE:** Seller's personal property,

10 **CAUTION: Identify Fixtures to be excluded by Seller or which are rented and will continue to be owned by the**  
11 **lessor. (See lines 239-244).**

12 **■ LIST PRICE:** See Addendum. Dollars (\$ ).

13 **■ GOVERNMENTAL AND CONSERVATION PROGRAMS:** Seller represents that all or some of the Property is  
14 enrolled in the following governmental conservation, farmland, environmental, land use or use restricting programs,  
15 agreements or conservation easements, (county, state or federal): "

17 **■ USE VALUE ASSESSMENT:** Seller represents that (all or some of the Property) (none of the Property) **STRIKE ONE**  
18 has been assessed as agricultural property under use value law.

19 **■ SPECIAL ASSESSMENTS:** Seller represents that the Property is subject to the following special assessments:

21 **■ SPECIAL ZONING, LAND USE OR DEVELOPMENT RESTRICTIONS:** Seller represents that the Property is subject  
22 to the following special zoning, land use, development restrictions or other conditions affecting the Property:

23 "Developer Agreement" between the City of Kaukauna and each Buyer.

24 **■ RIGHT OF FIRST REFUSAL:** There (is) (is not) **STRIKE ONE** a right of first refusal on part or all of the Property.

25 **■ ZONING:** Seller represents that the property is zoned: Residential (RSF)

26 **■ UTILITY CONNECTIONS:** Seller represents that the locations of the following utility connections are as follows:  
27 (e.g. at the lot line, on the property, across the street, unknown, unavailable, etc.): electricity At Road

28 ; gas ; municipal sewer At Road ;

29 municipal water At Road ; telephone ;

30 cable ; other

31 **MARKETING** Seller authorizes and the Firm and its agents agree to use reasonable efforts to market the Property.

32 Seller agrees that the Firm and its agents may market Seller's personal property identified on lines 5-7 during the term  
33 of this Listing. The marketing may include: Online, print and any other method deemed appropriate by the Broker, or it's Agents.

34 . The Firm and its agents may advertise the following  
35 special financing and incentives offered by Seller: --

36 . Seller has a duty to cooperate with the marketing efforts of the Firm and its agents. See  
37 lines 174-180 regarding the Firm's role as marketing agent and Seller's duty to notify the Firm of any potential buyer  
38 known to Seller. Seller agrees that the Firm and its agents may market other properties during the term of this Listing.

39 **CAUTION: Limiting the Firm's cooperation with other firms may reduce the marketability of the Property.**

40 **EXCLUSIONS** All persons who may acquire an interest in the Property who are Protected Buyers under a prior listing  
41 contract are excluded from this Listing to the extent of the prior firm's legal rights, unless otherwise agreed to in writing.  
42 Within seven days of the date of this Listing, Seller agrees to deliver to the Firm a written list of all such Protected Buyers.

43 **NOTE: If Seller fails to timely deliver this list to the Firm, Seller may be liable to the Firm for damages and costs.**

44 The following other buyers --  
45 are excluded from this Listing until --

46 [INSERT DATE]. These other buyers are no longer excluded from this Listing after the specified date unless, on or before  
47 the specified date, Seller has either accepted a written offer from the buyer or sold the Property to the buyer.

48 **COMPENSATION TO OTHERS** The Firm offers the following commission to cooperating firms: 2%

49 . (Exceptions if any):

50 **COMMISSION** The Firm's commission shall be \$1000 and 2% if the commission is Earned with a Buyer's Agent or Subagent Firm's inv

51

52 **■ EARNED:** Seller shall pay the Firm's commission, which shall be earned, if, during the term of this Listing:

53 1) Seller sells or accepts an offer which creates an enforceable contract for the sale of all or any part of the Property;

54 2) Seller grants an option to purchase all or any part of the Property which is subsequently exercised;

55 3) Seller exchanges or enters into a binding exchange agreement on all or any part of the Property;

56 4) A transaction occurs which causes an effective change in ownership or control of all or any part of the Property; or

57 5) A ready, willing and able buyer submits a bona fide written offer to Seller or the Firm for the Property at, or above,  
 58 the list price and on substantially the same terms set forth in this Listing and the current WB-13 Vacant Land Offer  
 59 to Purchase, even if Seller does not accept the buyer's offer. A buyer is ready, willing and able when the buyer  
 60 submitting the written offer has the ability to complete the buyer's obligations under the written offer.

61 The Firm's commission shall be earned if, during the term of the Listing, one owner of the Property sells, conveys,  
 62 exchanges or options, as described above, an interest in all or any part of the Property to another owner, except by  
 63 divorce judgment.

64 ■ **DUE AND PAYABLE:** Once earned, the Firm's commission is due and payable in full at the earlier of closing or the date  
 65 set for closing, even if the transaction does not close, unless otherwise agreed in writing.

66 ■ **CALCULATION:** A percentage commission shall be calculated based on the following, if earned above:

- 67 • Under 1) or 2) the total consideration between the parties in the transaction.
- 68 • Under 3) or 4) the list price if the entire Property is involved.
- 69 • Under 3) if the exchange involves less than the entire Property or under 4) if the effective change in ownership or  
 70 control involves less than the entire Property, the fair market value of the portion of the Property exchanged or for  
 71 which there was an effective change in ownership or control.
- 72 • Under 5) the total offered purchase price.

73 **NOTE: If a commission is earned for a portion of the Property it does not terminate the Listing as to any remaining**  
 74 **Property.**

75 **BUYER FINANCIAL CAPABILITY** The Firm and its agents are not responsible under Wisconsin statutes or regulations to  
 76 qualify a buyer's financial capability. If Seller wishes to confirm a buyer's financial capability, Seller may negotiate inclusion of  
 77 a contingency for financing, proof of funds, qualification from a lender, sale of buyer's property, or other confirmation in any  
 78 offer to purchase or contract.

79 **LIEN NOTICE** The Firm has the authority under section 779.32 of the Wisconsin Statutes to file a lien for commissions  
 80 or compensation earned but not paid when due against the commercial real estate, or the interest in the commercial  
 81 real estate, if any, that is the subject of this Listing. "Commercial real estate" includes all real estate except (a) real  
 82 property containing 8 or fewer dwelling units, (b) real property that is zoned for residential purposes and that does not  
 83 contain any buildings or structures, and (c) real property that is zoned for agricultural purposes.

#### 84 **DISCLOSURE TO CLIENTS**

85 Under Wisconsin law, a brokerage firm (hereinafter firm) and its brokers and salespersons (hereinafter agents) owe  
 86 certain duties to all parties to a transaction:

- 87 (a) The duty to provide brokerage services to you fairly and honestly.
- 88 (b) The duty to exercise reasonable skill and care in providing brokerage services to you.
- 89 (c) The duty to provide you with accurate information about market conditions within a reasonable time if you request it,  
 90 unless disclosure of the information is prohibited by law.
- 91 (d) The duty to disclose to you in writing certain Material Adverse Facts about a property, unless disclosure of the  
 92 information is prohibited by law. (See lines 245-248.)
- 93 (e) The duty to protect your confidentiality. Unless the law requires it, the firm and its agents will not disclose your  
 94 confidential information or the confidential information of other parties. (See lines 151-166.)
- 95 (f) The duty to safeguard trust funds and other property the firm or its agents holds.
- 96 (g) The duty, when negotiating, to present contract proposals in an objective and unbiased manner and disclose the  
 97 advantages and disadvantages of the proposals.

98 **BECAUSE YOU HAVE ENTERED INTO AN AGENCY AGREEMENT WITH A FIRM, YOU ARE THE FIRM'S CLIENT.**  
 99 **A FIRM OWES ADDITIONAL DUTIES TO YOU AS A CLIENT OF THE FIRM:**

- 100 (a) The firm or one of its agents will provide, at your request, information and advice on real estate matters that affect  
 101 your transaction, unless you release the firm from this duty.
  - 102 (b) The firm or one of its agents must provide you with all material facts affecting the transaction, not just Adverse  
 103 Facts.
  - 104 (c) The firm and its agents will fulfill the firm's obligations under the agency agreement and fulfill your lawful requests  
 105 that are within the scope of the agency agreement.
  - 106 (d) The firm and its agents will negotiate for you, unless you release them from this duty.
  - 107 (e) The firm and its agents will not place their interests ahead of your interests. The firm and its agents will not, unless  
 108 required by law, give information or advice to other parties who are not the firm's clients, if giving the information or  
 109 advice is contrary to your interests.
- 110 If you become involved in a transaction in which another party is also the firm's client (a "multiple representation  
 111 relationship"), different duties may apply.

#### 112 **MULTIPLE REPRESENTATION RELATIONSHIPS AND DESIGNATED AGENCY**

113 ■ A multiple representation relationship exists if a firm has an agency agreement with more than one client who is a  
 114 party in the same transaction. If you and the firm's other clients in the transaction consent, the firm may provide services  
 115 through designated agency, which is one type of multiple representation relationship.

116 ■ Designated agency means that different agents with the firm will negotiate on behalf of you and the other client or  
 117 clients in the transaction, and the firm's duties to you as a client will remain the same. Each agent will provide  
 118 information, opinions, and advice to the client for whom the agent is negotiating, to assist the client in the negotiations.  
 119 Each client will be able to receive information, opinions, and advice that will assist the client, even if the information,  
 120 opinions, or advice gives the client advantages in the negotiations over the firm's other clients. An agent will not reveal  
 121 any of your confidential information to another party unless required to do so by law.

122 ■ If a designated agency relationship is not authorized by you or other clients in the transaction you may still authorize  
 123 or reject a different type of multiple representation relationship in which the firm may provide brokerage services to more  
 124 than one client in a transaction but neither the firm nor any of its agents may assist any client with information, opinions,  
 125 and advice which may favor the interests of one client over any other client. Under this neutral approach, the same  
 126 agent may represent more than one client in a transaction.

127 ■ If you do not consent to a multiple representation relationship the firm will not be allowed to provide brokerage  
 128 services to more than one client in the transaction.

129 **CHECK ONLY ONE OF THE THREE BELOW:**

130 ☒ The same firm may represent me and the other party as long as the same agent is not representing you  
 131 both. (multiple representation relationship with designated agency)

132 ☐ The same firm may represent me and the other party, but the firm must remain neutral regardless if one or  
 133 more different agents are involved. (multiple representation relationship without designated agency)

134 ☐ The same firm cannot represent both me and the other party in the same transaction. (I reject multiple  
 135 representation relationships)

136 **NOTE: All clients who are parties to this agency agreement consent to the selection checked above. You may**  
 137 **modify this selection by written notice to the firm at any time. Your firm is required to disclose to you in your**  
 138 **agency agreement the commission or fees that you may owe to your firm. If you have any questions about the**  
 139 **commission or fees that you may owe based upon the type of agency relationship you select with your firm,**  
 140 **you should ask your firm before signing the agency agreement.**

141 **SUBAGENCY**

142 Your firm may, with your authorization in the agency agreement, engage other firms (subagent firms) to assist your firm by  
 143 providing brokerage services for your benefit. A subagent firm and the agents associated with the subagent firm will not put  
 144 their own interests ahead of your interests. A subagent firm will not, unless required by law, provide advice or opinions to  
 145 other parties if doing so is contrary to your interests.

146 **PLEASE REVIEW THIS INFORMATION CAREFULLY. An agent can answer your questions about brokerage**  
 147 **services, but if you need legal advice, tax advice, or a professional home inspection, contact an attorney, tax**  
 148 **advisor, or home inspector.**

149 This disclosure is required by section 452.135 of the Wisconsin statutes and is for information only. It is a plain language  
 150 summary of the duties owed to you under section 452.133 (2) of the Wisconsin statutes.

151 ■ **CONFIDENTIALITY NOTICE TO CLIENTS:** The Firm and its agents will keep confidential any information given to  
 152 the Firm or its agents in confidence, or any information obtained by the Firm and its agents that a reasonable person  
 153 would want to be kept confidential, unless the information must be disclosed by law or you authorize the Firm to  
 154 disclose particular information. The Firm and its agents shall continue to keep the information confidential after the Firm  
 155 is no longer providing brokerage services to you.

156 The following information is required to be disclosed by law:

157 1) Material Adverse Facts, as defined in section 452.01 (5g) of the Wisconsin statutes (see lines 245-248).

158 2) Any facts known by the Firm and its agents that contradict any information included in a written inspection report on  
 159 the property or real estate that is the subject of the transaction.

160 To ensure that the Firm and its agents are aware of what specific information you consider confidential, you may list that  
 161 information below (see lines 163-164). At a later time, you may also provide the Firm with other information you  
 162 consider to be confidential.

163 **CONFIDENTIAL INFORMATION:** \_\_\_\_\_

164 \_\_\_\_\_

165 **NON-CONFIDENTIAL INFORMATION** (The following may be disclosed by the Firm and its agents): \_\_\_\_\_

166 \_\_\_\_\_

167 **COOPERATION, ACCESS TO PROPERTY OR OFFER PRESENTATION** The parties agree that the Firm and its  
 168 agents will work and cooperate with other firms and agents in marketing the Property, including firms acting as  
 169 subagents (other firms engaged by the Firm - see lines 141-145) and firms representing buyers. Cooperation includes  
 170 providing access to the Property for showing purposes and presenting offers and other proposals from these firms to  
 171 Seller. Note any firms with whom the Firm shall not cooperate, any firms or agents or buyers who shall not be allowed to  
 172 attend showings, and the specific terms of offers which should not be submitted to Seller: \_\_\_\_\_

173 \_\_\_\_\_



174 **SELLER COOPERATION WITH MARKETING EFFORTS** Seller agrees to cooperate with the Firm in the Firm's  
 175 marketing efforts and to provide the Firm with all records, documents and other material in Seller's possession or control  
 176 which are required in connection with the sale. Seller authorizes the Firm to do those acts reasonably necessary to  
 177 effect a sale and Seller agrees to cooperate fully with these efforts which may include use of a multiple listing service,  
 178 Internet advertising or a lockbox system at the Property. Seller shall promptly refer all persons making inquiries  
 179 concerning the Property to the Firm and notify the Firm in writing of any potential buyers with whom Seller negotiates or  
 180 who view the Property with Seller during the term of this Listing.

181 **LEASED PROPERTY** If Property is currently leased and lease(s) will extend beyond closing, Seller shall assign Seller's  
 182 rights under the lease(s) and transfer all security deposits and prepaid rents (subject to agreed upon prorations) thereunder  
 183 to buyer at closing. Seller acknowledges that Seller remains liable under the lease(s) unless released by tenant(s).  
 184 **CAUTION: Seller should consider obtaining an indemnification agreement from buyer for liabilities under the**  
 185 **lease(s) unless released by tenants.**

186 **DISPUTE RESOLUTION** The Parties understand that if there is a dispute about this Listing or an alleged breach, and  
 187 the parties cannot resolve the dispute by mutual agreement, the parties may consider judicial resolution in court or may  
 188 consider alternative dispute resolution. Alternative dispute resolution may include mediation and binding  
 189 arbitration. Should the parties desire to submit any potential dispute to alternative dispute resolution, it is recommended  
 190 that the parties add such in Additional Provisions or in an Addendum.

191 **EXTENSION OF LISTING** The Listing term is extended for a period of one year as to any Protected Buyer. Upon  
 192 receipt of a written request from Seller or a firm that has listed the Property, the Firm agrees to promptly deliver to Seller  
 193 a written list of those buyers known by the Firm and its agents to whom the extension period applies. Should this Listing  
 194 be terminated by Seller prior to the expiration of the term stated in this Listing, this Listing shall be extended for  
 195 Protected Buyers, on the same terms, for one year after the Listing is terminated (lines 196-204).

196 **TERMINATION OF LISTING** Neither Seller nor the Firm has the legal right to unilaterally terminate this Listing absent a  
 197 material breach of contract by the other party. Seller understands that the parties to the Listing are Seller and the Firm.  
 198 Agents for the Firm do not have the authority to enter into a mutual agreement to terminate the Listing, amend the  
 199 commission amount or shorten the term of this Listing, without the written consent of the agent(s)' supervising broker. Seller  
 200 and the Firm agree that any termination of this Listing by either party before the date stated on line 321 shall be  
 201 effective by the Seller only if stated in writing and delivered to the Firm in accordance with lines 290-312 and effective  
 202 by the Firm only if stated in writing by the supervising broker and delivered to Seller in accordance with lines 290-312.  
 203 **CAUTION: Early termination of this Listing may be a breach of contract, causing the terminating party to**  
 204 **potentially be liable for damages.**

205 **VACANT LAND DISCLOSURE REPORT** Seller agrees to complete the vacant land disclosure report provided by the  
 206 Firm to the best of Seller's knowledge. Seller agrees to amend the report should Seller learn of any Defect(s) after  
 207 completion of the report but before acceptance of a buyer's offer to purchase. Seller authorizes the Firm and its agents to  
 208 distribute the report to all interested parties and agents inquiring about the Property and Seller acknowledges that the  
 209 Firm and its agents have a duty to disclose all Material Adverse Facts as required by law.

210 **SELLER REPRESENTATIONS REGARDING DEFECTS** Seller represents to the Firm that as of the date of this Listing,  
 211 Seller has no notice or knowledge of any Defects affecting the Property other than those noted on the vacant land  
 212 disclosure report.

213 **WARNING: IF SELLER REPRESENTATIONS ARE INCORRECT OR INCOMPLETE, SELLER MAY BE LIABLE FOR**  
 214 **DAMAGES AND COSTS.**

215 **OPEN HOUSE AND SHOWING RESPONSIBILITIES** Seller is aware that there is a potential risk of injury, damage  
 216 and/or theft involving persons attending an "individual showing" or an "open house." Seller accepts responsibility for  
 217 preparing the Property to minimize the likelihood of injury, damage and/or loss of personal property. Seller agrees to  
 218 hold the Firm and its agents harmless for any losses or liability resulting from personal injury, property damage, or theft  
 219 occurring during "individual showings" or "open houses" other than those caused by the negligence or intentional  
 220 wrongdoing of the Firm and its agents. Seller acknowledges that individual showings and open houses may be  
 221 conducted by licensees other than agents of the Firm, that appraisers and inspectors may conduct appraisals and  
 222 inspections without being accompanied by agents of the Firm or other licensees, and that buyers or licensees may be  
 223 present at all inspections and testing and may photograph or videotape Property unless otherwise provided for in  
 224 additional provisions at lines 313-317 or in an addendum per lines 318-319.

## 225 **DEFINITIONS**

226 **ADVERSE FACT:** An "Adverse Fact" means any of the following:

- 227 a) A condition or occurrence that is generally recognized by a competent licensee as doing any of the following:
- 228 1) Significantly and adversely affecting the value of the Property;
  - 229 2) Significantly reducing the structural integrity of improvements to real estate; or
  - 230 3) Presenting a significant health risk to occupants of the Property.

231 b) Information that indicates that a party to a transaction is not able to or does not intend to meet his or her obligations  
 232 under a contract or agreement made concerning the transaction.

233 ■ **DEADLINES – DAYS:** Deadlines expressed as a number of "days" from an event are calculated by excluding the day the  
 234 event occurred and by counting subsequent calendar days.

235 ■ **DEFECT:** "Defect" means a condition that would have a significant adverse effect on the value of the Property; that  
 236 would significantly impair the health or safety of future occupants of the Property; or that if not repaired, removed or  
 237 replaced would significantly shorten or adversely affect the expected normal life of the premises.

238 ■ **FIRM:** "Firm" means a licensed sole proprietor broker or a licensed broker business entity.

239 ■ **FIXTURES:** A "Fixture" is an item of property which is physically attached to or so closely associated with land so as  
 240 to be treated as part of the real estate, including, without limitation, physically attached items not easily removable  
 241 without damage to the premises, items specifically adapted to the premises, and items customarily treated as fixtures,  
 242 including, but not limited to, all: perennial crops; garden bulbs; plants; shrubs and trees; and fences; storage buildings  
 243 on permanent foundations and docks/piers on permanent foundations.

244 **CAUTION: Annual crops are not part of the purchase price unless otherwise agreed.**

245 ■ **MATERIAL ADVERSE FACT:** A "Material Adverse Fact" means an Adverse Fact that a party indicates is of such  
 246 significance, or that is generally recognized by a competent licensee as being of such significance to a reasonable  
 247 party, that it affects or would affect the party's decision to enter into a contract or agreement concerning a transaction or  
 248 affects or would affect the party's decision about the terms of such a contract or agreement.

249 ■ **PERSON ACTING ON BEHALF OF BUYER:** "Person Acting on Behalf of Buyer" shall mean any person joined in interest  
 250 with buyer, or otherwise acting on behalf of buyer, including but not limited to buyer's immediate family, agents, employees,  
 251 directors, managers, members, officers, owners, partners, incorporators and organizers, as well as any and all corporations,  
 252 partnerships, limited liability companies, trusts or other entities created or controlled by, affiliated with or owned by buyer, in  
 253 whole or in part whether created before or after expiration of this Listing.

254 ■ **PROPERTY:** Unless otherwise stated, "Property" means all property included in the list price as described on lines 2-4.

255 ■ **PROTECTED BUYER:** Means a buyer who personally, or through any Person Acting on Behalf of Buyer, during the term of  
 256 this Listing:

257 1) Delivers to Seller or the Firm or its agents a written offer to purchase, exchange or option on the Property during the term  
 258 of this Listing;

259 2) Views the Property with Seller or negotiates directly with Seller by communicating with Seller regarding any potential  
 260 terms upon which the buyer might acquire an interest in the Property; or

261 3) Attends an individual showing of the Property or communicates with agents of the Firm or cooperating firms regarding  
 262 any potential terms upon which the buyer might acquire an interest in the Property, but only if the Firm or its agents  
 263 deliver the buyer's name to Seller, in writing, no later than three days after the earlier of expiration or termination (lines  
 264 196-204) of the Listing. The requirement in 3), to deliver the buyer's name to Seller in writing, may be fulfilled as follows:

265 a) If the Listing is effective only as to certain individuals who are identified in the Listing, by the identification of the  
 266 individuals in the Listing; or,

267 b) If a buyer has requested that the buyer's identity remain confidential, by delivery of a written notice identifying the firm  
 268 or agents with whom the buyer negotiated and the date(s) of any individual showings or other negotiations.

269 A Protected Buyer also includes any Person Acting on Behalf of Buyer joined in interest with or otherwise acting on  
 270 behalf of a Protected Buyer, who acquires an interest in the Property during the extension of listing period as noted on  
 271 lines 191-195.

272 **NON-DISCRIMINATION** Seller and the Firm and its agents agree that they will not discriminate against any  
 273 prospective buyer on account of race, color, sex, sexual orientation as defined in Wisconsin Statutes, Section  
 274 111.32(13m), disability, religion, national origin, marital status, lawful source of income, age, ancestry, family  
 275 status, status as a victim of domestic abuse, sexual assault, or stalking, or in any other unlawful manner.

276 **EARNEST MONEY** If the Firm holds trust funds in connection with the transaction, they shall be retained by the Firm in the  
 277 Firm's trust account. The Firm may refuse to hold earnest money or other trust funds. Should the Firm hold the earnest money,  
 278 the Firm shall hold and disburse the earnest money funds in accordance with Wis. Stat. Ch. 452 and Wis. Admin. Code Ch.  
 279 REEB 18. If the transaction fails to close and the Seller requests and receives the earnest money as the total liquidated  
 280 damages, then upon disbursement to Seller, the earnest money shall be paid first to reimburse the Firm for cash advances  
 281 made by the Firm on behalf of Seller and one half of the balance, but not in excess of the agreed commission, shall be paid to  
 282 the Firm as full commission in connection with said purchase transaction and the balance shall belong to Seller. This payment  
 283 to the Firm shall not terminate this Listing.

284 **OCCUPANCY** Unless otherwise provided, Seller agrees to give buyer occupancy of the Property at time of closing.  
 285 Unless otherwise agreed, Seller agrees to have the Property free of all debris and personal property except for personal  
 286 property belonging to current tenants, sold to the buyer or left with the buyer's consent.

287 **NOTICE ABOUT SEX OFFENDER REGISTRY** You may obtain information about the sex offender registry and  
 288 persons registered with the registry by contacting the Wisconsin Department of Corrections on the Internet at  
 289 <http://www.doc.wi.gov> or by telephone at (608)240-5830.



290 **DELIVERY OF DOCUMENTS AND WRITTEN NOTICES** Unless otherwise stated in this Listing, delivery of  
 291 documents and written notices to a party shall be effective only when accomplished by one of the methods specified at  
 292 lines 293-312.

293 (1) **Personal Delivery**: giving the document or written notice personally to the party, or the party's recipient for delivery if  
 294 named at line 295 or 296.

295 Seller's recipient for delivery (optional): Joe Stephenson

296 Firm's recipient for delivery (optional): Aaron Curran

297 ☐ (2) **Fax**: fax transmission of the document or written notice to the following telephone number:

298 Seller: ( ) Firm: ( )

299 ☐ (3) **Commercial Delivery**: depositing the document or written notice fees prepaid or charged to an account with a  
 300 commercial delivery service, addressed either to the party, or to the party's recipient for delivery if named at line 295 or  
 301 296, for delivery to the party's delivery address at line 305 or 306.

302 ☐ (4) **U.S. Mail**: depositing the document or written notice postage prepaid in the U.S. Mail, addressed either to the  
 303 party, or to the party's recipient for delivery if named at line 295 or 296 for delivery to the party's delivery address at line  
 304 305 or 306.

305 Delivery address for Seller: \_\_\_\_\_

306 Delivery address for Firm: \_\_\_\_\_

307 ~~xxx~~ (5) **E-Mail**: electronically transmitting the document or written notice to the party's e-mail address, if given below at  
 308 line 311 or 312. If this is a consumer transaction where the property being purchased or the sale proceeds are used  
 309 primarily for personal, family or household purposes, each consumer providing an e-mail address below has first  
 310 consented electronically as required by federal law.

311 E-Mail address for Seller: jstephenson@kaukauna-wi.org

312 E-Mail address for Firm: aaron@curranrealestate.net

313 **ADDITIONAL PROVISIONS** Lots will be marketed for sale individually.

314 Earnest money will be held by Schmitt Title, LLC, subject to separate earnest money agreement.

315 \_\_\_\_\_

316 \_\_\_\_\_

317 \_\_\_\_\_

318 **ADDENDA** The attached addenda "INSIDE THE PARK PLACE" subdivision plats, list of lots and corresponding list prices.

319 \_\_\_\_\_ is/are made part of this Listing.

320 **TERM OF THE CONTRACT** From the \_\_\_\_\_ day of May \_\_\_\_\_, 2022 \_\_\_\_\_, up  
 321 to the earlier of midnight of the \_\_\_\_\_ day of May \_\_\_\_\_, 2023 \_\_\_\_\_, or the conveyance  
 322 of the entire Property.

323 **BY SIGNING BELOW, SELLER ACKNOWLEDGES RECEIPT OF A COPY OF THIS LISTING CONTRACT AND**  
 324 **THAT HE/SHE HAS READ ALL 6 PAGES AS WELL AS ANY ADDENDA AND ANY OTHER DOCUMENTS**  
 325 **INCORPORATED INTO THE LISTING.**

326 (x) \_\_\_\_\_  
 327 Seller's Signature ▲ Print Name ▲ Date ▲

328 (x) \_\_\_\_\_  
 329 Seller's Signature ▲ Print Name ▲ Date ▲

330 (x) \_\_\_\_\_  
 331 Seller's Signature ▲ Print Name ▲ Date ▲

332 (x) \_\_\_\_\_  
 333 Seller's Signature ▲ Print Name ▲ Date ▲

334 \_\_\_\_\_  
 335 Seller Entity Name (if any) Print Name ▲

336 (x) \_\_\_\_\_  
 337 Authorized Signature ▲ Date ▲  
 338 Print Name & Title ►

339 Curran Real Estate, LLC

340 Firm Name ▲

341 (x) \_\_\_\_\_  
 342 Agent's Signature ▲ Print Name ► Date ▲

Lot #	Lot Size (acre)	SF or Duplex	List Price (\$)	Available, Under Contract, Sold
5	0.3	SF	42600	Available
19	0.3	SF	42600	Available
20	0.3	SF	42600	Available
21	0.3	SF	42600	Available
22	0.3	SF	42600	Available
23	0.3	SF	42600	Available
24	0.3	SF	42600	Available
25	0.3	SF	42600	Available
9	0.5	SF	52500	Available
13	0.5	SF	52500	Available
14	0.5	SF	52500	Available
17	0.5	SF	52500	Available
12	0.7	SF	58500	Available
6	1	SF	72500	Available
8	1	SF	72500	Available
7	1.25	SF	88000	Available
10	1.25	SF	88000	Available
<b>17 Lots Total</b>				

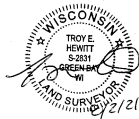
# INSIDE THE PARK PLACE

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

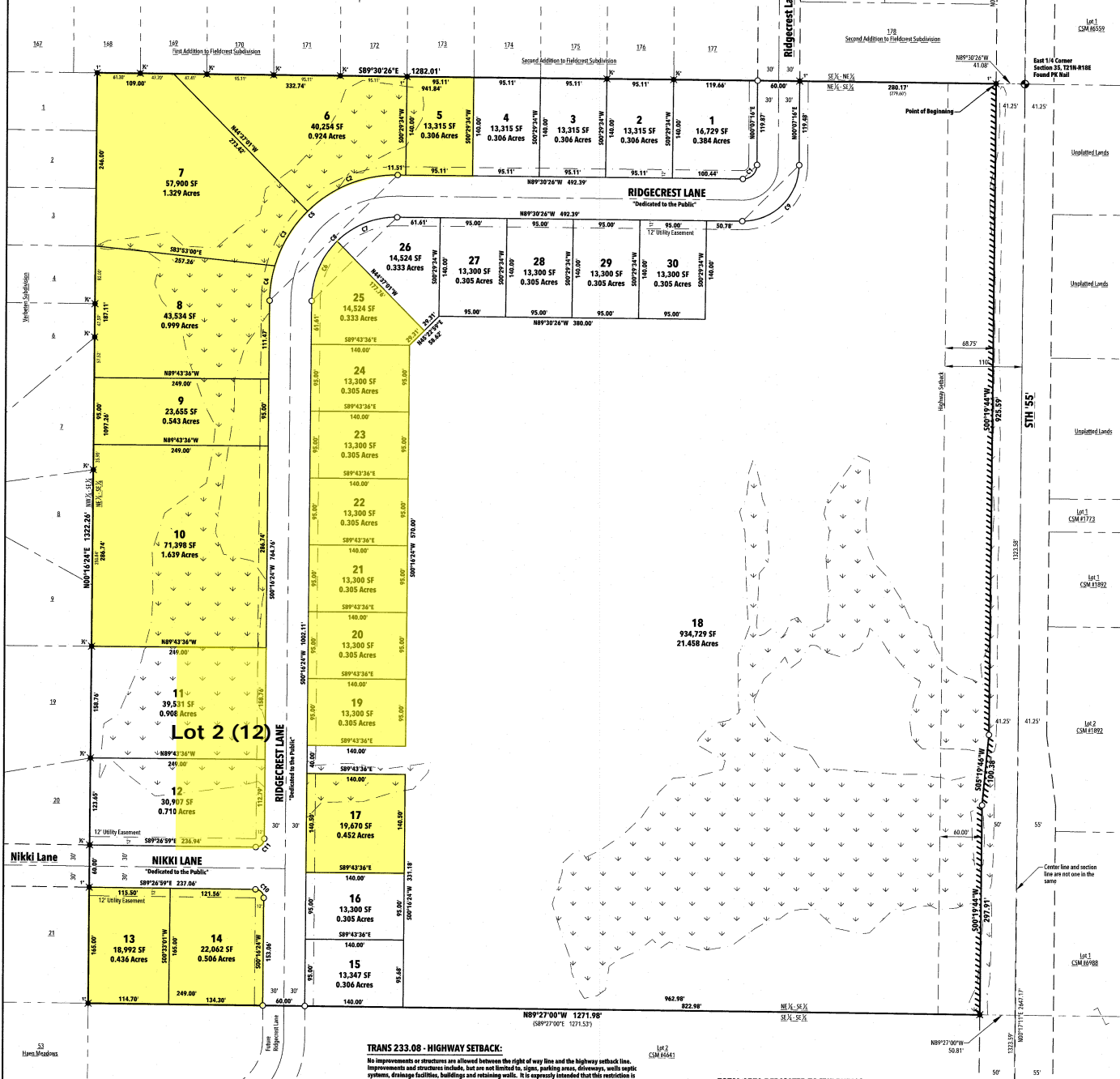
Certified July 30, 2021

*Rene M. Powsy*  
Department of Administration



Document #: 2243708  
Date: 08-09-2022 Time: 10:33 AM  
Pages: 2 File: \$50.00  
County: OUTAGAMIE COUNTY State: WI

*Frank A. Lee*  
SARAH R VAN CAMP, REGISTERED DEEDS  
Return via RETURN TO FILE  
Cabinet N Pages 128+129



## TRANS 233.08 - HIGHWAY SETBACK:

No improvements or structures are allowed between the right of way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveway, walkways, systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.2925, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assignee. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

## TRANS 233.04 - ACCESS RESTRICTION:

As owner I hereby restrict all lots and blocks in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with 5TH ST as shown on the plat. It being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to s.236.2925, Stats., and shall be enforceable by the Wisconsin Department of Transportation

## NOTES

Sidewalks will be required adjoining all street frontages

## WETLAND INFORMATION

Wetlands delineated by Travis A. Dink, David Engineering & Environmental on May 9, 2019.

A portion of the wetlands has been approved to be impacted for municipal activities by Wisconsin Department of Natural Resources General Permit Docket GP-06-2014-00718.

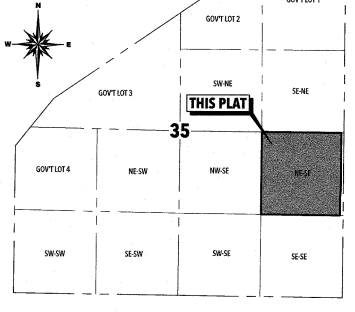
Curve #	Delta	Radius	Length	Chord	Chord Direction	Tangent Bearing	Second Tangent Bearing
C1	90°22'18"	20.00'	31.55'	N45°18'25"E	28.38'	S89°30'24"W	N00°07'16"E
C2	45°04'35"	180.00'	147.71'	S67°56'16.5"W	138.00'	N09°30'24"W	S45°22'59"W
C3	29°09'42"	180.00'	91.60'	S39°48'05.5"W	90.83'	S40°22'39"W	S16°13'12"W
C4	15°56'48"	180.00'	50.10'	S08°14'48"W	49.94'	S16°13'12"W	S00°16'24"W
C5	90°13'10"	180.00'	282.43'	S45°22'59"W	255.00'	N09°30'24"W	S00°16'24"W
C6	45°04'35"	120.00'	94.48'	S22°49'41.5"W	92.04'	S45°22'59"W	S00°16'24"W
C7	45°04'35"	120.00'	94.48'	S67°56'16.5"W	92.04'	N09°30'24"W	S45°22'59"W
C8	90°13'10"	120.00'	180.86'	S45°22'59"W	170.83'	N09°30'24"W	S00°16'24"W
C9	90°22'18"	80.00'	126.18'	N45°18'25"E	113.30'	S09°30'24"W	N00°07'16"E
C10	89°43'23"	12.00'	18.79'	N45°15'17.5"E	16.93'	S09°26'59"E	N00°16'24"E
C11	90°16'37"	12.00'	16.91'	N45°24'42.5"E	17.01'	S09°26'59"E	N00°16'24"E

**TOTAL AREA DEDICATED TO THE PUBLIC FOR RIGHT OF WAY PURPOSES**  
130,747 Square Feet  
3.002 Acres

## LOCATION SKETCH

Not to Scale

Section 35, T21N-R18E



## LEGEND

Found 1" Iron Pipe

Found Iron Rod (Size as noted)

County PLSS Monument

Set 2.373" Outside Dia. x 20" Iron Pipe min. wt. 3.65 lb./in. ft.

Wetlands

5TH ST Access Restriction

All other lot corners marked with a 1.125" outside dia x 16" iron pipe weighing 1.38 lbs/in. ft.

SCALE: 1" = 80'

0' 40' 80' 160'

Bearings are based on the Outagamie County Coordinate System. The east line of the Southeast 1/4 of Section 35 bears N00°17'11"E.

All linear measurements have been made to the nearest hundredth of a foot and computed to the nearest hundredth of a foot.

All angular measurements have been made to the nearest half second and computed to the nearest half second.

Drafted By: Troy E. Hewitt  
Original Date: 5/9/21  
Revised: 7/14/21 Access Restriction Note  
Revised: 7/26/21 Legal Description Revised

SHEET 1 OF 2

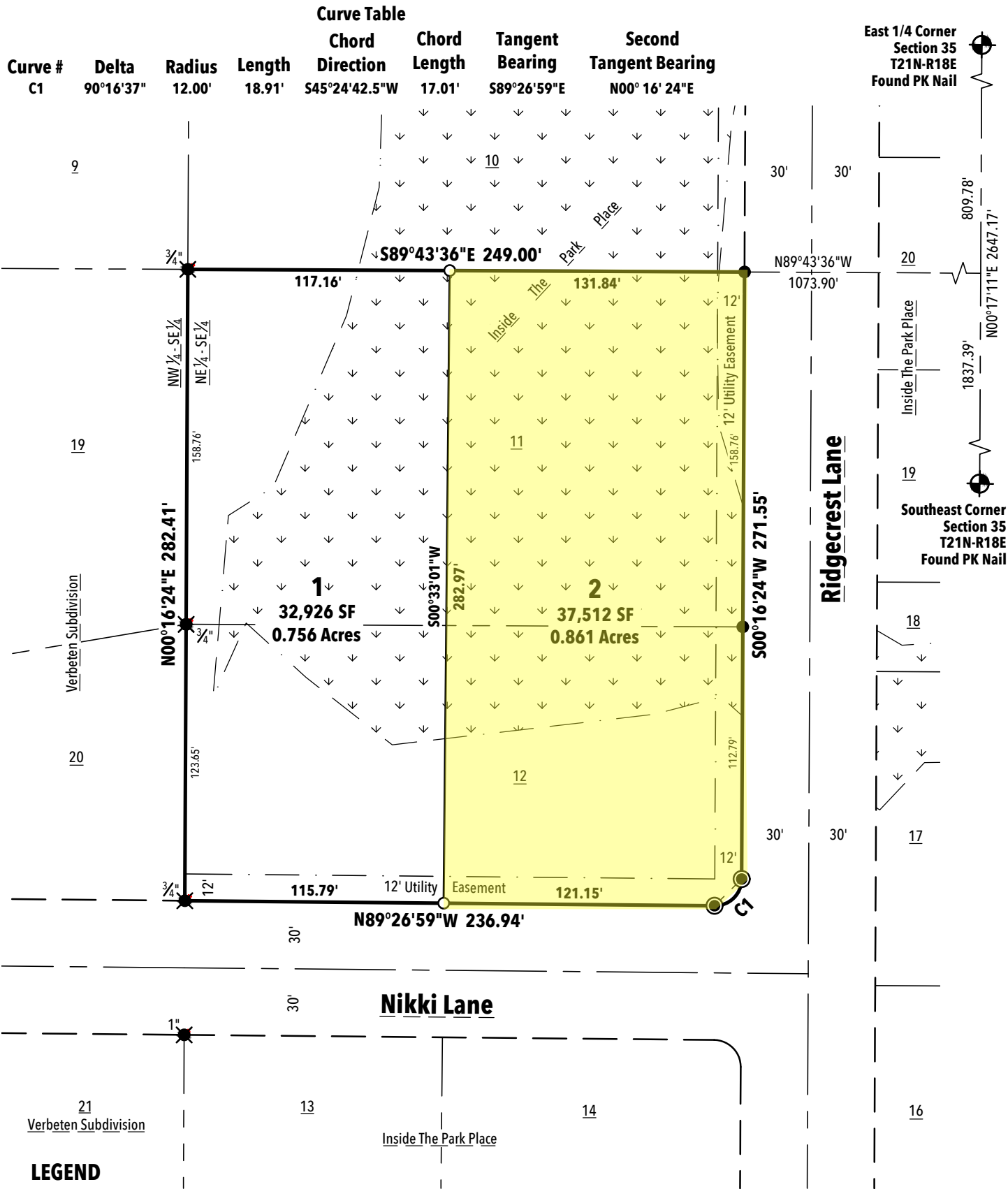


**Robert E. Lee & Associates, Inc.**  
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# CERTIFIED SURVEY MAP

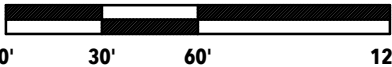
ALL OF LOTS 11 AND 12, INSIDE THE PARK PLACE, CABINET N, PAGES 128-129,  
DOCUMENT NUMBER 2243700, BEING PART OF THE NORTHEAST ¼ OF THE SOUTHEAST  
¼, SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA,  
OUTAGAMIE COUNTY, WISCONSIN



**LEGEND**

- Existing 1" Iron Pipe
- ⦿ Existing 2" Iron Pipe
- ⊗ Existing Iron Rod (size as noted)
- Set 1" x 18" Iron Pipe with cap weighing 1.38 lbs./lin. ft.
- ⊕ Recorded County Monument
- Wetlands (see note on sheet 2)

SCALE: 1" = 60'



Bearings are based on the Outagamie County  
Coordinate System. The east line of the  
Southeast ¼ of Section 35 bears N00°17'11"E.



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SHEET 1 OF 3

# CERTIFIED SURVEY MAP

ALL OF LOTS 11 AND 12, INSIDE THE PARK PLACE, CABINET N, PAGES 128-129, DOCUMENT NUMBER 2243700, BEING PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼, SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE:**

I, Troy E. Hewitt, Professional Land Surveyor, do hereby certify that by the order and under the direction of the owners listed hereon, I have surveyed, mapped and divided all of Lots 11 and 12, Inside The Park Place, Cabinet N, Pages 128-129, Document Number 2243700, being part of the Northeast ¼ of the Southeast ¼, Section 35, Township 21 North, Range 18 East, City of Kaukauna, Outagamie County, Wisconsin.

Said parcel contains 70,438 square feet or 1.617 acres of land more or less subject to easements and restrictions of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in the surveying, mapping and dividing of the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Troy E. Hewitt                      PLS #2831  
ROBERT E. LEE & ASSOCIATES, INC.

This certified survey map is contained wholly within the property described in the following recorded instruments.

<u>Owner of Record</u>	<u>Recording Information</u>	<u>Tax Parcel ID Number</u>
City of Kaukauna	Document Number 2180395	323222114
City of Kaukauna	Document Number 2180395	323222113

**GRADING AND GRADES:**

All grading and final grades for the construction of any public improvements, including landscaping, shall conform to the surface water drainage plan as approved and on file with the City of Kaukauna.

**NOTES:**

Sidewalks will be required adjoining all street frontages.

**WETLAND INFORMATION:**

Wetlands delineated by Travis A. Stuck, Davel Engineering & Environmental on May 8, 2019.

A portion of the wetlands has been approved to be impacted for municipal activities by Wisconsin Department of Natural Resources General Permit docket GP-NE-2021-45-00718.

**UTILITY EASEMENT PROVISIONS:**

An easement for electric, natural gas and communications service is hereby granted by the City of Kaukauna, to

Kaukauna Utilities  
WE Energies  
AT&T  
and  
Time Warner

Grantees, their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



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# CERTIFIED SURVEY MAP

ALL OF LOTS 11 AND 12, INSIDE THE PARK PLACE, CABINET N, PAGES 128-129, DOCUMENT NUMBER 2243700, BEING PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼, SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

## OWNER'S CERTIFICATE:

City of Kaukauna, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said corporation caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this plat.

City of Kaukauna does further certify that this plat is required by s.236.34 to be submitted to the following for approval or objection:

CITY OF KAUKAUNA

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

In the presence of the City of Kaukauna

\_\_\_\_\_  
Anthony J. Penterman  
City of Kaukauna Mayor

\_\_\_\_\_  
Sally Kenney  
City of Kaukauna Clerk

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, the above named property owner(s) to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wisconsin My commission expires \_\_\_\_\_

## CITY OF KAUKAUNA COMMON COUNCIL APPROVAL CERTIFICATE

Resolved, that the plat of Inside the Park Place in the City of Kaukauna, City of Kaukauna owner, is hereby approved by the Common Council.

\_\_\_\_\_  
Anthony J. Penterman  
City of Kaukauna Mayor

\_\_\_\_\_  
Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Kaukauna.

\_\_\_\_\_  
Sally Kenney  
City of Kaukauna Clerk

\_\_\_\_\_  
Date

## TREASURER'S CERTIFICATE:

We, being the duly elected, qualified and acting Treasurers' of the City of Kaukauna and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

\_\_\_\_\_  
Sally Kenney  
City of Kaukauna Treasurer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Trenten Woelfel  
Outagamie County Treasurer

\_\_\_\_\_  
Date



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SHEET 3 OF 3

**CITY OF KAUKAUNA  
ORDINANCE 1862-2022**

**ORDINANCE CREATING CHAPTER 18 OF THE MUNICIPAL CODE OF  
SUBDIVISIONS**

**CHAPTER 18 SUBDIVISION & PLATTING REGULATIONS**

**WHEREAS**, the most recent update to Chapter 18 of the City of Kaukauna Code of Ordinances was last updated in the 1970s; and

**WHEREAS**, Chapter 18 will promote orderly residential growth and guide land-developers within the City of Kaukauna; and

**WHEREAS**, Chapter 18 will promote best practices for road and lot design; and

**WHEREAS**, the Plan Commission of the City of Kaukauna, Wisconsin has passed a favorable recommendation on the adoption of Chapter 18.

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:**        **ADOPTION** “Chapter 18 SUBDIVISION AND PLATTING REGULATIONS” of the City of Kaukauna Municipal Code is hereby *added* as follows:

**ADOPTION**

Chapter 18 SUBDIVISION AND PLATTING REGULATIONS(*Added*)

**SECTION 2:**        **ADOPTION** “18.01 Introduction” of the City of Kaukauna Municipal Code is hereby *added* as follows:

**ADOPTION**

18.01 Introduction(*Added*)

*Authority.* These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Common Council of the City of Kaukauna, of County Outagamie, Wisconsin, does ordain as follows:

1. Title. The name of this ordinance shall be known and cited as the " Subdivision & Platting Subdivision Regulations for the City of Kaukauna".
2. Effective Date. This ordinance shall be effective after adoption by the Common Council and publication or posting as provided by law.



**SECTION 3:        ADOPTION** “18.02 Purpose And Intent” of the City of Kaukauna Municipal Code is hereby *added* as follows:

## ADOPTION

### 18.02 Purpose And Intent(*Added*)

1. *Purpose.* The purpose of this Ordinance is to regulate the subdivision of land or creation of a condominium within the corporate limits and extraterritorial plat approval jurisdiction of the City of Kaukauna to promote the public health, safety and general welfare of the community; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewage, and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of land subdivided and conveyed by accurate legal description. These regulations are made with reasonable consideration, among other things, of the character of the City and its environs with a view of conserving the value of land and improvements placed thereon, providing the best possible environment for human habitation, for encouraging commerce and industry, and providing for the most appropriate use of land in the City and its environs.
2. *Intent.* It is the general intent of this Ordinance to regulate the division of land, to supplement the provisions of Chapter 236 of Wisconsin Statutes, and to:
  - a. promote the public health, safety and general welfare within the City of Kaukauna and its environs;
  - b. lessen congestion in the streets and highways and provide for proper ingress and egress;
  - c. further the orderly layout and use of land as identified in the adopted Comprehensive Plan;
  - d. secure safety from fire, panic and other dangers;
  - e. provide adequate light and air including access to sunlight for solar collectors and to wind for wind energy systems;
  - f. prevent the overcrowding of land;
  - g. avoid undue concentration of population;
  - h. facilitate adequate provision for housing, transportation, water supply, sanitary sewer, stormwater, schools, parks, playgrounds and other public requirements;
  - i. facilitate the further division of larger tracts into smaller parcels of land;
  - j. promote proper monumenting of land and conveyancing by accurate legal description;
  - k. prevent flood damage to persons and properties and minimize expenditures for flood relief and flood-control projects;
  - l. prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
  - m. support the goals of sustaining natural resources through regulating the

- conservation, protection and proper development of the City's soil, water, wetland, woodland, and wildlife resources;
- n. preserve natural vegetation and cover and promote the natural beauty of the City;
- o. restrict building sites in areas covered by poor soils, poor topography, or in other areas poorly suited for development;
- p. avoid the harmful effects of premature divisions or development of land;
- q. to facilitate enforcement of community development standards as set forth in the Comprehensive Plan, Zoning Ordinance, Building Code, and Official Map of the City;
- r. provide for the administration and enforcement of this chapter; and
- s. provide penalties for violations of this chapter.

The provisions of the ordinance are made with reasonable consideration, among other things, of the character of the city with a view of conserving the value of the buildings placed upon the land providing the best possible environment for human habitation and encouraging the most appropriate use of land throughout the city.

**SECTION 4:**        **ADOPTION** “18.03 Interpretation” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.03 Interpretation(*Added*)

The provisions of this ordinance shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Headings are provided in this chapter for convenience and ease of reference; they shall not be used to interpret the purpose, effect or meaning of any provision of this chapter. Words or phrases that are defined in this chapter shall have the meaning stated in their definition. Undefined words or phrases shall have their common, ordinary meaning unless a particular meaning is clearly suggested by the context in which they appear. As used in this chapter, "shall" is mandatory and "may" is permissive. Singular words generally include the plural and vice versa. Words of a particular gender generally include all genders.

**SECTION 5:**        **ADOPTION** “18.04 Abrogation And Greater Restrictions” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.04 Abrogation And Greater Restrictions(*Added*)

It is not the intent of this ordinance to repeal, abrogate, annul, impair or interfere with existing easements, covenants, deed restrictions, agreements, rules and regulations governing the subdivision of land; provided, however, that where this ordinance is more restrictive, the provisions of this ordinance shall govern.

**SECTION 6:**        **ADOPTION** “18.05 Severability And Disclaimer Of Liability” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18.05 Severability And Disclaimer Of Liability(*Added*)

1. If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall be deemed to be severable, shall not be affected by such judgment and shall remain in full force and effect.
2. Disclaimer of Liability. The City does not guarantee, warrant or represent that only those areas designated as floodlands on plats and certified survey maps will be subject to periodic inundation nor does the City guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by the chapter are the only unsuited soils within the jurisdiction of the chapter; and thereby asserts that there is no liability on the part of the Common Council, its agencies or employees for flooding problems, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.

**SECTION 7:**        **ADOPTION** “18.06 (Reserved)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18.06 (Reserved)(*Added*)

**SECTION 8:**        **ADOPTION** “18.07 Administrator” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18.07 Administrator(*Added*)

This chapter shall be administered by the Planning Director or their designee. The Planning Director, in the administration of this chapter, shall:

1. Receive plats and certified survey maps from the subdivider. The Planning Director shall distribute copies of plats and certified survey maps as provided for in this chapter and shall receive review comments from review agencies, boards and committees required to comment on such land division.
2. Advise the subdivider of all recommendations made by the Plan Commission and actions taken by the Common Council.
3. Maintain records of plat and certified survey map filings, approvals, fees paid and other sureties.
4. Determine that all land divisions within the jurisdiction of this chapter requiring review by this chapter have secured the necessary review and approvals.
5. Assist the City Attorney in the prosecution of violations.

**SECTION 9:           ADOPTION** “18.08 Definitions” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.08 Definitions(*Added*)

For the purpose of these regulations, the following terms are defined. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word “shall” is mandatory.

*Alley.* A public or private right-of-way usually of reduced width that affords only secondary access to a lot, block, or parcel of land. [See § 236.02(1), Wis. Stats.] Alley. A special public way affording only secondary access to abutting properties.

*Bikeway.* A bike route completely apart from a street and restricted to bicycle, pedestrian and maintenance vehicle traffic.

*Block.* An area of land with well defined boundaries within a platted subdivision that is entirely surrounded by a combination of streets, exterior subdivision boundary lines, public parks, cemeteries, railway right-of-way, streams, or other water bodies.

*Building Line or Building Setback Line.* A line on a lot, generally parallel to a lot line or public or private road right-of-way line, located a sufficient distance from either to provide the minimum yards required by this chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this chapter. This is also referred to as a "setback."

*Building Site.* A parcel of land occupied, or intended to be occupied, by a structure as permitted under applicable zoning regulations.

*Certified Survey Map.* A map intending to create not more than four parcels of land as provided in § 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of § 236.34, Wis. Stats., bear a certificate of approval of the Common Council, certified by the City Clerk, and shall meet the requirements of this chapter.

*Common Open Space.* Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the community. Common open space does not include any portion of a private residential lot, and shall be substantially free of structures, but may contain historic structures, shared recreational structures, including but not limited to pool houses or stables, as indicated on the approved development plan.

*Community.* A town, municipality, or a group of adjacent towns and/or municipalities having common social economic or physical interests.

*Comprehensive Plan.* A comprehensive plan prepared in accordance with Wis. Stats. § 66.1001 by the City indicating the general locations recommended for the various functional classes of land, places and structures, and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof. This comprehensive development plan may also be known as the Comprehensive Plan or "Smart Growth" Plan.

*Concept Plan.* A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

*Condominium.* A form of property ownership providing for individual ownership of a unit within a structure where the land, other parts of the structure, and other facilities are held in common with other owners pursuant to Chapter 703, Wis. Stats. A condominium is a legal form of ownership of real estate and not a specific building type or style.

*Conservation Easement.* The grant of a property right or interest from the property owner to a unit of government or nonprofit organization stipulating that the described land shall remain in its natural, scenic, open or wooded, or agricultural state, precluding future or additional development.

*Development Pad.* Also referred to as "development envelope." That portion of a lot which is intended to be graded, paved, or built upon.

*Drainageway.* An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use, including, but not limited to, maintenance, bicycle, and pedestrian traffic; sanitary sewers; water mains; storm sewers; stormwater detention; park development; and other related uses. Drainageways may also be referred to as "greenways."

*Driveway.* An all-weather vehicle access to private property from a public or private street.

*Dwelling Unit.* A room or group of rooms, providing or intended to provide permanent living quarters for not more than one family.

*Easement.* An area of land set aside, or over or through which liberty, privilege, or advantage in land, distinct from ownership of the land, is granted by the owner to the public or some particular person or part of the public, or utility.

*Environmental Feature.* Those lands containing concentrations of scenic, recreational and other natural resources as identified and delineated by Wisconsin Department of Natural Resources. These natural resource and resource-related elements include the following: lakes, rivers and streams, together with their natural floodplain; wetlands; forest and woodlands; wildlife habitat areas; rough topography; significant geological formations; wet or poorly drained soils; existing outdoor recreation sites; potential outdoor recreation and related open-space sites; historic sites and structures; and significant scenic areas of vistas.

*Extraterritorial Plat Approval Jurisdiction.* The unincorporated area within three one and one-half (1.50) miles of the City of Kaukauna, a Class III municipality.

*Financial Guarantee.* A letter of credit, cash or certified check, or surety bond guaranteeing performance of a contract or obligation through possible forfeiture of the letter of credit, cash or certified check, or surety bond if such contract or obligation is unfilled by the subdivider.

*Frontage Street or Frontage Road.* A minor street auxiliary to and located on the side of an arterial or collector street and which provides for access and service to the abutting properties away from the arterial or collector street traffic.

*Governing Body.* The Common Council of the City of Kaukauna.

*Half Street.* A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.

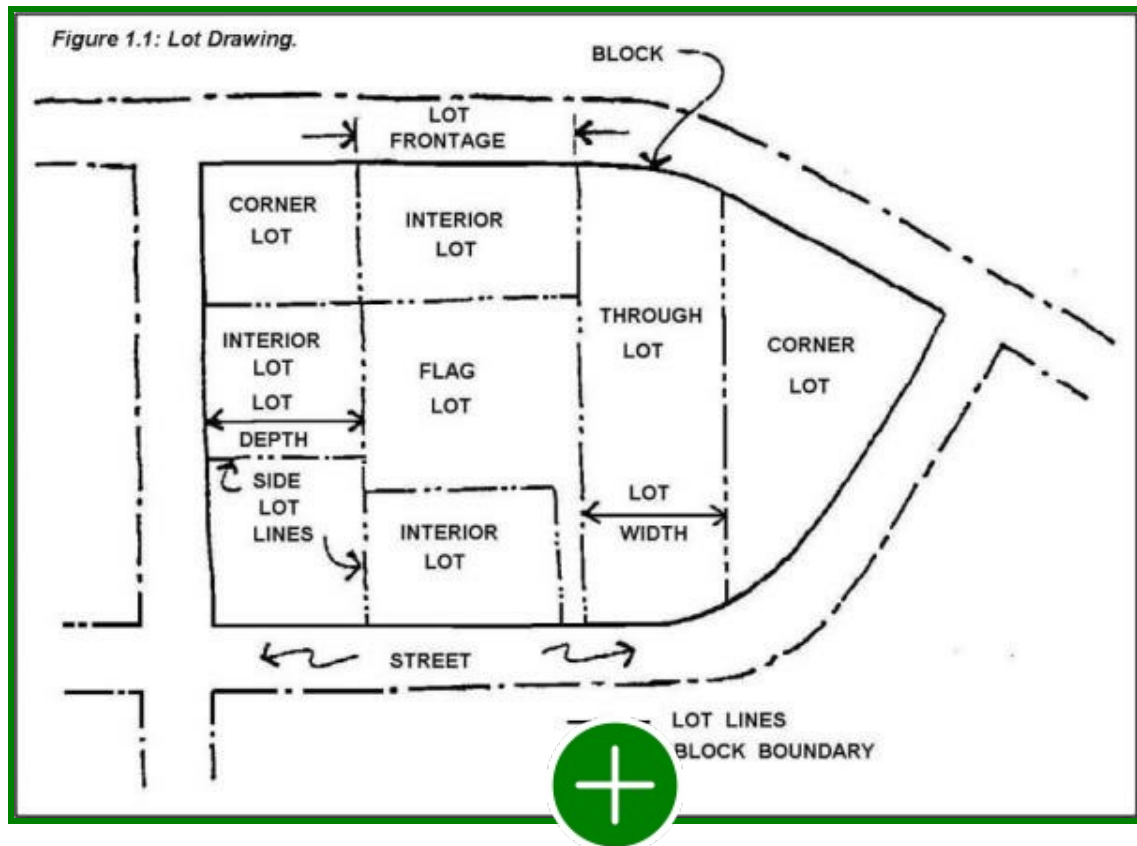
*Improvement, Public.* Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

*Irrevocable Letter Of Credit.* An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the City and which is approved as to form by the City Attorney.

*Land Division.* Any division (or consolidation) of a lot(s) or parcel(s) of land by the owners thereof or their agents for the purpose of transfer of ownership, building development, or mortgage description.

*Lot.* A parcel of land that:

1. Is undivided by any street or private road;
2. Is occupied by, or designated to be developed for occupancy by a use permitted in this chapter, including one principal building or use, together with any accessory buildings, open spaces, and parking spaces required by this chapter; and has its frontage upon a street or upon an officially approved place.



Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 110°. On a through lot, both street lines shall be deemed front lot lines for the purposes of this chapter.

Lot Depth. The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.

Lot, Flag. Lots that have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street.

Lot Frontage. Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this chapter shall be provided at each such line.

Lot, Interior. A lot other than a corner lot, with frontage on one street.



*Lot Lines.* A lot line is the property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this chapter.

*Lot, Through.* A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway or collector roads. Double frontage lots abutting arterial highways or collector roads should restrict direct access to the arterial highway or collector roads by means of a planting buffer or some other acceptable access buffering measure.

*Lot Width.* The shortest distance between the side lot lines of a lot measured at the midpoint of the building line.

*Master Plan.* See "Comprehensive Plan."

*Minor Subdivision.* The division of land by the owner or subdivider resulting in the creation of two (2), three (3) or four (4) parcels or building sites, any one of which is four (4) acres in size or less, or the division of a block, lot or outlet within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlet.

*Monument or Monumentation.* The establishment of permanent on-the-ground objects that mark exact locations of surveyed points and lines in the United States Public Land Survey System. Monuments serve to mark points used for geodetic control networks as well as points used to reference property boundaries. Monuments can take a variety of forms. They are the legally binding markers used for setting property lines and as such are the culminating work of any survey.

*Municipality.* An incorporated village or city.

*Navigable Water* — Reference [Chapter 22](#)

1. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state, though it may be dry during other seasons.

*Official Map.* A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, school sites, and other public or community facilities, as adopted by the Common Council pursuant to § 62.23, Wis. Stats.

*Outlot.* A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development in the proposed land division.



*Owner.* The owner of record of fee simple title to any lot that is a part of properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those who have a lien upon the property by provision or operation of law.

*Owners' Association.* A community organization incorporated or unincorporated, which combines individual parcel ownership with shared use or ownership of common property or facilities.

*Parent Parcel.* An existing parcel (or parcels) of record, as identified by individual tax identification numbers, as of the effective date of this chapter, from which land divisions are proposed.

*Plan Commission.* The City Plan Commission established in conformity with § 62.23, Wis. Stats, and Chapter 17 of the Zoning Code.

*Planned Unit Development or PUD.* A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings and providing common open space. Ordinances permitting planned unit developments allow planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.

*Plat.* A map of a subdivision complete with all certificates and engineering data per Chapter 236, Wisconsin Statutes.

*Plat, Final.* A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The final map, drawing or chart and accompanying materials on which the subdivider's plan of land division is presented for approval and which, if approved, shall be recorded with the Outagamie County Register of Deeds.

*Plat, Preliminary.* A map and other submitted information documenting the salient features of a proposed division of land as described and required in this chapter and submitted to the City for purposes of preliminary consideration prior to final platting.

*Protective Restrictions Or Covenants.* Contracts entered into between private parties which constitute a restriction on the use of all private properties within a platted subdivision or certified survey map for the benefit of the property owners, and which provide mutual protection against undesirable aspects of development that would tend to impair the stability of values.

*Public Way.* Any road, street, highway, walkway, easement, drainageway, or part thereof, intended for access to or use by the general public and City.

*Replat.* The process of changing, or the map or plat that changes, the boundaries of a recorded subdivision plat or a part thereof. The subdivision of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat, but is a land division.

*Right-Of-Way.* A public way dedicated to the public for the intended use.

*Right-Of-Way, Ultimate.* The required future right-of-way for a street, highway, alley, or other public way as illustrated in the adopted Comprehensive Plan or the adopted Official Map for the City of Kaukauna.

*Shorelands.* Defined in § 59.692(1), Wis. Stats., to mean the area within the following distances from the ordinary high-water mark of navigable waters, as defined in § 281.31(2m), Wis. Stats.

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high- water mark of the lake.
2. Three hundred feet from a river or a stream or to a landward side of the floodplain, whichever distance is greater.

*Soil Mapping Unit.* Soil types, slopes and erosion factors delineated on detailed operational soil survey maps prepared by the United States Natural Resources Conservation Service (formerly "Soil Conservation Service").

*Steep Slope.* Steep slopes are areas which contain a gradient of 12% or greater (equivalent to a ten-foot elevation change in a distance of 83 feet or less), as shown on Environmental Corridor Map or from more accurate on-site survey.

*Street.* Unless specifically designated otherwise by the City, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is 21 feet or more in width if it exists at the time of enactment of this chapter or any such public right-of-way 50 feet or more in width when established after the effective date of this chapter, or otherwise by approved plat.

*Street, Arterial (Minor).* A street that links cities and large towns, spaced at such intervals so that all developed areas of the state are within a reasonable distance of an arterial highway. These roadways provide service to corridors with trip lengths and travel density greater than those served by rural collectors or local systems. Their design and function should be expected to provide for relatively high overall speeds, with minimal traffic control to interfere with mobility.

*Street, Arterial (Principal).* A street that provides for the movement of relatively heavy volumes of traffic movements of substantial statewide or interstate travel. It has a secondary function of providing access to collector streets and tertiary function of providing access to abutting properties.

*Street, Collector (Major).* Major collectors provide service to smaller-to-moderate sized places and other intra-area traffic generators, and link those generators to nearby larger population centers (cities, villages, and towns) or higher function routes.

*Street, Collector (Minor).* A street that collects and distributes internal traffic within a distinct urban area such as a residential neighborhood, between the arterial street and local streets. It has a secondary function of providing access to abutting properties.

*Street, Cul-De-Sac.* A minor street with only one outlet and culminating in a permanent or temporary turnaround.

*Street, Dead-End.* A street permanently or temporarily closed at one end, with or without turnarounds.

*Street, Minor (Local).* A street of minimum continuity designed for low speeds and volumes and to provide access to low traffic generating property and leading into collector and arterial street systems.

*Structure.* Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts, excepting public utility fixtures and appurtenances.

*Subdivider.* Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this chapter.

*Subdivider's Agreement or Developer's Agreement.* An agreement by which the City and the subdivider agree in reasonable detail as to all of those matters relating to the construction and timing of public improvements for a development.

*Subdivision.* The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of four (4) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of four (4) acres each or less in area by successive division within a period of five (5) years; or where a road is created more than 60 feet long.

*Subdivision, Conservation.* A housing development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

*Subdivision, Conventional.* The division of a lot, parcel or tract of land by the owners thereof or the owner's agent, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area by successive division within a period of five years. Other divisions of land shall be termed "minor land divisions." The definition of a subdivision shall not apply to commercial or industrial land divisions except to the extent regulated by state law.

Urban Service Area. That portion of the City of Kaukauna and those areas within its extra-territorial jurisdiction or its Comprehensive Plan, which have been designated by the Common Council of the City of Kaukauna as the areas to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but may not be limited to, public sanitary sewers.

Water Supply System. Any public facilities installed or constructed to obtain, store, treat, or convey water for public consumption or domestic use.

Wetlands. Defined in §23.32(1), Wis. Stats., to mean an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation in which have soils indicative of wet conditions.

Zoning Code. The City of Kaukauna Zoning Ordinance, which is Chapter 17 of the Municipal Code.

**SECTION 10:            ADOPTION** “18.09 Jurisdiction And Compliance” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.09 Jurisdiction And Compliance(*Added*)

1. Jurisdiction. Jurisdiction of these regulations shall include all lands and waters within the corporate limits of the City and those lands within the extraterritorial jurisdiction of the City as established in §§61.35, 62.23(2) and 236. 10, Wis. Stats. The provisions of this Title shall not apply to:
  - a. Cemetery plats made under § 157.07, Wis. Stats., and assessor's plats made under § 70.27, but such assessor's plats shall comply with § 236.15(1)(a) to (g) and 236.20 (1) and (2)(a) to (e), unless waived under § 236.20(2)(L), Wis. Stats.
  - b. Sale or exchange of parcels of public utility or railroad right-of-way lands to adjoining property owners if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by chapter 236, Wis. Stats., or any other ordinance of the City.
  - c. Transfers of interests in land by will or pursuant to court order if such division applies to less than five (5) parcels.
  - d. Leases for a term not to exceed 10 years, mortgages or easements.
  - e. Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
  - f. Miscellaneous discretionary exemptions. In unusual circumstances, where a particular proposed land division, condominium plat, development or replat is technically subject to this chapter but poses none of the potential problems addressed by this chapter, the Common Council may, after the required preapplication staff conference, and after review and recommendation by the Plan Commission, exempt a particular land division from the requirements of

this chapter. The Council shall make an express finding that compliance is unnecessary to accomplish the purposes of this chapter. This subsection shall not be utilized, under any circumstances, to exempt any proposed land division that would result in the creation of a new buildable lot.

2. *Subdivision Requirement.* No land within the corporate limits of the City or within the extraterritorial plat approval jurisdiction shall, after the effective date hereof, be divided or consolidated, nor may such document be entitled to be recorded in the office of the Register of Deeds, nor may any street be laid out, nor may any improvements be made to the land until the provisions of this Title and chapter 236, Wisconsin Statutes, are met and the plat or certified survey map and the plan or plans of the subdivision shall have been approved by the Plan Commission and Common Council and certified thereto by the City Clerk.
3. *Land Division Requirement.* Any division of land which results in a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a plat thereof approved and recorded as required by this Title. Any division or consolidation of land which results in other than a subdivision defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map thereof approved and recorded as required by this Title.
4. *Compliance.* No person, firm or corporation shall divide, consolidate, or reconfigure any land located within the jurisdictional limits of these regulations which results in a subdivision, minor subdivision, condominium plat, reconfiguration or replat as defined herein; shall be entitled to record; and no streets shall be laid out or improvements made to land without compliance with all requirements of this ordinance, and the following documents:
  - a. Provisions of Ch. 236, Wis. Stats.
  - b. Rules of the Wisconsin Department of Safety and Professional Services, as contained in SPS 383 of the Wisconsin Administrative Code, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
  - c. Rules of the Wisconsin Department of Transportation, as contained in TRANS 233 of the Wisconsin Administrative Code, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street or service road.
  - d. Rules of the Wisconsin Department of Natural Resources, as contained in NR 116 and NR 117 of the Wisconsin Administrative Code, setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.
  - e. Approved Comprehensive Plan or Comprehensive Plan components of the City.
  - f. The City zoning ordinance and all other applicable local and county ordinances.
5. *Building Permit Requirement.* No building permit shall be issued by the City authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date hereof until the provisions and requirements of this Title have been met, and a resolution approving the land division or consolidation has been adopted by the Common Council.

**SECTION 11:** **ADOPTION** “18 GENERAL PROVISIONS” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18 GENERAL PROVISIONS(*Added*)

**SECTION 12:** **ADOPTION** “18.10 Consistency With Adopted Plans, Maps And Ordinances” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.10 Consistency With Adopted Plans, Maps And Ordinances(*Added*)

No subdivision plat, certified survey map or condominium plat shall be approved or recorded for any parcel of land whose proposed subdivision or use would not comply with the applicable standards of the City’s Comprehensive Plan, Zoning Ordinance, Official Map, and all other ordinances. Subdividers shall refer to the Official Map for site-specific standards related to intersection and driveway placement and spacing; right-of-way dedications and general street and pedestrian facility routing; stormwater management facility locations; and planned community facility locations.

**SECTION 13:** **ADOPTION** “18.11 Dedication And Reservation Of Lands” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.11 Dedication And Reservation Of Lands(*Added*)

1. *Streets, Drainage Ways or Other Public Ways.* Wherever a tract of land to be subdivided embraces all or any part of a street, drainage way or other public way which has been designated in the comprehensive plan or component part thereof, or on the Official Map of the City of Kaukauna, said public way shall be made a part of the plat and dedicated or reserved or treated by the developer as determined by the Planning Commission, in the locations and dimensions indicated on such a plan or map and as set forth in this ordinance.
2. *Public Sites and Open Spaces.* In order that adequate open space and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the park and recreation sites and facilities necessary to serve the additional families brought into the community by subdivision development be more equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions are established:



- a. Reservation of Potential Sites. In the design of a subdivision, condominium development, or land division, consideration shall be given to the adequate provision of and correlation with such public sites or open spaces where it is determined by the City Plan Commission that a portion of the area is required for such public sites or open spaces, these proposed public lands shall be so designed as to be made an integral part of the plat and may be dedicated but in any case, shall be reserved, for acquisition at undeveloped land costs, by the agency having jurisdiction, for a period not to exceed two (2) years unless extended by mutual agreement.
- b. Dedication of Sites. Where feasible and compatible with the Comprehensive Plans for development of the community, the subdivider shall dedicate to the public adequate land to provide for the park and recreation needs of the subdivision, condominium or land division. The amount of land to be provided shall be determined on the basis of 1,100 square feet per detached single- family housing unit and 900 square feet per attached multi- family housing unit created by a subdivision plat, condominium plat, or Certified Survey Map. If the number of housing units is not specified on the plat or Certified Survey Map, the maximum allowable density under the City Zoning Ordinance shall be utilized to determine the number of allowable housing units to be used to establish public land dedication requirements.
- c. Access to Park, Water Feature or Recreational Area. Wherever a subdivision or land division abuts a public use area, such as a park, lake, stream, or any similar type of public recreational area, the subdivider, at the option of the Plan Commission as required by Section 236.16 (3), Wisconsin Statutes, shall be at least 100 feet wide to provide sufficient areas for turning movements and parking connecting such public area with a public street, so that there shall be adequate public access to the public use area.
  - (1) Determination of Feasibility. The determination as to the feasibility of dedication shall be made by the City Planning Commission.
  - (2) Proportionate Payment in Lieu of Dedication. Where the City, at its sole discretion, determines such dedication is not feasible or compatible with the Comprehensive Plan or other plans of the City, the subdivider shall, in lieu thereof, pay to the City, depending on the location of the plat, a fee equivalent to the value of the required dedication. Such fee shall be determined as follows:
    - (A) Two hundred fifty dollars (\$250.00) per residential lot created by the subdivision to be held by the City in a non-lapsing fund.
    - (B) The subdivision fee for each lot shall be paid in equal annual installments in the same manner as special assessments. The first such installment shall be due the same time as the first installment for the first special assessment levied against such lot becomes due, and with a similar installment coming due annually during the remaining years of the first special assessment. Provided however, that if before the City shall have levied any special assessment against any such lot, the subdivider installs sewer, water or street improvements, such first installment of the subdivision fee shall be due in the year

following the year in which the subdivider installed the first said improvements with all of the remaining installments coming due annually thereafter. Any multiple of such installments may be paid at any time but any installments not paid when due shall bear interest after the due date at the rate of 6 percent per annum.

- (C) No final plat shall be approved unless there shall first be executed by the owner and each person holding an interest in the fee of record or by being in possession, of any of the land in such subdivision, an agreement with the City of Kaukauna agreeing to pay the subdivision fee on each lot owned by him or in which he has such an interest, in the amount, and in the manner and at the time as provided herein, and further agreeing that the respective subdivision fee for each lot, including interest, if any, or unpaid portion of such subdivision fee and interest, shall be and remain a lien against such lot until fully paid. Such agreement shall be executed in such manner and form as to entitle it to be recorded by the Register of Deeds.

No payment shall be required for a lot, created by the subdivision of land under this ordinance, on which a residential structure already exists, or which is a residual parcel in excess of 4 acres and not intended for immediate sale or other conveyance. Likewise, where a lot or parcel, for which payment has once been made, is further divided, payment shall be required only for the additional lots or parcels created.

- (D) In the event that more than one dwelling unit (example: duplex or multi-family apartment house) is to be constructed on a newly created lot, a two hundred fifty dollar \$250.00 subdivision fee shall be assessed against each dwelling unit and payment shall be made in the manner prescribed above. This provision shall apply to all lots created after the effective date of this ordinance. If at the time of subdividing, the intent is to place only one dwelling unit on each newly created lot; but, at a later date it is decided to place more than one dwelling unit on a given lot, the developer shall enter into an agreement with the City of Kaukauna agreeing to pay the \$250.00 subdivision fee for each dwelling unit in excess of one in the manner prescribed above prior to the issuance of a building permit.

**SECTION 14:** **ADOPTION** “18.12 Plats Or Certified Survey Maps Outside Corporate Limits” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION



## 18.12 Plats Or Certified Survey Maps Outside Corporate Limits(*Added*)

Plats or certified survey maps outside the corporate limits. Before final approval by the City of Kaukauna of any plat or certified survey map located outside the corporate limits of the City, but within the plat approval jurisdiction of the City, the subdivider shall give evidence that he has complied with all Design Standards and Required Improvements as stated in this Ordinance.

**SECTION 15:        ADOPTION** “18.13 Land Suitability” of the City of Kaukauna Municipal Code is hereby *added* as follows:

### ADOPTION

## 18.13 Land Suitability(*Added*)

1. No land shall be subdivided which is held unsuitable for such use by the City Planning Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any feature likely to be harmful to the health, safety, or welfare of the future users of the proposed subdivision or of the community. The City Planning Commission, in applying the provisions of this section, shall recite the particular facts upon which is bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the City Planning Commission may affirm, modify, or withdraw its determination of unsuitability.
2. Where the subdivision of tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, adverse soil conditions, or rock formations, unfavorable topography, inadequate water supply or sewage disposal capabilities, or for any other reason, such areas shall not be divided into buildable sites, and shall be handled as follows:
  - a. Poor Drainage. Land subject to ponding, poor permeability or poor drainage, or for other causes as determined by the Planning Commission, or its designated agent, and if said land is not zoned as a conservancy or wetland floodplain district or similar district, on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:
    - (1) If said land is designated as park, parkway, other open-space, or other public use on the adopted plan of the City of Kaukauna, the developer may dedicate said land to the city, applicable town, or county, but in any case must reserve said land for not less than two (2) years for acquisition by the city, town or county.
    - (2) If said land is not designated as a park, parkway, or other public use on an adopted plan, then the developer shall cause said land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building therein. In addition, appropriate notations shall be placed on the face of the plat.

- (3) In lieu of the requirements set forth in paragraph 18.13(2)(a)(2) above, the developer may, at his expense, prepare a development proposal for the problem area. It shall be submitted for the City Planning Commission's approval and shall be accompanied by a site plan and adequate engineering data to ensure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the approving municipality to ensure that such will be done at a specified time if approved.
- (4) Floodable Conditions/Drainage Ways. If floodplains have been determined and are delineated on an applicable zoning district map, or as determined by the Planning Commission from sources available to it, no development shall be allowed except as permitted in applicable floodplain and shore land ordinance. In designing plats, drainage easements shall be shown on the plan where conditions warrant and as determined by the City Planning Commission or as determined by sources available to it and building permits shall not be issued therein.
- (5) Adverse Soil and Rock Formation. Soil suitability for contemplated development in a proposed subdivision shall be determined by the Planning Commission from sources available to it.
  - (A) Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development indicating how, through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data. If the plan is approved, the developer shall provide a surety bond to the approving municipality to ensure that all conditions attached to the approval will be done by specified time.
  - (B) In order to determine the precise location of soil types, on-site investigation by soil scientists may be necessary but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer or soil scientist at the expense of the developer, and according to procedures established by the Wisconsin Department of Safety and Professional Services.

**SECTION 16:            ADOPTION** “18.14 Determination Of Adequacy Of Public Facilities” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.14 Determination Of Adequacy Of Public Facilities(*Added*)

- 1. *Determination required.* A preliminary plat, final plat, or certified survey shall not be approved unless the City determines that adequate public facilities and public services are available to meet the needs of the proposed land division and that no public funds,

other than those already provided in an adopted capital or operating budget, are required.

2. Submit required data. The applicant shall furnish any data requested by the Planning Director and City Engineer, who shall transmit this information to the appropriate commission(s), committee(s), or staff for review of the adequacy of electric, water, sanitary and storm sewers, fire service, police, parks, open space, recreation, and transportation facilities.
3. Required conditions. Public facilities and public services for a proposed land division may be found by the City to be adequate when the following conditions exist:
  - a. The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, is under construction, or is designated by the Common Council for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The City shall consider the recommendations of the City Engineer, Director of Public Works, and Planning Director on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
  - b. The proposed land division is located within the corporate limits of the City and it is contiguous to an arterial transmission water main of adequate capacity for the proposed development, or the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and public or private funds are available for the program. The City shall consider the recommendations of the Board of Public Works, the Director or Public Works, and the City Engineer on system capacities, water sources and storage facilities as well as any other information presented.
  - c. The City verifies that adequate funds, either public or private, are available to insure the installation of all necessary stormwater management facilities.
  - d. The Director of Public Works can demonstrate that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety, or general welfare to the future residents of the proposed land division or existing City residents.
  - e. The Planning Director verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's Comprehensive Plan for parks and open spaces.
  - f. The Police Department and Fire Department verify that timely and adequate service can be provided to the residents.
  - g. The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City standards.
  - h. Where the City determines that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, the City shall recommend that conditional approval may include only such portions or may specify phasing of the development.

4. Finding in writing. No land shall be divided which has been officially mapped as public lands or a stormwater management facility or is determined by the City, in consultation with the City Engineer, to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to the quality of the subdivision as it relates to the health, safety, or welfare of future residents or landowners in the proposed land division. The City, in applying the provisions of this subsection, shall recite the particular facts in writing upon which conclusions that the land is not suitable for the proposed use are based and shall afford the subdivider an opportunity to present evidence regarding such unsuitability to the Plan Commission. Thereafter, the Plan Commission may affirm, modify or withdraw the determination of unsuitability.
5. Conform to zoning regulations. In the case of any land division, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located.

**SECTION 17:           ADOPTION** “18.15 Land Division Criteria” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.15 Land Division Criteria(*Added*)

1. Agricultural Land Division. The Plan Commission may grant approval of a land division subdividing portions of agricultural lands within the corporate limits of the City or within the extraterritorial plat approval jurisdiction, provided the Commission determines the proposed land division will assist and assure the continuation of the agricultural use.
2. Nonagricultural Land Division. In the case of nonagricultural lands, the Plan Commission may grant approval of a land division within the corporate limits of the City or within the extraterritorial plat approval jurisdiction, provided the Plan Commission determines the proposed land division complies with each of the following criteria:
  - a. The proposed land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
  - b. The proposed land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
  - c. The proposed land division and resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public

- improvements and public service facilities required to serve the development.
- d. The proposed land division shall represent infilling of vacant land. Infilling is defined as a land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
- e. If the Plan Commission finds that adequate public facilities and public services are not available to support and serve the area of the proposed land division, the land division shall be referred to the Common Council for a final determination.

**SECTION 18:**        **ADOPTION** “18.16 Improvements On Boundaries Of Subdivisions” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.16 Improvements On Boundaries Of Subdivisions(*Added*)

Improvements on Boundaries of Subdivisions. Where a subdivision or land division abuts an existing or proposed street, sanitary sewer, or water main, part of which is not located within the subdivision, the subdivider shall submit a petition requesting the installation of all required improvements on a special assessment basis.

**SECTION 19:**        **ADOPTION** “18.17 Permanent Zoning Classifications” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.17 Permanent Zoning Classifications(*Added*)

Permanent Zoning Classification. No preliminary plat of a subdivision or certified survey map of a land division shall be accepted for review unless all of the land included in the preliminary plat and/ or Certified Survey Map has been assigned a permanent zoning classification.

**SECTION 20:**        **ADOPTION** “18.18 Variances” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.18 Variances(*Added*)

When, in the judgment of the Plan Commission or Common Council, it would be inappropriate to apply literally a provision of this Ordinance because the subdivision is located outside the corporate limits, or because extraordinary hardship would result, it may waive or vary such provision(s) so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the certified survey map or the final plat be waived.

**SECTION 21:**        **ADOPTION** “18.19 Violations” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.19 Violations(*Added*)

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes, and no person, firm, or corporation shall be issued a building permit authorizing the building on or improvement of any subdivision, land division, or replat within the jurisdiction of this Ordinance and not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

**SECTION 22:**        **ADOPTION** “18.20 Remedies” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.20 Remedies(*Added*)

Failure to comply with the requirements of this Section shall invalidate purported transfers of titles at the option of the purchaser, in accordance with provisions of Section 236.31(3), Wisconsin Statutes. Building permits shall also be refused for construction on sites created in violation of these requirements.

**SECTION 23:**        **ADOPTION** “18.21 Appeals” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

## 18.21 Appeals(*Added*)

1. Any person aggrieved by an objection to a plat, or failure to approve a plat, may appeal therefrom, as provided in Sections 236.113(5) and 62.23(7), (10) to (15) inclusive, Wisconsin Statutes.
2. Appeal from the decision of the Plan Commission may be taken to the Common Council by the applicant for a land division. If the appeal is relative to whether a preliminary plat is required, such appeal must specify the grounds thereof with respect to the reasons for requiring said preliminary plat by the Plan Commission. The appeal must be filed with the City Clerk within fourteen (14) days of receipt of the letter of action of the Plan Commission.

**SECTION 24:**        **ADOPTION** “18.22 Fees” of the City of Kaukauna Municipal Code is hereby *added* as follows:

### ADOPTION

## 18.22 Fees(*Added*)

1. General. The subdivider shall pay all fees required by this section to the City Treasurer, at the times specified, before being entitled to recording a plat or certified survey map. The Planning Director is authorized to require subdividers to enter into a written agreement for the payment of charges for legal, engineering, and planning professional services in response to plat or CSM submissions.
2. Plat review. At the time of application for approval or review of any of the following, the subdivider shall pay a fee, as from time to time established by resolution of the Common Council, to defray the cost of giving notice, investigation and other administrative processing:
  - a. Sketch or concept plat.
  - b. Plat.
  - c. Reapplication for approval of any plat which has been previously reviewed.
3. Certified survey map review. The subdivider at the time of application shall pay a fee as from time to time established by resolution of the Common Council to defray the cost of giving notice, investigation or other administrative processing for approval of a certified survey map.
4. Inspection fee. The subdivider shall pay a fee which shall be added to the financial guarantee equal to the actual or projected cost of the City inspection services or other approving authorities having jurisdiction for such inspection deem necessary, to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the approving authorities having jurisdiction or any other governmental authority.



**SECTION 25:** **ADOPTION** “18.23 (Reserved)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.23 (Reserved)(*Added*)

**SECTION 26:** **ADOPTION** “18 LAND DIVISION PROCEDURES” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18 LAND DIVISION PROCEDURES(*Added*)

**SECTION 27:** **ADOPTION** “18.24 Compliance Requirements” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.24 Compliance Requirements(*Added*)

Any subdivider and owner of land (or his agent) who wish to divide such land or create a condominium shall comply with the general principles of design and minimum layout requirements as set forth in Chapter 18.35 thru 18.45 of this Ordinance, and shall in every case submit the information required in this Section.

1. No person, firm, or corporation shall divide any land located within the corporate limits of the City of Kaukauna or within the extraterritorial plat approval jurisdiction thereof which shall result in a land division as defined herein, without filing for approval by the Plan Commission and recording a certified survey map meeting all of the requirements of Section 236.34, Wisconsin Statutes.
2. Within any five (5) year period create a total of four (4) or less parcels or building sites. A preliminary plat must be filed prior to the certified survey map.
3. Land divisions shall conform to LAND DIVISION CRITERIA , DESIGN STANDARDS, and REQUIRED IMPROVEMENTS of this chapter. This Ordinance shall apply to condominiums created under Chapter 703, Wisconsin Statutes (the Condominium Ownership Act), where an actual land division results.
4. No person, firm, or corporation shall divide any land located within the corporate limits of the City of Kaukauna for the purpose of consolidating parcels without filing for approval with the Planning Department.



**SECTION 28:** **ADOPTION** “18.25 Preliminary Consultation” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.25 Preliminary Consultation(*Added*)

Prior to the filing of an application for the approval of a preliminary plat or certified survey map, the subdivider may submit a concept for review and consultation with City staff and all affected utilities in order to obtain advice and assistance. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the adopted Comprehensive Plan and Official Map, adopted plan components and plan implementation ordinances of the City, and to otherwise assist the subdivider in planning the development. City staff or subdivider may request that the conceptual plat or CSM be reviewed by the Plan Commission for feedback. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and City and the subdivider will gain a better understanding of subsequent required procedures.

**SECTION 29:** **ADOPTION** “18.26 Conceptual Plat/Plan Review” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.26 Conceptual Plat/Plan Review(*Added*)

If the City staff determines in the pre-application staff conference, that any proposed land division or development raises significant policy issues, then, prior to filing a preliminary plat or certified survey map or development plan with the City, the divider/developer shall pay to the required conceptual plan review fee and shall file a conceptual plan of the proposed land division or development for review and comment by the staff, the Plan Commission, and the Public Works Board. Conceptual plan review may be required if the proposed land division or development will create five or more buildable lots, or will require a rezoning or conditional use permit to implement, or will require a significant extension of public or private improvements, or will require other significant budgetary decisions, or if there is a lack of agreement between the divider/developer and the Preliminary Plat or CSM.

**SECTION 30:** **ADOPTION** “18.27 Preliminary Plat” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

## 18.27 Preliminary Plat(*Added*)

1. Preliminary plat of subdivision plat. The preliminary plat of the proposed subdivision plat shall contain or have attached thereto the following information. Failure to provide complete information shall result in the application being rejected, requiring the resubmittal of a new application with complete information.
2. Submission and review.
  - a. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and submit a complete application packet to the Planning Department, including the required number of full-size copies of the plat, copies of the plat accurately photocopied and reduced to eleven (11) inches by seventeen (17) inches in size, a digital copy in Portable Document Format (PDF), a land use application form, pay a fee as established by the Common Council, and all other items as required per the application checklist for this type of request. The required number of copies for each item is listed on the Planning Department application form and checklist for this type of request. The plat will be scheduled for review by the Plan Commission per their meeting schedule. The subdivider shall also forward a copy to the local electric, gas and telephone utilities. The Planning and Community Development Director may allow a combined filing of the preliminary plat and the final plat when it is determined that the scale and complexity of the proposal will allow for a reasonable level of review within the allocated timeline.
  - b. The preliminary plat shall cover the entire area proposed for development at the time, including rights-of-way for all adjacent roads and highways and shall be prepared in accordance with the ordinance codified in this Ordinance and Wis. Stats. 236. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, such subdivider shall submit a conceptual plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the preliminary plat in question.
  - c. The Planning Department shall forward copies of the preliminary plat to City staff who shall examine it for completeness and for conformity with the requirements of the ordinance codified in this chapter and with the requirements of any other city ordinances, statutes or administrative rules and regulations, and for compliance with the City Comprehensive Plan and Official Map including potential traffic generation and sewer flows. The preliminary plat shall be subject to the City ordinance requirements in place at the time of submittal of a complete application. A comprehensive staff report shall then be forwarded to the Plan Commission.
  - d. The Plan Commission shall recommend approval or conditional approval of the plat to the Common Council or shall reject the plat. The Plan Commission recommendation for the preliminary plat shall be referred to the Council for consideration. Within ninety (90) days of submittal of a completed application the Council shall approve, conditionally approve, or reject the preliminary plat unless the time is extended by agreement with the subdivider. A letter and copy of the resolution as appropriate shall be returned to the subdivider, such subdivider's surveyor, or engineer with the date and action endorsed thereon;

and if approved conditionally or rejected, the condition of approval or reasons for rejection shall be endorsed thereon or attached thereto. A written request to extend the review time may be submitted by the subdivider to the City within ninety (90) days of filing of the preliminary plat. Failure of the Common Council to act within the ninety (90) days or an agreed to extension thereof constitutes an automatic approval of the preliminary plat.

- e. Approval or conditional approval of a preliminary plat shall entitle filing of the final plat. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted at the time of submittal of the complete preliminary plat application, as authorized by law, it is entitled to approval. If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat, or a written request to extend the 36-month period is not submitted and approved by the Common Council prior to the expiration of this period, then the preliminary plat approval is void. The last approval of a preliminary plat means the date of adoption of a resolution approving or conditionally approving the preliminary plat by the Common Council, or, in the case of an extraterritorial plat, by either the county board, the town board, or Common Council, whichever occurs latest. Previous preliminary plat approvals shall not constitute grounds for approval upon resubmission. The final plat may, if permitted by the Common Council, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

3. Preliminary plat information to be shown. All preliminary plats shall show the following information in addition to that required by Wis. Stats. Ch. 236, Subchapter III:

- a. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City or in surrounding areas unless considered an addition to the subdivision, nor shall the name cause confusion with respect to the location or identification of said subdivision.
- b. A full legal description of property to include section, township, and range numbers, as well as a metes and bounds description of the boundary of the lands proposed for subdivision that matches the traverse survey required in Section 18.27(4)(b) of this Ordinance.
- c. Names, phone numbers and addresses of the owner(s), any agent(s) having control of the land, subdivider(s), surveyor, engineer, and designer of the plat and certification of ownership or owner's authorization of agent.
- d. Graphic scale not less than one inch to one hundred (100) feet. If this results in multiple plat sheets, a cover sheet illustrating the overall plat and identifying the areas illustrated on subsequent plan sheets shall be provided.
- e. North point.
- f. Certification of surveyor certifying to the accuracy of the survey.
- g. Date of preparation and date of subsequent revisions.
- h. An approved certificate for use by the City to certify approval of the preliminary plat, including a statement of compliance with any conditions of approval contained in the approving resolution for the plat, and a space for the resolution number of the approving resolution.

4. Preliminary plat existing conditions.

- a. A vicinity map, to be displayed on the face of the plat (or cover sheet), illustrating the land to be subdivided with respect to surrounding lands and transportation facilities, as well as government sections and quarter sections.
- b. A traverse survey, prepared in the coordinate system and vertical datum currently specified by the City, including the measured distances and angles and true distance and bearing through two monumented points on the boundary and two section corners or quarter section corners which the city has coordinates for, shall be accurately described and displayed on the plat
- c. Existing zoning classifications for land in and abutting the subdivision within two hundred (200) feet.
- d. Total acreage of the land proposed for subdivision.
- e. Location, right-of-way and pavement width, and names of existing or proposed streets, railroads, bike/pedestrian trails, or other public ways located within two hundred (200) feet of the lands proposed for subdivision. Parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the preliminary plan and to a distance two hundred (200) feet beyond shall also be indicated.
- f. Location and size of all existing permanent and intermittent streams, drainage courses, drainage tiles, lakes, ponds, wetlands and other natural resources, wooded areas, trees over twelve (12) inches in diameter, buildings and structures, wells, septic systems, cesspools, sewers, water mains, culverts, or other underground facilities within the preliminary plat area and to a distance of two hundred (200) feet beyond. Any such features that are proposed to be removed, disturbed, or modified by development activities on the site shall also be noted.
- g. Identification of any building or structures over fifty (50) years of age (or suspected to be over fifty (50) years of age if unknown), and an indication as to whether such structures are intended to be removed, disturbed or modified by development activities.
- h. Information regarding existing utilities and other infrastructure data as the grades, invert elevations, and locations of catchbasins, manholes, hydrants, and street pavement width and type, shall also be shown, including any existing easements for utilities or other purposes.
- i. Boundary lines of adjoining unsubdivided or subdivided land located within two hundred (200) feet of the subject property, identified by name and ownership, but including all contiguous land owned or controlled by the subdivider. Topographic data shall be provided using the city's map or digital terrain model, or if unavailable, topographic data including contours at vertical intervals of not more than one foot, except where the total site relief is one hundred (100) feet or more, a two-foot vertical interval may be shown. Watercourses, wetlands, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown, city specified vertical datum shall be used for all topographic mapping. Descriptions of reference ties and elevations of the benchmarks shall be furnished.
- j. Soil tests and reports for the design of roadways, storm drainage facilities, erosion control facilities, and/or other subdivision improvements and features

may be required with the preliminary plat submittal.

5. Preliminary plat design features.

- a. Layout of proposed streets, alleys, sidewalks, bike paths or other public or private way, showing right-of-way widths, proposed pavement widths as measured from back-of-curb to back-of-curb, and proposed names of roadways. The Plan Commission, upon the recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. The name of any public or private roadway shall conform to the roadway naming standards contained in Section 18.37(9) of this Chapter.
- b. Right-of-way dedications as needed for roadways located adjacent to the lands proposed for subdivision in conformity with the Official Map.
- c. An identification system for the consecutive numbering of all lots and outlots, as well as preliminary acreages and dimensions of lots and outlots in the subdivision.
- d. Minimum front, rear, side, and street yard building setback lines as required by Chapter 17 – Zoning or the Municipal Code, or as established in an approved Plan Development District. Where conflicts exist between setbacks shown on a preliminary plat and the requirements of the zoning ordinance or an approved Plan Development District, the setbacks established in the zoning ordinance shall apply for all conventional development and the later of the approval of a Plan Development District.
- e. Location and size of proposed sanitary sewer lines and water mains and any associated easements that may be required for these facilities.
- f. Preliminary grades of proposed streets, bike paths, and sewer lines.
- g. Areas, other than streets, alleys, sidewalks/bike paths and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres, and a purpose or description of such areas.
- h. Location and description of survey monuments.
  - i. Site data including number of residential lots, street and right-of-way widths and acres in parks, etc.
  - j. Sites, if any, to be reserved for public or private parks or other public or common uses.
- k. Proposed land uses, such as sites for single-family or multifamily dwellings, commercial, institutional, industrial and other uses, including public uses or sites proposed for the area.
- l. Information regarding the proposed ownership and use of any outlots included in the subdivision.

6. Preliminary plat supplementary data.

- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- b. Provisions for water supply.
- c. Provisions for sewage disposal.

- d. The proposed zoning plan for the areas, including dimensions and acreages.
- e. An illustration(s) demonstrating the potential resubdivision of large (over 1-acre) or excessively deep lots (over three hundred (300) feet).
- f. Provisions for stormwater management including both minor and major system components, detention/retention facilities, including existing and post-development 100-year flood elevations, etc.
- g. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state, or federal law.
- h. An abstract of title certified to date of submission for approval, or a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.
- i. A proposed phasing plan demonstrating compliance with the City Comprehensive Plan and Official Map.
- j. A copy of all proposed private covenants and restrictions shall be submitted and subject to review by the City Attorney as to any language applicable to the City's interests. The City shall not be responsible for enforcing private covenants.
- k. Such other information as may be requested by the City Engineer, Director or Public Works, Planning and Community Development Director, Plan Commission, or Common Council.

**SECTION 31:**        **ADOPTION** “18.28 Final Plat” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.28 Final Plat(*Added*)

1. *Final plat of subdivision plat.* The final plat of subdivision shall be prepared by a land surveyor who is registered in the state of Wisconsin, and shall conform to all state and county requirements and the requirements of the ordinance codified in this chapter. The final plat of the proposed subdivision plat shall contain or have attached thereto the following information. Failure to provide complete information shall result in the application being rejected, requiring the resubmittal of a new application with complete information.
2. *Final plat review.*
  - a. The subdivider shall prepare a final plat by a professional land surveyor for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats. and submit a complete application packet to the Planning and Community Development Director, including the required number of full-size copies of the plat, copies of the plat accurately photocopied and reduced to eleven (11) inches by seventeen (17) inches in size, full-size copies of the draft addressing plan, a digital copy in Portable Document Format (PDF), a signed application form, pay a fee as established by the Common Council, and all



- other items as required per the application checklist for this type of request. A final plat of subdivided land shall comply with the requirements of §§ 236.20 and 236.21, Wis. Stats., which are hereby adopted by reference. The required number of copies of each item, listed on the Planning Department application form and checklist for this type of request, shall be submitted within thirty-six (36) months after the last required approval of the preliminary plat or an extension of the 36-month period granted by the Common Council per Section 18.27(4)(e), and in accordance with the application deadlines established by the city. A written transmittal letter shall identify all substantial changes that have been made to the plat since the preliminary plat. The required number of copies for each submittal item shall be as listed on the Planning Department application form for this type of request.
- b. The Planning Department shall forward copies of the plat and all supplementary data supplied with the final plat to City staff and other review agencies it deems appropriate who shall examine it for completeness and for conformity with the preliminary plat, with the requirements of this chapter, and with the requirements of any other ordinances, statutes, or administrative rules and regulations which may be applicable to the plat. The Planning Department shall forward a comprehensive report to the Plan Commission and Common Council that includes conclusions as to whether the final plat conforms substantially to the preliminary plat, and a recommendation on approval of the final plat. The report shall be made a part of the record of the proceeding at which the final plat is being considered.
  - c. The Plan Commission shall recommend approval of the final plat to the Common Council or shall reject the plat. The final plat shall then be referred to the Common Council for consideration. The Common Council shall then approve or reject the final plat. One copy of the plat shall then be returned to the subdivider, such subdivider's surveyor or engineer with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written request by the subdivider to the City Clerk, failure to complete the action herein within sixty (60) days of a completed filing shall constitute an automatic approval of the final plat.
  - d. The final plat shall be entitled to approval provided it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and conforms with any applicable city plans and ordinances at the time of submittal of the complete preliminary plat application. If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat or an extension of the 36-month period granted by the Common Council, per Section 18.27(4)(e), the Plan Commission shall reject the final plat regardless of the prior action taken on the preliminary plat. Previous preliminary plat approvals shall not constitute grounds for approval upon resubmission.
  - e. The subdivider shall record a copy of the approved final plat together with the approving resolution with the Register of Deeds for Outagamie County within twelve (12) months (after the date of the last approval) of the plat and within thirty-six (36) months after the first approval of the plat. First approval means the date of adoption of a resolution by the Common Council approving or

conditionally approving the final plat. Last approval means the inscription of a signature on the plat by the City Clerk signifying final approval by the City and satisfaction of any applicable conditions of approval. Paper copies of the recorded plat shall be provided to the City Clerk and the Planning and Community Development Director. Failure to provide said copies of the recorded plat shall be grounds for withholding building permits or other development approvals until said copies of the recorded plat are provided. All fees shall be paid by the subdivider.

3. Final plat information to be shown.

- a. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use. Dimensions of lot lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
- b. A numbered identification system for all lots.
- c. General Requirements.
  - (1) All design files shall be on the coordinate system and vertical datum currently specified by the City.
  - (2) All surveys shall be prepared by or under the direct supervision of a Wisconsin Registered Land Surveyor (RLS) and a letter certifying such, which is signed by the RLS, shall accompany all survey data transmittals.
  - (3) Surveyed locations on at least two section corners, to which the plat is tied, must be provided. Include both record and measured distances and bearings through two monumented points on the plat boundary.
  - (4) Monumentation for Section Corners Included in the Plat Survey. Monumentation for section corners included in the plat survey shall be upgraded, as necessary, by the plat applicant's surveyor in accordance with the monument specifications provided by the city. Required repairs, replacements, and location upgrades shall be done at the time of survey and the plat applicant shall be responsible for all costs. A copy of all section corner tie sheets shall be provided to the city engineer prior to plat approval.
  - (5) Plat Monument Requirements. Plat survey shall include accurate location of all monuments. The developer shall verify to the city engineer that all plat monuments are undisturbed at the conclusion of infrastructure installation. Plat applicants are responsible for ensuring the integrity of the monument up until time of acceptance of infrastructure improvements by the city.
  - (6) Municipal, township, county or section lines accurately tied to the lines of the subdivisions by distances and angles.
  - (7) Radii internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
  - (8) Name and location of the subdivision.
  - (9) Graphic scale and north point.
  - (10) Certifications by attached information showing that all taxes and special assessments and other past due fees currently due on the



property to be subdivided have been paid in full as verified by the City Finance Director.

- (11) The subdivider shall cause to be set upon the final plat, arrows indicating a minimum one percent (1%) slope and the direction of drainage flows for each property line not fronting a street for all parcels, and along each street, as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major 100-year event drainage components. The arrows shall be accompanied on the plat with the following note: Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the city engineer.
- (12) Limits of the post-development 100-year floodplain shall be shown on the final plat, or if no existing or post-development 100-year floodplain exists, a note stating this fact shall be provided. The lowest foundation opening of all dwelling units shall be two feet higher than the 100-year floodplain elevation.
- (13) Where the ground water table is equal to or less than nine feet from the proposed street centerline elevation or where the USDA soil survey of Outagamie County, Wisconsin, has rated the native soil as having a severe or very severe limitation for dwellings with basements, the subdivider shall place the subsoil information that indicates the presence of groundwater conditions that impact structures with basements.
- (14) Notarized certification by owner and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- (15) Information regarding the proposed ownership and use of any outlots included in the subdivision.

4. Final plat supplementary data.

- a. A copy of all final private covenants and restrictions shall be submitted.
- b. Such other information as may be requested by the City Engineer, Director or Public Works, Planning and Community Development Director, Plan Commission, or Common Council.

5. Certificates. The surveyor shall certify on the face of the plat that he has fully complied with all the provisions of this chapter. A certification of the approval of the plat by the City and, in the extraterritorial area, an owner's certificate noting that the map shall be submitted to the City of Kaukauna as a required approving authority, shall be inscribed legibly on the face of the map

**SECTION 32: ADOPTION** “18.29 Minor Land Divisions (Certified Survey Maps)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

### ADOPTION

#### 18.29 Minor Land Divisions (Certified Survey Maps)(*Added*)

1. Certified survey map applicability. A certified survey map, prepared and recorded in accordance with § 236.34, Wis. Stats., and the requirements of this article, and having been approved by the City, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
  - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the City and recorded with the Outagamie County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five-year period. Certified survey maps may not be utilized to create conservation subdivisions as defined by this chapter.
  - b. The division or consolidation is of any lot, outlot, parcel, or other lands that lie outside the boundaries of the City and that have been previously recorded with the Outagamie County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than 35 acres in size and provided the certified survey map results in not more than four lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five-year period.
  - c. In the event a proposed land division does not meet the above requirements, the proposed land division shall be pursued as a subdivision plat, commencing with § 650-24 of this chapter.
  - d. Waiver of survey requirement. When the parcels to be created by a land division are 40 acres or more in area and are not intended for development, the Plan Commission may waive the requirement of a certified survey map.
2. Certified survey map submittal requirements.
  - a. General.
    - (1) A certified survey map prepared by a professional land surveyor shall be required for all minor land division. It shall comply in all respects with the requirements of § 236.34, Wis. Stats. The minor land division shall comply with the *Design Standards* Section of this Ordinance and the *Required Improvements* Section of this Ordinance.
    - (2) A preliminary map or sketch shall be submitted to the Planning and Community Development Director for all tracts of land proposed to be divided in accordance with Section 18.26 of this Ordinance.
  - b. Required information. The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- (1) Date of the map.
- (2) Insert showing map of area with property location.
- (3) Graphic scale and North arrow.
- (4) Name and address and the owner, subdivider and surveyor.
- (5) The certified survey map shall include the entire original parcels of land owned or controlled by the subdivider and which is proposed for division or consolidation to ensure that the remaining parcel meets all required lot, layout, access and other applicable standards.
- (6) All existing structures, including square footage and horizontal offset to existing and/or proposed property lines, and the first floor elevation thereof, visible and known wells, watercourses, drainage ditches, existing property lines of abutting property and other features pertinent to proper division.
- (7) Name of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
- (8) Location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
- (9) Additional setbacks or building lines which are more restrictive than the regulations of the zoning district in which the plat is located that are proposed by the subdivider to be included in recorded protective covenants.
- (10) Additional setbacks or offsets proposed by the subdivider which are more restrictive than the regulations of the zoning district in which the plat is located.
- (11) Floodplain limits of the one-hundred-year recurrence interval flood as determined by the federal flood insurance study or other technical document or where such data is not available, the elevation shall be determined by a registered professional engineer and the sealed documents shall be approved by the City Engineer. The contour line lying a vertical distance of two feet above the elevation of the one-hundred- year recurrence interval flood or where such data is not available, the elevation shall be determined by a registered professional engineer and the sealed documents shall be approved by the City Engineer within the exterior boundaries of the plat.
- (12) Easements shall be shown on the certified survey map and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands or other public lands requiring dedication.
- (13) Exact length and bearing of the center line of all streets.
- (14) Exact street width along the line of any obliquely intersecting street.
- (15) Railroad rights-of-way within and abutting the plat.
- (16) A drainage and grading plan for all lots on the map bearing a statement concerning the relation of all drainage swales, ponds or other facilities.

- (17) Special restrictions required by the City Engineer and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, to preservation of wetlands, to more restrictive yard requirements or to special restrictions for environmentally significant lands.
- (18) Delineation of all wetlands and shoreland/wetlands based on a field staking by the United States Army Corps of Engineers, the Wisconsin Department of Natural Resources, or other agency or firm certified to make such delineation by the Federal Government or Wisconsin Department of Natural Resources. Illustrate required wetland protection buffer areas
- (19) Grading plan for the proposed land division extending 150 feet from the proposed property lines.
- (20) All lands reserved for future public acquisition.
- c. Additional information. The City Engineer may require that the following additional information be provided when necessary for proper review and consideration of the map:
  - (1) Existing contours at vertical intervals of not more than one foot The requirement to provide topographic data may be waived if the parcels created are fully developed.
  - (2) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the United States Soil Conservation Service.
  - (3) Location of soil boring tests, with the number of such tests adequate to portray the character of the soil and depths of bedrock and groundwater from the natural undisturbed surface. Results of such tests shall be submitted along with the certified survey map.
- 3. Certificates. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. A certification of the approval of the certified survey map by the City and, in the extraterritorial area, an owner's certificate noting that the map shall be submitted to the City of Kaukauna as a required approving authority, shall be inscribed legibly on the face of the map.
  - a. When a certified survey map includes the dedication of streets and other public areas, an owner's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats., shall be required.
  - b. All certified survey maps shall provide all the certificates required by § 236.21, Wis. Stats.
- 4. Recordation. The certified survey map shall be recorded with the county register of deeds only after the certificates of the Common Council, Plan Commission, surveyor and owner are placed on the face of the map. The map shall be recorded by the City or subdivider within 12 months of its last approval by the Common Council and 36 months of the first approval or reapproval will be required. A copy of the recorded certified survey map shall be provided to the City.

**SECTION 33:** **ADOPTION** “18.30 (Reserved)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.30 (Reserved)(*Added*)

**SECTION 34:** **ADOPTION** “18.31 Plats Within The Extraterritorial Plat Approval Jurisdiction” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.31 Plats Within The Extraterritorial Plat Approval Jurisdiction(*Added*)

1. When the land to be subdivided lies within three (3) miles of the corporate limits of the City of Kaukauna, the subdivider shall proceed as specified in the Outagamie County Subdivision Ordinance.
2. Approval agencies shall be as specified in Chapter 236, Wisconsin Statutes, and the subdivider must comply with the land division regulations of said agencies or units of government.
3. All improvement requirements specified by the Town Board, or any special district in matters over which they have jurisdiction, shall be met before the filing of the final plat.

**SECTION 35:** **ADOPTION** “18.32 Assessor's Plats” of the City of Kaukauna Municipal Code is hereby *added* as follows:

ADOPTION

18.32 Assessor's Plats(*Added*)

1. Where it is not practicable to require that final plat of a subdivision created by successive divisions be filed in accordance with this Ordinance, the Common Council may, in lieu thereof, order an Assessor's Plat be made under Section 70. 27, Wisconsin Statutes, and may assess the cost thereof as provided in said Section, or to the subdivider.
2. Prior to approval of an Assessor' s Plat, adequate dedication of public streets shall be provided.

**SECTION 36:** **ADOPTION** “18.33 Replats And Extensions” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.33 Replats And Extensions(*Added*)

1. When it is proposed to replat a recorded subdivision, or part thereof, so as to change its exterior boundaries, the person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44, Wisconsin Statutes, and shall then proceed as specified in 18.25 and 18.26 of this Ordinance, unless such alteration is permitted by the filing of a certified survey map as provided in Section 236.34(1), Wisconsin Statutes.
2. Whenever a request to extend an approved final plat is submitted within thirty-six (36) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the register of deeds, said time frame may be extended by the Common Council at its discretion. No final plats shall be extended by the Common Council following the expiration of the 36-month period. Such a plat shall be submitted as a new plat in accordance with Section 18.25 of this Ordinance. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the city.

**SECTION 37:** **ADOPTION** “18.34 Condominium Plats” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.34 Condominium Plats(*Added*)

A condominium plat prepared under § 703.11, Wis. Stats., shall be reviewed in the same manner as a subdivision plat under Section 18.25 through Section 18.28 of this chapter.

**SECTION 38:** **ADOPTION** “18 DESIGN STANDARDS” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18 DESIGN STANDARDS(*Added*)

**SECTION 39:** **ADOPTION** “18.35 Street Arrangement” of the City of Kaukauna Municipal Code is hereby *added* as follows:

## ADOPTION

### 18.35 Street Arrangement(*Added*)

In any new subdivision the street, block and lot layouts shall conform to the arrangement, width and location indicated on the City Official Map, County jurisdictional highway system plan, Comprehensive Plan or plan component or neighborhood development plan, if any, of the City, town or county and shall be so designated as to: be within the capability of the land and water resources; least disturb the existing terrain, flora, fauna and water regimen; and meet all the use, site, sanitary, floodland and shoreland regulations contained in the City Zoning Code and the Outagamie County Code when applicable. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

1. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
2. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial streets into which they connect.
3. Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.
4. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless the Plan Commission finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
5. Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets consistent with Subsection 18.35(1).
6. Reserve strips shall not be provided on any plat to control access to streets or alleys.



except where control of such strips is placed with the City under conditions approved by the Plan Commission.

7. Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible. Final approval of street names rests with the Common Council, upon recommendation of the Plan Commission, Public Works Board and Police Department.
8. Access shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Plan Commission.

**SECTION 40:**        **ADOPTION** “18.36 Limited Access Highway And Railroad Right-Of-Way Treatment” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.36 Limited Access Highway And Railroad Right-Of-Way Treatment(*Added*)

Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial or railroad right-of-way, the design shall provide the following treatment:

1. When lots within the proposed subdivision back upon the right- of-way of an existing or proposed limited access highway, arterial or a railroad, a planting strip of sufficient depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs and the building of all structures excepting public or private utility structures hereon is prohibited."
2. Where commercial and industrial districts are involved there should be provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but shall not be less than 150 feet from the right-of-way of the limited access highway or railroad.
3. If a proposed street is to parallel a limited access highway or railroad right-of-way (not to include bicycle or recreation trails), and if the proposed street intersects an arterial or collector street that crosses a railroad or highway, then the proposed street shall be located at least 250 feet from the limited access highway or railroad right-of-way to which it is parallel.
4. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided and location of minor streets immediately adjacent to arterial streets and highways and railroad rights-of-way shall be avoided in residential areas.

**SECTION 41:**        **ADOPTION** “18.37 Street And Pedestrianway Design Standards” of the City of Kaukauna Municipal Code is hereby *added* as follows:



## ADOPTION

## 18.37 Street And Pedestrianway Design Standards(Added)

1. Minimum standards. The minimum right-of-way, construction standards and roadway width of all proposed streets and alleys shall be as specified by the City's standard specifications, Comprehensive Plan, Official Map. Where no local or county ordinance applies, the provisions of Section 236.16 (2) and 86.26 of the Wisconsin Statutes shall apply.
2. Cul-de-sac streets. Cul-de-Sacs, designed as permanent installations, should not be longer than 400 feet, except where topographical and particular conditions warrant an extension and will be subject to the approval of the Plan Commission. The closed end shall have a turn-a-round with an outside roadway diameter of at least 90 feet, and a street property line diameter of 120 feet.
3. Street grades and vertical curves. The grade of arterial and collector streets shall not exceed eight (8) percent and minor streets shall not exceed ten (10) percent unless necessitated by exceptional topography and approved by the Director of Public Works . All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets and 1/2 this minimum for all other streets. Streets shall have a minimum center line grade of 0.5-percent.
4. Horizontal Curves. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least three hundred ( 300) feet on major streets, two hundred ( 200) feet on collector streets, and one hundred (100) feet on minor streets. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. Where the Wisconsin Department of Transportation Facilities Development Manual (FDM 11-10-5) recommends a greater radii of curvature, the FDM shall govern.
5. Half streets. Half-streets shall not be permitted except:
  - a. To complete a street, and other half of which is already dedicated and accepted, or
  - b. To conform to the major thoroughfare plan or an official map.
6. Roadway elevations through floodlands. Elevations of roadways passing through floodland areas shall be designed in the following manner:
  - a. At least two feet above the one-hundred-year recurrence interval flood elevation for arterial streets.
  - b. At least two feet above the ten-year recurrence interval flood elevation for minor streets.
  - c. At no less than the one-hundred-year recurrence interval flood elevation for collector streets.
7. New and replacement bridges and culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the one-hundred-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the one-hundred-year recurrence interval flood, as established in the applicable

federal flood insurance study or other technical study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice floes and other debris. All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and plans shall be submitted to the Department of Natural Resources (DNR) to assure compliance.

8. *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Plan Commission.
9. *Street Names.* No street name shall be used which will duplicate or be confused with the name of an existing street within the same community. Streets that are extensions, or obviously are in alignment with existing named streets, must bear the names of those streets. Street names must be approved by the Plan Commission.

**SECTION 42:**            **ADOPTION** “18.38 Street Intersections” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.38 Street Intersections(*Added*)

1. Streets shall intersect as nearly as possible at right angles as topography and other limiting factors of good design permit, and not more than two streets shall intersect at one point unless approved by the Plan Commission.
2. The number of intersections along arterial streets and highways shall be held to a minimum. The distance between intersections of minor or collector streets with arterials should not be less than 800 feet, and they shall be in alignment with existing and planned streets entering the arterial from the opposite side, unless otherwise approved by the Planning Commission.
3. Intersection approach areas should not exceed a grade of 2% on all approaching streets for a distance of 50 feet from the intersecting points of the right-of-way lines.
4. Property lines at street intersections shall be rounded with a radius of 25 feet or of a greater radius where the Plan Commission considers it necessary, or shall be cut off by a straight line through the points of tangency of any arc having a radius of 45 feet.
5. Proper sight line easements shall be maintained at all street intersections. Measured along the center line, as determined by the Director of Public works or designee.
  - a. No building, fencing, planting or construction is permitted in this area. For proposed commercial or industrial development, this provision may be waived, subject to site plan approved by the Planning Commission.
6. Street jogs with center-line offsets of less than 125 feet shall be avoided. Minor streets shall not necessarily continue across arterial or collector streets, but if the center line of

such minor streets approach the collector or arterial streets from opposite sides within 300 feet of each other, measured along the center line of such arterial or collector streets, then the location of such minor streets shall be adjusted so that the adjoinment across the arterial or collector streets is continuous and a jog is avoided.

7. On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with § 66.0909, Wis. Stats.

**SECTION 43:**        **ADOPTION** “18.39 Alleys” of the City of Kaukauna  
Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.39 Alleys(*Added*)

1. Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.
2. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
3. The width of alleys shall be not less than 30 feet.
4. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Plan Commission.

**SECTION 44:**        **ADOPTION** “18.40 Easements” of the City of Kaukauna  
Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.40 Easements(*Added*)

1. Easements across lots or centered on rear or side lot lines shall be designed for utilities where necessary and shall be at least twenty (20) feet wide, when along rear and side lot lines and (10) ten feet wide when along front lot lines. The applicable utility shall determine the feasibility of burying utility lines.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way not less than thirty (30) feet in width, conforming substantially with the lines of such water course. Parallel streets or parkways may be required in connection therewith.

**SECTION 45:** **ADOPTION** “18.41 Blocks” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.41 Blocks(*Added*)

The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; topography, and solar access.

1. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated but block lengths in residential areas shall normally not exceed 1,200 feet or be less than 600 feet in length between street lines.
2. Pedestrian easements or dedications not less than 10 feet in width may be required by the Plan Commission to provide safe and convenient pedestrian circulation or access through the center of blocks where deemed essential to provide adequate pedestrian circulation or access to schools, shopping centers, churches, parks, open spaces, transportation facilities, or other community facilities. The final plat shall contain a special restriction addressing by whom midblock pedestrian ways will be maintained.
3. The width of blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
4. Utility easements shall, where practical, be placed on midblock easements along rear lot lines.

**SECTION 46:** **ADOPTION** “18.42 Lots” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.42 Lots(*Added*)

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting and for solar access for the building contemplated. In addition:

1. *Side Lot lines.* Side lot lines shall be substantially at right angles of radial street lines.
2. *Municipal boundaries.* Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

3. Shape. The shape of lots shall generally be rectangular, with lots platted on culs-de-sac generally narrower at the street line than at the rear lot line.
4. Lots at right angles. Lots at right angles to each other should be avoided whenever possible, especially in residential areas.
5. Large lots. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the re- subdivision of any parcels into normal lots in accordance with the provisions of this chapter.
6. Double frontage and reverse frontage. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation. Where double frontage and reverse frontage lots are permitted, an extra lot depth of 30 feet or landscaped buffering shall be provided, unless a greater depth is specified herein. Landscape buffering shall be required as approved by the Plan Commission.
7. Corner lots. Corner lots for residential use should have extra width to permit full building setback from both streets.
8. Access to public street. Every lot shall front or abut on a public street for a distance of at least 30 feet and be not less than 85 percent of the required width for the zoning district in which it is located for lots on a cul-de-sac. Under special circumstances, access to a lot may be provided by a private drives or streets shall be permitted only with the Plan Commission approval.
9. Area. Area of all lots shall conform to the requirements of the City Zoning Code or zoning ordinance of the jurisdiction where the land division occurs.
10. Depth. Excessive depth in relation to width shall be avoided and a proportion of two to one shall be considered a desirable ratio under normal conditions. Neither long, narrow, nor wide shallow lots are desirable. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking and outdoor storage required by the use contemplated and the zoning restrictions for such use.
11. Width. The minimum width of lots shall conform to the requirements of the Zoning Code and shall be measured at the both the right-of-way and the mid-point of the or other applicable ordinance.
12. Flag lots. Lots that have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street shall be discouraged.
13. Water's edge. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a stream or lake.

**SECTION 47:**            **ADOPTION** “18.43 Building Setback Lines” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

#### 18.43 Building Setback Lines(*Added*)

1. Building setback lines, appropriate to the location and type of development contemplated, which are more or less restrictive than the regulations of the zoning district in which the plat is located, may be required by the Plan Commission, if under planned development. Building setback lines appropriate to the location and type of development contemplated which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development or setting special yard requirements to protect natural resource elements.
2. Shoreland/wetland and isolated wetland setbacks, in addition to those required by the City Zoning Code, may be required by the Plan Commission. See Chapter 17 and 22 of Kaukauna Municipal Code for more details regarding the specific wetland protection buffer areas.

**SECTION 48:**            **ADOPTION** “18.44 Storm Drainage And Grading Plan” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

#### 18.44 Storm Drainage And Grading Plan(*Added*)

1. To minimize off-site water runoff from the subdivision and to ensure positive drainage from all lots within each proposed block, the subdivider shall submit upon filing the final plat per Section 18.28, a storm drainage and grading plan for the subdivision as-a- whole and for each block within the proposed subdivision. The City may consider failure to submit a storm drainage and grading plan with final plat submittal a basis for denial of the final plat.
2. This plan shall be prepared so that storm water runoff from the subdivision as a whole is in compliance with provisions of Chapter 22 of the Kaukauna Municipal Code. The City Engineer and Director or Public Works will review the submitted storm drainage and grading plan for compliance with the provisions of these regulations and with the provisions of Chapter 22 of the Municipal Code, and the City Engineer shall make a determination as to compliance or noncompliance with such provisions prior to action on the final plat by the Common Council.
3. This drainage plan shall include final grade elevations to be maintained along rear lot lines.
4. Design shall be based on environmentally sound site planning and engineering techniques. The best available technology shall be used to minimize off- site storm water runoff, increase on- site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off- site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and

swales.

5. Should the approved drainage plan require any grading or the installation of storm water drainage facilities within any block or blocks, the subdivider shall cause such grading or other improvements to be installed at his expense at the same time the subdivision roads are being graded. To ensure compliance with the approved drainage plan, a covenant shall be included on the face of the final plat referring to the drainage plan and requiring compliance therewith.

**SECTION 49:**        **ADOPTION** “18.45 Special Restrictions” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18.45 Special Restrictions(*Added*)

Special restrictions which are appropriate to the location or design of the land division may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision include access control along public ways, required planting and buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.

**SECTION 50:**        **ADOPTION** “18.46 (Reserved)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18.46 (Reserved)(*Added*)

**SECTION 51:**        **ADOPTION** “18 REQUIRED IMPROVEMENTS” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18 REQUIRED IMPROVEMENTS(*Added*)

**SECTION 52:**        **ADOPTION** “18.47 General” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION



#### 18.47 General(*Added*)

All required improvements shall be constructed in accordance with plans and standard specifications approved by the, City Engineering Department, Public Works Department, and state of Wisconsin agencies as may be appropriate. Such plans and standard specifications shall be submitted, reviewed and approved in accordance with the *Construction Standards Section* of this chapter. No final plat or certified survey map for the subdivision of land in the City shall be approved by the Common Council until the subdivider has made arrangements with the City to install the required improvements as hereinafter provided.

**SECTION 53:**        **ADOPTION** “18.48 Survey Monuments” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

#### 18.48 Survey Monuments(*Added*)

Before final approval of any plat, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wisconsin Statutes, and as may be required by the City Engineer. The City Engineer may waive the placing of monuments for a reasonable time on condition that the subdivider executes a surety bond to ensure the placing of such monuments within the time required.

**SECTION 54:**        **ADOPTION** “18.49 Grading” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

#### 18.49 Grading(*Added*)

After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the City Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated, in accordance with plans and Standard Specifications approved by the City Engineer.

**SECTION 55:**        **ADOPTION** “18.50 Sanitary Sewers” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

#### 18.50 Sanitary Sewers(*Added*)



When public sanitary sewer facilities are available to the subdivision plat or certified survey map, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

1. All subdivisions and minor land divisions within the adopted sanitary sewer service area shall be provided with public sanitary sewer facilities.
2. The subdivider shall install sewer laterals to the to a point outside all of utility easements.
3. The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications adopted by the City.
4. The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenance within the proposed subdivision.
5. In the extraterritorial plat approval jurisdiction, where no public sanitary sewers are available, on- site effluent systems shall be allowed. In such instances, the subdivider shall proceed under the Outagamie County Sanitary Code. The subdivider shall file a copy of the permit issued by Outagamie County with the City of Kaukauna, together with the filing of the final plat or certified survey map.

**SECTION 56:            ADOPTION** “18.51 Water” of the City of Kaukauna  
Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.51 Water(*Added*)

1. All subdivisions and minor land divisions within the water supply service area of the City shall be provided public water supply and distribution facilities or community well facilities, unless a waiver is granted.
2. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. Water laterals shall be constructed to each lot line. The size, type, and installation of all public water mains shall be in accordance with plans and standard specifications approved by the City Engineer and Kaukauna Utilities.
3. The subdivider shall install water laterals to a point outside of any utility easements.
4. The size, type and installation of all water mains shall be in accordance with plans and specification approved by the City Engineer and Kaukauna Utilities.
5. The subdivider shall assume the cost of installing all water mains necessary to serve the subdivision/ development.
6. In the extraterritorial plat approval jurisdiction where no public water mains are available, water wells shall be allowed. In such instances, the subdivider shall proceed under the NR 141 and NR 812 of the Wisconsin Administrative Code. The subdivider shall file a copy of the permit issued by Outagamie County with the City of Kaukauna, together with the filing of the final plat or certified survey map.

**SECTION 57:** **ADOPTION** “18.52 Stormwater Drainage Facilities” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.52 Stormwater Drainage Facilities(*Added*)

1. The subdivider shall construct stormwater drainage facilities, adequate to serve the subdivision which shall include, but not be limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures, water detention structures, temporary sedimentation basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. All stormwater drainage facilities shall be constructed in accordance with Chapter 22 of the Municipal Code and City standard specifications.
2. The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision or minor land division, except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.
3. Copies of all WDNR and USACE permits shall be submitted to the City prior to any construction or disturbances of land.

**SECTION 58:** **ADOPTION** “18.53 Other Utilities” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.53 Other Utilities(*Added*)

1. The subdivider shall cause gas, electrical power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or minor land division. No such electrical, telephone or cable television service shall be located on overhead poles unless otherwise allowed due to exceptional topography or other physical barrier. In addition, plans indicating the proposed location of all such utilities shall be approved by the City Engineer.
2. All new electric or communication lines from which lots are individually served shall be installed underground within all newly platted subdivisions or minor land divisions unless the Plan Commission shall find that the lots to be served by such facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are pertinent to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above ground. Any

landscape screening plan required for such aboveground equipment shall be submitted to the affected utilities for approval.

**SECTION 59:** **ADOPTION** “18.54 Sidewalks” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.54 Sidewalks(*Added*)

All new subdivisions approved for development within the City shall be required to install standard concrete sidewalks in accordance with the following standards:

1. Sidewalks shall be required on both sides of the street and around cul-de-sacs.
2. Sidewalks shall be a minimum of five (5) feet wide.
3. Sidewalks shall be installed per section 803 (1)(d).

**SECTION 60:** **ADOPTION** “18.55 Street Lighting Plan” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.55 Street Lighting Plan(*Added*)

1. In order to ensure proper street lighting within a subdivision, a street lighting plan shall be submitted at the time of preliminary plat review. The street lighting plan shall include the location of all street illumination structures and shall specify the type of street lighting to be provided.
2. Prior to submitting the street lighting plan, the subdivider should consult with Kaukauna Utilities and with the Director of Public Works. Prior to review of a preliminary plat by the Plan Commission, the Director of Public Works for the City of Kaukauna shall approve all street lighting plans.
3. The subdivider shall cause lights as specified in the approved street lighting plan to be installed in order to adequately illuminate the development. The subdivider shall assume the cost of installing all street lights as specified in the approved street lighting plan, exclusive of that portion, if any, absorbed by Wisconsin Public Service Corporation. This Section shall apply to all plats located in the City corporate limits and within the City's three (3) mile extraterritorial plat approval jurisdiction.

**SECTION 61:** **ADOPTION** “18.56 Signs” of the City of Kaukauna Municipal Code is hereby *added* as follows:

## ADOPTION

### 18.56 Signs(*Added*)

The subdivider shall pay to the City the costs for installing street signs of a design approved by the Director of Public Works at the intersection of all streets proposed to be dedicated, which signs shall be provided and installed by the City.

**SECTION 62:**        **ADOPTION** “18.57 (Reserved)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

## ADOPTION

### 18.57 (Reserved)(*Added*)

**SECTION 63:**        **ADOPTION** “18 CONSTRUCTION STANDARDS” of the City of Kaukauna Municipal Code is hereby *added* as follows:

## ADOPTION

### 18 CONSTRUCTION STANDARDS(*Added*)

**SECTION 64:**        **ADOPTION** “18.58 Plans Required” of the City of Kaukauna Municipal Code is hereby *added* as follows:

## ADOPTION

### 18.58 Plans Required(*Added*)

Simultaneously with the filing of the final plat or certified survey map with the City Clerk, copies of the construction plans and specifications shall be furnished for the following public improvements, if applicable to the land division:

1. Street grading and surfacing.
2. Sanitary sewerage and laterals.
3. Water mains and laterals.
4. Curb, gutters and sidewalks.
5. Underground gas, electric and telephone systems, including streetlighting laterals.
6. Street signs and lights.
7. Street trees.
8. Stormwater management facilities.
9. Parkland improvements.

**SECTION 65:** **ADOPTION** “18.59 Approval Of Plans” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.59 Approval Of Plans(*Added*)

The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and the City's construction standards and which are incorporated herein by reference in conformance with the City's current construction standards. If the City rejects the plans or specifications submitted, the developer shall be notified in writing.

**SECTION 66:** **ADOPTION** “18.60 Commencement” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.60 Commencement(*Added*)

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the Common Council and approving authorities having jurisdiction have given written authorization. No preconstruction meeting shall be scheduled or held until all permits required by the WDNR, USACE, or other such agency has been received by the City and City Engineer. Inspection fees shall be required to be filed as adopted by the City.

**SECTION 67:** **ADOPTION** “18.61 Contractors” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.61 Contractors(*Added*)

Contractors providing services for improvements to any plat as approved by the Common Council shall be selected on the basis of performance standards and shall be prequalified to perform the required work. Full time inspection shall be required for all infrastructure and improvements required under this section in accordance with the terms of the developer's agreement. All such services shall be fully reimbursed by the developer.

**SECTION 68:** **ADOPTION** “18.62 Building Permits” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.62 Building Permits(*Added*)

1. Permits required. No building shall be constructed prior to the issuance of the necessary zoning, building and sanitary permits. No building, zoning, sanitary or other permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.
2. Inspections. City staff shall have access to premises and structures during reasonable hours to make those inspections deemed necessary to ensure compliance with this chapter. If, however, he is refused entry after presentation of identification, he shall procure a special inspection warrant under § 963.10, Wis. Stats., except in cases of emergency, when he shall have the immediate right of entry.

**SECTION 69:** **ADOPTION** “18.63 Time Frame for Completion” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.63 Time Frame for Completion(*Added*)

Construction of all improvements required by this chapter shall be completed within two years from the date of the approval of the final plat or certified survey map, unless good cause can be shown for granting an extension of time by the Board of Public Works and Common Council.

**SECTION 70:** **ADOPTION** “18.64 Improvement Plan Approval Procedure” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.64 Improvement Plan Approval Procedure(*Added*)

The following procedure shall be followed for all subdivision construction/improvement plans and submittal of revised plans:

1. Copies of each required construction plan outlined in Section 18.58 shall be submitted to the City Engineer for distribution to the Public Works Department, Kaukauna Utilities, and Planning and Community Development Director. The deadline for submittal shall be established from time to time by policy of the City.

2. In no case will plans be accepted without payment of the required fees.
3. In no case will plans be accepted or reviewed by City staff or any City committee without first being processed through the City Engineer.
4. In no case will plans be accepted unless all improvement plans are included with the submittal. Plans will not be reviewed on a piecemeal basis. The submittal shall include: grading plans, drainage plan, public improvement plans (including streets, sanitary sewer, storm sewer, water and other utilities), landscape plan and erosion control plan. An individual plan may be submitted if it is one of the total set of plans and is being submitted as a revised plan wherein the remaining plans have been previously approved.
5. Any preliminary meeting between the City Engineer and the developer shall have prior authorization of the City and there may be a fee for such meeting, depending on the scope and length of the meeting.
6. There will no longer be a review of so-called "pre-final" or "preliminary" construction plans for review by only the City Engineer. Preliminary plan submittal shall be transmitted via the City Engineer to all City reviewers for their comments in accordance with the above. These preliminary comments shall be sent to the City Engineer prior to transmittal to the applicant. The City Engineer shall be the coordinator of plan review.
7. Each copy of the plans shall have a drawing and/or revision date in order for it to be accepted and routed for review.
8. The developer will transmit the full set of "final" construction/ improvement plans to the City Engineer and to the outside approving agencies. Once the review is complete, the City Engineer will schedule the plans for review by the appropriate committee (Utilities, Public Works, Finance) when a letter of approval by the City Engineer is received.
9. It will be the applicant's responsibility to contact the City, to confirm the date, time and location of the respective committee meeting.
10. Once the City committees and outside approving agencies provide written approval, the applicant may schedule a preconstruction meeting through the City Engineer.

**SECTION 71:**        **ADOPTION** “18.65 Required Plans” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.65 Required Plans(*Added*)

The following plans and accompanying construction specifications shall be provided by the subdivider and reviewed and approved by the Board of Public Works, Kaukauna Utilities, City Engineer, and state and federal agencies before construction or installation of improvements is authorized:

1. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements including intersection, curb ramp and sidewalk

designs.

2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
3. Stormwater management plans, calculations and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
4. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
5. Erosion control and stormwater management per Section 22 of Municipal Code.
6. Master site grading plan showing the finished grades of each lot in the subdivision.
7. Planting plans showing the locations, age, caliper and species of any required grasses, vines, shrubs and trees.
8. Additional special plans or information as required.

**SECTION 72:**        **ADOPTION** “18.66 Inspection” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.66 Inspection(*Added*)

1. The subdivider, prior to commencing any work within the subdivision, shall make arrangements for a preconstruction meeting conducted by the City Engineer where all details regarding the installation of the required improvements shall be presented and reviewed and shall include provisions for engineering inspection services.
2. During the course of construction, the Director or Public Works or the City Engineer shall make such inspections as they deem necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to ensure satisfactory work as set forth in the developer's agreement.
3. All inspection fees incurred by the subdivider shall be paid to the City in full prior to release or termination of the developer's financial guarantee and prior to the City granting approvals for any future development or stages of development, if applicable.

**SECTION 73:**        **ADOPTION** “18.67 As-Built Plans Required” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

##### 18.67 As-Built Plans Required(*Added*)

1. Within 60 days following the completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewer and water mains



and such other facilities as the Director or Public Works shall require. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

2. The subdivider shall also submit the aforementioned "as-built" plans in a digital DXF, DGN, or DWG file, which shall also show the final plat or certified survey map. Such submission shall be tied to and referenced to the appropriate projection.

**SECTION 74:        ADOPTION** “18.68 (Reserved)” of the City of Kaukauna Municipal Code is hereby *added* as follows:

#### ADOPTION

18.68 (Reserved)(*Added*)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

\_\_\_\_\_.

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

\_\_\_\_\_  
Sally Kenney, Clerk City of Kaukauna