COMMON COUNCIL

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



Tuesday, January 17, 2023 at 7:00 PM

AGENDA

In-Person

- 1. Roll call, one minute of silent prayer, Pledge of Allegiance to the American Flag.
- Reading and approval of minutes.
 - a. Common Council Meeting Minutes of January 3, 2023.
- 3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
 - a. Bills Payable.
- 4. Public appearances.
- Business presented by Mayor.
 - a. Congratulations to Craig Schneider on 25 years with the City of Kaukauna Fire Department.
 - b. Swearing in of Police Officer Jorge Del Carmen.
 - c. Proclamation School Choice Week January 22 through January 28, 2023.
 - d. Appointment of temporary substitute judge.
- 6. Reports of standing and special committees.
 - a. Board of Public Works Meeting Minutes of January 16, 2023.
 - b. Finance & Personnel Committee Meeting of January 16, 2023.
 - c. Health & Recreation Committee Meeting of January 16, 2023.
 - d. Legislative Committee Meeting of January 16, 2023.
 - e. Public Protection & Safety Committee Meeting of January 16, 2023.
 - f. Plan Commission Meeting Minutes of October 20, 2022.
 - g. Plan Commission Meeting Minutes of November 17, 2022.
 - h. Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of December 13, 2022.
 - i. 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.
- Presentation of ordinances and resolutions.
 - a. Ordinance 1878-2023 Ordinance Amending Section 12.03 (3).

- <u>b.</u> Ordinance 1879-2023 Ordinance Amending Chapter 13.06(3) Cross Connection Control and Backflow Prevention.
- c. Resolution 2023-5368 Resolution Designating the Municipal Services Building as the Polling Site.
- d. Resolution 2023-5369 Resolution by the City of Kaukauna Requesting Utilization of Wisconsin Department of Natural Resources Grant for Wisconsin Avenue Seawall
- e. Resolution 2023-5370 Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for Public Improvements to Concrete Streets on Greyhound Street, Boxer Street, Setter Drive, Loderbauer Road, White Dove Lane, White Birch Street, Dixon Street, Seventh Street, Metoxen Avenue, Quinney Avenue, Canal Street, Oak Street and Schultheis Street.
- f. Resolution 2023-5371 Governmental Responsibility Resolution for Wisconsin Economic Development Corporation Community Development Investment-Vibrant Spaces Grant (CDI-VS GRANT) – 2ND & 3RD Street Pedestrian Walkways and Alley.

9. Closed session.

- a. Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss disposition of public property Commerce Crossing Evergreen Drive.
- b. Return to Open Session for possible action.
- c. Adjourn to Closed Session Pursuant to 19.85(1)(e) to discuss the disposition of public funds New Prosperity Industrial Park.
- d. Return to Open Session for possible action.

10. Adjourn.

NOTICES

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





Pursuant to adjournment on December 20, 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, January 3, 2023.

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

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Fin. Dir. Van Rossum, Fire Chief Carrel, Asst. Police Chief Sanderfoot, Library Dir. Thiem-Menning, Com. Enrich. Ser. Dir. Vosters, and interested citizens.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly.

Motion by Moore, seconded by Coenen to adopt the minutes of the Common Council meeting of December 20, 2022.

All Ald. voted aye.

Motion carried.

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

Bills Payable

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

All Ald. voted ave.

Motion carried.

PUBLIC APPEARANCES

Kevin Sturn, N1354 Westgreen Drive, Greenville introduced himself as a candidate running for Outagamie County Executive in the Spring Election. Mayor Penterman thanked him for attending the meeting and wished him good luck in the election.

BUSINESS PRESENTED BY THE MAYOR

Proclamation for National Law Enforcement Appreciation Day (L.E.A.D) - Celebrated January 9, 2023.

Mayor Penterman read the proclamation for National Law Enforcement Appreciation Day.

Motion by Antoine, seconded by Kilgas to receive and place on file the proclamation. All Ald, voted ave.

Motion carried.

Proclamation for Wisconsin Adult School Crossing Guard Recognition Week January 9 through January 13, 2023.

Mayor Penterman read the proclamation for Wisconsin Adult School Crossing Guard Recognition Week.

Motion by Moore, seconded by Schell to receive and place on file the proclamation.

All Ald. voted aye.

Motion carried.

Authorization to fill Municipal Judge position due to resignation.

Motion by Kilgas, seconded by Moore to receive and place on file the resignation letter from Municipal Judge Carley Windorff.

All Ald. voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Operators/Bartenders License

The following applicant has applied for an operator's license for the license year 2022-2024 and has been recommended for approval based on their record check by the police department:

Pieper Lori	L.	141 Garfield St.	Kaukauna
-------------	----	------------------	----------

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

All Ald. voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Code Violation Report.

After reviewing the Code Violation Report, Alders made suggestions on improvements to be made on the report. Planner Stephenson stated new Code Enforcement software will be coming online soon and will include more information.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2022-5366 Resolution accepting Bluestem Meadows 3 subdivision and requiring sewer therein.

This item was pulled.

Resolution 2022-5367 Resolution Approving a Lot Combination Certified Survey Map for All of Lot #322072914 and Part of Lot #322073100 for WDJ, LLC.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2022-5367 Resolution Approving a Lot Combination Certified Survey Map for All of Lot #322072914 and Part of Lot #322073100 for WDJ, LLC.

All Ald. voted ave.

Motion carried.

Motion by Moore, seconded by Eggleston to adopt Resolution 2022-5367 Resolution Approving a Lot Combination Certified Survey Map for All of Lot #322072914 and Part of Lot #322073100 for WDJ, LLC.

All Ald. voted aye.

Motion carried.

CLOSED SESSION

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

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

Motion carried.

Adjourned to closed session at 7:24 p.m.

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

All Ald. voted aye.

Motion carried.

Returned to open session at 7:31 p.m.

Motion by Moore, seconded by Antoine to approve the offer to purchase from Arbor 55 Real Estate LLC. and counter with item one and two of recommendations.

All Ald. voted aye.

Motion carried.

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

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

Motion carried.

Adjourned to closed session at 7:32 p.m.

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

All Ald. voted aye.

Motion carried.

Returned to open session at 8:01 p.m.

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

Motion by Moore, seconded by Kilgas to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – New Prosperity Industrial Park. All Ald. voted ave.

Motion carried.

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

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 8:24 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – New Prosperity Industrial Park – Electric City Boulevard.

Motion by Moore, seconded by DeCoster to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – New Prosperity Industrial Park – Electric City Boulevard.

All Ald. voted aye.

Motion carried.

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

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

All Ald. voted aye.

Motion carried.

Returned to open session at 8:34 p.m.

Motion by Kilgas, seconded by Moore to accept the counter offer to purchase from Straightline Properties, LLC.

All Ald. voted aye.

Motion carried.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – Contract Cancelation.

Motion by Moore, seconded by Coenen to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss the disposition of public property – Contract Cancelation.

All Ald. voted aye.

Motion carried.

Adjourned to closed session at 8:35 p.m.

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

All Ald. voted aye.

Motion carried.

Returned to open session at 8:41 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to discuss employment, promotion, compensation or performance evaluation data of any public employee.

Motion by Moore, seconded by Coenen to adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to discuss employment, promotion, compensation or performance evaluation data of any public employee.

All Ald. voted aye.

Motion carried.

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

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

All Ald. voted aye.

Motion carried.

Returned to open session at 9:16 p.m.

ADJOURN

Motion by Antoine, seconded by Moore to adjourn. All Ald. voted aye. Motion carried.

Meeting adjourned at 9:16 p.m.

Sally Kenney, Clerk



Accounts Payable

Checks for Approval

User: cnelson

Printed: 1/6/2023 - 12:54 PM



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	12/16/2022	General Fund	Contractual Services	MYGOV, LLC		1,750.00
0	12/16/2022	General Fund	WI Retirement	Wisconsin Employee Trust Funds (ETF)		172,430.30
0	12/16/2022	General Fund	Contractual Services Ascentis Corporation			8,763.72
0	12/22/2022	General Fund	Supplemental Dental/Vision Ins	Delta Dental of Wisconsin		163.92
0	12/22/2022	General Fund	Supplemental Dental/Vision Ins	Delta Dental of Wisconsin		1,299.88
0	12/22/2022	General Fund	Supplemental Dental/Vision Ins	Delta Dental of Wisconsin		353.10
118008	12/16/2022	General Fund	Contractual Services	1-800-GOT-JUNK?		4,194.00
118008	12/16/2022	General Fund	Contractual Services	1-800-GOT-JUNK?		1,877.00
118009	12/16/2022	Buildings & Misc. Capital	Miscellaneous	ACSM Inc.		35,000.00
118010	12/16/2022	General Fund	Contractual Services	Advanced Maintenance Solutions		2,756.20
118010	12/16/2022	General Fund	Contractual Services	Advanced Maintenance Solutions		1,278.35
118011	12/16/2022	1000 Islands	Miscellaneous	AdventureKEEN		81.77
118012	12/16/2022	General Fund	Maintenance - Buildings	Amplitel Technologies LLC		272.63
118012	12/16/2022	General Fund	Data Center	Amplitel Technologies LLC		3,880.66
118013	12/16/2022	General Fund	Contractual Services City Of Appleton			780.50
118014	12/16/2022	Sanitary Sewer Utility	CIP - Intrastructure	Appleton Drain and Sewer		175.00
118015	12/16/2022	General Fund	Contractual Services	Aramark Uniform		16.51
118015	12/16/2022	Sanitary Sewer Utility	Contractual Services	Aramark Uniform		21.49
118015	12/16/2022	General Fund	Clothing Expense	Aramark Uniform		14.32
118015	12/16/2022	General Fund	Contractual Services	Aramark Uniform		491.68
118015	12/16/2022	General Fund	Contractual Services	Aramark Uniform		154.11
118015	12/16/2022	Sanitary Sewer Utility	Contractual Services	Aramark Uniform		-66.00
118015	12/16/2022	Sanitary Sewer Utility	Contractual Services	Aramark Uniform		-99.00
118016	12/16/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		235.44
118016	12/16/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		452.35
118016	12/16/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		56.87
118016	12/16/2022	General Fund	Maintenance - Automotive	Automotive Supply Co		64.87
118016	12/16/2022	General Fund	Maintenance - Automotive Automotive Supply Co			59.00
118016	12/16/2022	General Fund	Maintenance - Automotive Automotive Supply Co			367.95
118016	12/16/2022	General Fund	Maintenance - All Other Equipm Automotive Supply Co			333.02
118016	12/16/2022	General Fund	Maintenance - Automotive Automotive Supply Co			-40.00
118016	12/16/2022	General Fund	Maintenance - Automotive Automotive Supply Co			14.24
118016	12/16/2022	General Fund	General Supplies	Automotive Supply Co		14.45
118016	12/16/2022	Storm Water Utility	Maintenance - Automotive	Automotive Supply Co		294.54

AP-Checks for Approval (1/6/2023 - 12:54 PM)

Page 1

Item 3

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
118016	12/16/2022	Storm Water Utility	Maintenance - Automotive	Automotive Supply Co		115.20
118016	12/16/2022	Storm Water Utility	Maintenance - Automotive	Automotive Supply Co		206.82
118016	12/16/2022	Storm Water Utility	Maintenance - All Other Equipm	Automotive Supply Co		101.00
118017	12/16/2022	1000 Islands	Building Rental (Non-Taxable)	Shana Beach		200.00
118018	12/16/2022	Park & Pool Capital	Buildings	Berglund Construction Co.		58,757.44
118019	12/16/2022	General Fund	Maintenance - Buildings	Bethany Lutheran Church		680.00
118020	12/16/2022	General Fund	Computing	CDW Government		2,636.05
118021	12/16/2022	General Fund	Communications	Charter Communications		197.20
118021	12/16/2022	General Fund	Contractual Services	Charter Communications		1,098.74
118022	12/16/2022	1000 Islands	Contractual Services	Cintas		109.24
118022	12/16/2022	General Fund	Maintenance - Buildings	Cintas		367.30
118022	12/16/2022	General Fund	Maintenance - Buildings	Cintas		292.25
118022	12/16/2022	General Fund	Maintenance - Buildings	Cintas		340.85
118023	12/16/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		2,482.01
118023	12/16/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		40.03
118023	12/16/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		40.03
118023	12/16/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		61.52
118023	12/16/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		40.67
118023	12/16/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		40.67
118024	12/16/2022	Streets & Sidewalk Capital	Street Improvements	Al Dix Concrete Inc.		6,557.08
118024	12/16/2022	Streets & Sidewalk Capital	Street Improvements	Al Dix Concrete Inc.		4,076.77
118025	12/16/2022	General Fund	Contractual Services	Emergency Services Marketing Corp.		810.00
118026	12/16/2022	General Fund	Youth Programs Non-Taxable	Girl Scout Troop 2444		30.00
118027	12/16/2022	General Fund	Contractual Services	Human Resources Consulting, LLC		1,402.50
118028	12/16/2022	General Fund	Library Materials	Ingram		212.45
118028	12/16/2022	General Fund	Library Materials	Ingram		124.41
118028	12/16/2022	General Fund	Library Materials	Ingram		200.35
118028	12/16/2022	General Fund	Library Materials	Ingram		233.83
118029	12/16/2022	General Fund	Service Contracts	Marco		248.09
118030	12/16/2022	General Fund	Contractual Services	McMahon Associates Inc		8,814.65
118031	12/16/2022	General Fund	Library Materials	Midwest Tape		668.03
118031	12/16/2022	General Fund	Library Materials	Midwest Tape		23.24
118032	12/16/2022	General Fund	Facilities Rental Non-Taxable	Dan Moreno		200.00
118033	12/16/2022	General Fund	Clothing Expense	Craig Schneider		362.43
118034	12/16/2022	General Fund	Accrued 10% Fines	Mentha Spight		376.00
118035	12/16/2022	General Fund	Wellness Program	Shanon Swaney		200.00
118036	12/16/2022	General Fund	Medical & Laboratory Supplies	Thedacare Laboratories		170.00
118037	12/16/2022	General Fund	Maintenance - Buildings	Unison Credit Union		198.00
118037	12/16/2022	Sanitary Sewer Utility	General Supplies	Unison Credit Union		350.83
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		86.94
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		266.07
118037	12/16/2022	General Fund	General Supplies	Unison Credit Union		9.98
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		218.39
118037	12/16/2022	General Fund	Contractual Services	Unison Credit Union		9.99

Item 3.a.	
-----------	--

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
118037	12/16/2022	General Fund	Travel - City Business	Unison Credit Union		249.00
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		170.54
118037	12/16/2022	General Fund	Miscellaneous	Unison Credit Union		97.02
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		29.99
118037	12/16/2022	1000 Islands	Programs	Unison Credit Union		95.00
118037	12/16/2022	General Fund	Education & Memberships	Unison Credit Union		25.00
118037	12/16/2022	1000 Islands	Contractual Services	Unison Credit Union		499.95
118037	12/16/2022	General Fund	Clothing Expense	Unison Credit Union		561.90
118037	12/16/2022	1000 Islands	Programs	Unison Credit Union		168.24
118037	12/16/2022	General Fund	Data Processing Supplies	Unison Credit Union		119.99
118037	12/16/2022	1000 Islands	Animal & Bird Care	Unison Credit Union		144.07
118037	12/16/2022	General Fund	Recreation	Unison Credit Union		242.63
118037	12/16/2022	1000 Islands	Education & Memberships	Unison Credit Union		10.30
118037	12/16/2022	General Fund	Recreation	Unison Credit Union		105.50
118037	12/16/2022	General Fund	K9 Program	Unison Credit Union		140.00
118037	12/16/2022	General Fund	Recreation	Unison Credit Union		6.30
118037	12/16/2022	General Fund	Seminar Expenses	Unison Credit Union		99.00
118037	12/16/2022	General Fund	Recreation	Unison Credit Union		242.57
118037	12/16/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		149.95
118037	12/16/2022	General Fund	Recreation	Unison Credit Union		35.86
118037	12/16/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		169.49
118037	12/16/2022	General Fund	Clothing Expense	Unison Credit Union		6,000.00
118037	12/16/2022	General Fund	Miscellaneous	Unison Credit Union		16.99
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		38.76
118037	12/16/2022	General Fund	Evidence	Unison Credit Union		290.71
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		20.67
118037	12/16/2022	General Fund	Contractual Services	Unison Credit Union		195.00
118037	12/16/2022	General Fund	Contractual Services	Unison Credit Union		300.00
118037	12/16/2022	General Fund	Seminar Expenses	Unison Credit Union		99.00
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		19.99
118037	12/16/2022	General Fund	K9 Program	Unison Credit Union		60.00
118037	12/16/2022	General Fund	Office Supplies	Unison Credit Union		10.77
118037	12/16/2022	General Fund	K9 Program	Unison Credit Union		60.00
118037	12/16/2022	General Fund	Seminar Expenses	Unison Credit Union		349.00
118037	12/16/2022	General Fund	Miscellaneous	Unison Credit Union		47.44
118037	12/16/2022	General Fund	Due to VFW-Kaukauna Post	Unison Credit Union		107.51
118037	12/16/2022	General Fund	Maintenance - All Other Equipm	Unison Credit Union		431.90
118037	12/16/2022	General Fund	Education & Memberships	Unison Credit Union		139.00
118037	12/16/2022	General Fund	Automotive Supplies	Unison Credit Union		41.55
118037	12/16/2022	General Fund	Contractual Services	Unison Credit Union		49.00
118037	12/16/2022	General Fund	Communications	Unison Credit Union		242.10
118037	12/16/2022	General Fund	Education & Memberships	Unison Credit Union		229.00
118037	12/16/2022	General Fund	Miscellaneous	Unison Credit Union		23.75
118037	12/16/2022	Park & Pool Capital	Equipment	Unison Credit Union		1,835.99

Item	3.a

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
118037	12/16/2022	General Fund	Postage	Unison Credit Union		224.25
118037	12/16/2022	General Fund	Clothing Expense	Unison Credit Union		2,094.11
118037	12/16/2022	General Fund	Mach Tools & Instruments	Unison Credit Union		513.93
118037	12/16/2022	General Fund	Clothing Expense	Unison Credit Union		704.25
118037	12/16/2022	General Fund	Communications	Unison Credit Union		333.42
118038	12/16/2022	General Fund	Water Sewer & Electric	We Energies		12.54
118038	12/16/2022	General Fund	Heating Fuels	We Energies		746.68
118039	12/16/2022	1000 Islands	Building Rental (Non-Taxable)	Michelle C. Witman		200.00
118040	12/22/2022	Streets & Sidewalk Capital	Street Improvements	AECOM Technical Services, Inc		786.68
118041	12/22/2022	General Fund	Clothing Expense	Robert Aschenbrener		184.56
118042	12/22/2022	General Fund	Maintenance - Buildings	ATIS Elevator Inspections, LLC		250.00
118042	12/22/2022	General Fund	Maintenance - Buildings	ATIS Elevator Inspections, LLC		125.00
118043	12/22/2022	General Fund	Clothing Expense	Alex Bain		99.44
118044	12/22/2022	Grignon Mansion	Contractual Services	Bob's Quality Heating & Cooling, Inc.		99.95
118045	12/22/2022	General Fund	Clothing Expense	Nick Bouressa		365.18
118046	12/22/2022	Storm Water Utility	Contractual Services	Carl Bowers & Sons Construction Co, Inc		10,815.00
118046	12/22/2022	Storm Water Utility	CIP - Infrastructure	Carl Bowers & Sons Construction Co, Inc		8,000.00
118046	12/22/2022	Sanitary Sewer Utility	CIP - Intrastructure	Carl Bowers & Sons Construction Co, Inc		18,591.98
118047	12/22/2022	General Fund	Clothing Expense	Heath M. Buechel		450.00
118048	12/22/2022	General Fund	Wellness Program	Jacob Carrel		200.00
118049	12/22/2022	General Fund	Clothing Expense	Elliot Chier		363.62
118050	12/22/2022	General Fund	Recruitment Expenses	Craig D. Childs, PhD, SC		500.00
118051	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Davel Engineering & Environmental, Inc.		1,345.00
118052	12/22/2022	General Fund	Contractual Services	Elmstar Electric Corp.		3,452.59
118053	12/22/2022	General Fund	Maintenance - Buildings	Energy Control & Design, Inc.		703.18
118054	12/22/2022	General Fund	Clothing Expense	Cody Foss		331.05
118055	12/22/2022	General Fund	Clothing Expense	Chad Gerrits		450.00
118056	12/22/2022	General Fund	Clothing Expense	Michael Hamilton		450.00
118057	12/22/2022	General Fund	Clothing Expense	Samuel Hebert		37.77
118058	12/22/2022	General Fund	Contractual Services	Human Resources Consulting, LLC		765.00
118059	12/22/2022	General Fund	Clothing Expense	Brian Inocelda		431.29
118060	12/22/2022	Equipment Capital	Equipment	Jefferson Fire & Safety, Inc.		291,374.50
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,346.75
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		5,254.06
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		3,756.17
118061	12/22/2022	General Fund	Water Sewer & Electric	ver & Electric Kaukauna Utilities		147.08
118061	12/22/2022	General Fund	Water Sewer & Electric	Sewer & Electric Kaukauna Utilities		77.97
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		200.07
118061	12/22/2022	Sanitary Sewer Utility	Water Sewer & Electric	Kaukauna Utilities		172.69
118061	12/22/2022	Storm Water Utility	Water Sewer & Electric	Kaukauna Utilities		8.00
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,458.25
118061	12/22/2022	Nelson Crossing Fund	Boardwalk Bridge - Utilities	Kaukauna Utilities		37.79
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		555.22
118061	12/22/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,713.15

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Item 3.a.
1100.61	10/00/000					
118061	12/22/2022	Industrial Park	Expenditures	Kaukauna Utilities		52.05
118061	12/22/2022	TID #5 Construction Fund	Property Acquisition			98.32
118061	12/22/2022	1000 Islands	Water Sewer & Electric	Kaukauna Utilities		618.56
118061	12/22/2022	TID #8 Construction Fund	Marketing & Administration	Kaukauna Utilities		165.60
118062	12/22/2022	General Fund	Facilities Rental Non-Taxable	Jane Kempen		200.00
118063	12/22/2022	General Fund	Clothing Expense	Sam Klimek		210.52
118064	12/22/2022	General Fund	Clothing Expense	Austin Klister		179.36
118065	12/22/2022	General Fund	Clothing Expense	Ryan Kussow		189.64
118066	12/22/2022	General Fund	Wellness Program	Natasha Lansbach		200.00
118067	12/22/2022	General Fund	Aquatics Non-Taxable	Melissa Matson		190.00
118068	12/22/2022	Storm Water Utility	CIP - Infrastructure	McMahon Associates Inc		756.20
118068	12/22/2022	Storm Water Utility	CIP - Infrastructure	McMahon Associates Inc		1,128.05
118069	12/22/2022	General Fund	Clothing Expense	Leighton Myers		211.73
118070	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Outagamie County Treasurer		271.58
118070	12/22/2022	General Fund	Contractual Services	Outagamie County Treasurer		80.05
118070	12/22/2022	General Fund	Outagamie County	Outagamie County Treasurer		440.05
118071	12/22/2022	General Fund	Clothing Expense	Michael Prock		100.00
118072	12/22/2022	General Fund	Clothing Expense	Joseph Resch		184.30
118073	12/22/2022	General Fund	Contractual Services	Gregg E. Schreiber		1,048.18
118074	12/22/2022	General Fund	Miscellaneous	Silver Squirrel Engraving & Gifts		194.00
118075	12/22/2022	TID #8 Construction Fund	Marketing & Administration	Simplifile, LC		60.25
118075	12/22/2022	CDBG Working	Administrative Expense	Simplifile, LC		30.25
118076	12/22/2022	General Fund	Clothing Expense	Ryan Steffel		432.50
118077	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Tapco		128.48
118078	12/22/2022	General Fund	Clothing Expense	Brad VanAsten		100.00
118079	12/22/2022	General Fund	Clothing Expense	Scot VandenHeuvel		94.90
118080	12/22/2022	General Fund	Clothing Expense	Kurt Vanderloop		100.00
118081	12/22/2022	Storm Water Utility	CIP - Infrastructure	Vinton Construction Co.		19,630.00
118082	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Westwood Infrastructure		160.00
118083	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Wis. Dept. of Transportation		6.93
118083	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Wis. Dept. of Transportation		0.52
118083	12/22/2022	Streets & Sidewalk Capital	Street Improvements	Wis. Dept. of Transportation		66,319.41
118084	12/22/2022	General Fund	Accrued 10% Fines	State of Wisconsin		1,531.45
118085	12/22/2022	General Fund	Clothing Expense	Nick Ziegler		159.23
118086	12/22/2022	General Fund	Clothing Expense	Lonny Ziemer		250.27
118087	12/30/2022	General Fund	Contractual Services	Airgas USA, LLC		159.60
118088	12/30/2022	General Fund	Mach Tools & Instruments	Mach Tools & Instruments American Firehouse Furniture LLC		2,416.50
118089	12/30/2022	1000 Islands	Restricted Funds	Apple Valley Lancscaping, LLC		418.10
118090	12/30/2022	Sanitary Sewer Utility	Contractual Services	** * * * * *		261.62
118091	12/30/2022	General Fund	Medical & Laboratory Supplies	Medical & Laboratory Supplies Bound Tree Medical, LLC.		830.16
118092	12/30/2022	Sanitary Sewer Utility	CIP - Intrastructure	Carl Bowers & Sons Construction Co, Inc		2,250.00
118092	12/30/2022	Streets & Sidewalk Capital	Street Improvements	Carl Bowers & Sons Construction Co, Inc		38,074.25
118092	12/30/2022	Sanitary Sewer Utility	CIP - Intrastructure	Carl Bowers & Sons Construction Co, Inc		757,059.94
118093	12/30/2022	General Fund	Education & Memberships	Cardmember Service		-159.00

a

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
118093	12/30/2022	General Fund	Office Supplies	Cardmember Service		131.66
118093	12/30/2022	General Fund	Postage	Cardmember Service		21.67
118093	12/30/2022	General Fund	Library Materials	Library Materials Cardmember Service		1,064.48
118093	12/30/2022	General Fund	Library Programs	Cardmember Service		246.78
118093	12/30/2022	Library Special Use	Misc Expenses	Cardmember Service		338.74
118094	12/30/2022	General Fund	Clothing Expense	Jacob Carrel		309.10
118094	12/30/2022	General Fund	Clothing Expense	Jacob Carrel		140.90
118095	12/30/2022	General Fund	Computing	CDW Government		42.40
118095	12/30/2022	General Fund	Office Supplies	CDW Government		1,208.01
118096	12/30/2022	General Fund	K9 Donations	Community Foundation - Kaukauna K-9 Fund		129.53
118097	12/30/2022	General Fund	Miscellaneous	Conway Shield		72.50
118098	12/30/2022	General Fund	Miscellaneous	Dean Enterprises, LLC		201.00
118098	12/30/2022	1000 Islands	Conservancy Zone Maint	Dean Enterprises, LLC		137.50
118099	12/30/2022	General Fund	Contractual Services	Diversified Benefit Services, Inc.		226.70
118100	12/30/2022	General Fund	Clothing Expense	Eagle Graphics LLC		110.50
118101	12/30/2022	General Fund	Medical & Laboratory Supplies	Emergency Medical Products		1,948.33
118102	12/30/2022	General Fund	Youth Programs Non-Taxable	Alisha Huss		25.00
118103	12/30/2022	General Fund	Youth Wrestling	Image 360 Inc.		202.00
118104	12/30/2022	General Fund	Printing Expense	Integrated Printing, Labels & Promotional Products		250.00
118105	12/30/2022	General Fund	Rent - Equipment	James Imaging Systems, Inc.		154.57
118106	12/30/2022	Sanitary Sewer Utility	CIP - Intrastructure	Kaukauna Utilities		3,020.00
118106	12/30/2022	Sanitary Sewer Utility	CIP - Intrastructure	Kaukauna Utilities		2,815.00
118107	12/30/2022	General Fund	Contractual Services	KidStage		2,400.00
118108	12/30/2022	1000 Islands	Building Rental (Non-Taxable)	Jack Knaack, Sr.		200.00
118109	12/30/2022	General Fund	Miscellaneous	Landreman's Family Restaurant		514.36
118110	12/30/2022	1000 Islands	Contractual Services	Marco		64.46
118111	12/30/2022	1000 Islands	Contractual Services	Marco Technologies LLC		40.64
118112	12/30/2022	Storm Water Utility	CIP - Infrastructure	McMahon Associates Inc		3,573.55
118112	12/30/2022	Storm Water Utility	CIP - Infrastructure	McMahon Associates Inc		1,130.50
118112	12/30/2022	Storm Water Utility	Contractual Services	McMahon Associates Inc		534.00
118113	12/30/2022	TID #12 Construction Fund	Marketing & Administration	Mead & Hunt		3,444.00
118114	12/30/2022	General Fund	Facilities Rental Non-Taxable	Jose Martin Mendez Cadenas		200.00
118115	12/30/2022	Sanitary Sewer Utility	CIP - Intrastructure	Michels Corporation		206,849.07
118116	12/30/2022	Streets & Sidewalk Capital	Street Improvements	Northeast Asphalt Inc.		269,083.18
118117	12/30/2022	General Fund	Office Supplies	Quick Print Center Inc.		35.05
118118	12/30/2022	Buildings & Misc. Capital	Buildings			16,635.24
118119	12/30/2022	General Fund	Contractual Services			300.00
118120	12/30/2022	American Rescue Plan Act Funds	Miscellaneous Stryker Sales Corporation			34,116.37
118121	12/30/2022	General Fund	Medical & Laboratory Supplies	Teleflex LLC		605.56
118121	12/30/2022	General Fund	Medical & Laboratory Supplies Teleflex LLC			303.17
118122	12/30/2022	General Fund	Advertising	The Valley Guide, LLC		800.00
118123	12/30/2022	General Fund	Data Center	Vertiv Services Inc.		929.68
118124	12/30/2022	General Fund	Recreation	Alicia Witte		75.38
118125	12/30/2022	General Fund	Dog Park Supplies	Gary Landreman		3.99

Check Number Check Date Fund Name Account Name Vendor Name Void Amount

Report Total:

2,156,266.64

Item 3.a.

PROCLAMATION

WHEREAS, all children in the City of Kaukauna should have access to the highest quality education possible; and

WHEREAS, the City of Kaukauna recognizes the important role that an effective education plays in preparing all students in the City of Kaukauna to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of the City of Kaukauna; and

WHEREAS, the City of Kaukauna is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, the City of Kaukauna has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Anthony J. Penterman, Mayor of the City of Kaukauna, Wisconsin, do hereby recognize January 22 through January 28, 2023, as

CITY OF KAUKAUNA SCHOOL CHOICE WEEK

and I call this observance to the attention of all of our citizens.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Kaukauna to be affixed this 17th day of January, 2023.

CITY OF KAUKAUNA

Anthony J. Penterman, Mayor

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, January 16, 2023 at 6:00 P.M.

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

Thiele.

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Street Sup. Van

Gompel, Fire Chief Carrel, Com. Enrich. Serv. Dir. Vosters, HR Dir. Swaney, and

interested citizens.

Chair Thiele acknowledged the holiday – Martin Luther King Jr. Day. Today our country celebrated the life of Martin Luther King Jr. and his impact on giving equal rights to everyone.

1. Correspondence – none.

2. Discussion Topics.

a. Red Hills Landfill Update.

Representative Heath Hoffman-Operations Manager from the Ahlstrom-Munksjo was present to provide information, along with photos, on their efforts and plans. Construction on Phase 6 sequence 2 is complete and the DNR is reviewing construction documentation for approval to place waste in the sequence. Approval is expected before May, and the plan would be to start putting waste in the sequence by August. The plan was to put material in Phase 5 for the winter. They have been putting material into Phase 5 until the last week. Due to warmer temperatures and thawing, they are temporarily putting waste in the east module of Phase 6. The plan is to return to Phase 5 as soon as the temperature drops for the remainder of the winter. Once the temperatures consistently are above freezing, they will focus on removing surface leachate from the center module. Questions from the Board were answered.

b. Wisconsin Avenue Seawall Project Update.

DPW/Eng. Neumeier provided an update with photos of the project. McMahon Engineering put together some concept plans for the project for the Nelson Grant. The second grant being applied for is through the DNR, which is fifty percent of the cost. The City is in talks with Fox Locks expecting a letter of support to go with the grant application. There is a resolution on the council agenda for tomorrow night. Questions from the Board were answered.

c. Authorization to seek bids for Project #1-23, 2023 Concrete Street Paving.

The Engineering Department has completed survey and is finalizing design for installation of concrete streets for the listed roads. The new construction streets outlined are in need of the final driving surface, sidewalk, and driveway apron installation. The Street Reconstruction areas will include removal of asphalt and replacement with concrete street, driveway aprons and extension or replacement of sidewalks where needed. A preliminary resolution declaring intent to exercise special assessments is included in your packets for Council consideration on Tuesday night.

Motion by Moore, seconded by Schell to authorize the Engineering Department to seek bids for Project #1-23, 2023 Concrete Street Paving.

All members voted ave.

Motion carried.

d. Authorization to seek bids for Project #2-23, Kenneth Avenue Area Utility Relay – Phase 3.

The Engineering Department is completing plans for the annual utility relay project with Kaukauna Utilities. The proposed project is in the Kenneth Avenue to Crooks Avenue neighborhoods. The project will include replacement of sanitary sewer, water mains, private laterals from the main to the homes, and restoration of the affected areas.

Motion by Kilgas, seconded by Antoine to authorize the Engineering Department to seek bids for Project #2-23, Kenneth Avenue Area Utility Relay – Phase 3. All Ald. voted aye.

Motion carried.

e. Authorization to seek bids for Project #4-23, 2023 Concrete Street Patch Program.

The Engineering Department and Street Department have identified various areas in need of concrete street panel replacement for which we have budgeted funds in the 2023 CIP. The City would also contract with KU to add any winter water main break patches with our larger replacement project in an effort to save money, staff resources, and to simplify project coordination. Due to several high traffic and school-adjacent patches on this project, we intend to seek bids early in 2023, and require contractors to complete any work on STH 55 or near schools, during the summer months.

Motion by DeCoster, seconded by Coenen to authorize the Engineering Department to seek bids for Project #4-23 – 2023 Concrete Street Patch Program.

All members voted aye.

Motion carried.

f. Municipal Pool Project Update.

Community Enrichment Services Director Vosters provided an update on the Municipal Pool Project. Parkitecture and Planning is currently working on the pump building for the slide, the tower and the pool wall interface where slide will connect to the vessel. Splash pad design is currently being developed. Nearly complete is the design for the concession building and bathhouse. The next step is the mini-golf course and pump buildings for the splash pad. We believe to be on track for the bid to go out in February.

The Capital Campaign Committee is Kelly Kelly, Nicci Sprangers, Dr. Chris Berkers, Bob Jakel and TJ Minnehan. The Committee has met three times with the last time being last week. Each committee member is making calls to meet with local businesses. The City has received one donation in addition to the Nelson Fund gift. A Campaign website went live last week. Social media platforms, newspaper ads and other forms of press releases are being developed and will go out to the public this week.

g. Public Works Update.

DPW/Eng. Neumeier provided a list of projects happening in the City. The City was informed last week that TDS is no longer working with Broadband Infrastructure. TDS is doing some of the cleanup work and are currently looking for a new contractor. TDS is hoping to have a new contractor in place by March or April. In the meantime, anywhere they have fiber optic live they can still do connections from the mains to the houses. They are currently not installing any new fiber mains at this time. The other project is the Vibrant Spaces Grant having to do with our alley project and also activating some vacant lots in the City downtown. The Planning Department has a resolution on the Common Council agenda for tomorrow night which would authorize staff to apply for the Vibrant Spaces Grant. Specifically for making improvements to downtown areas, increasing the number and types of audiences using the space, creating visible and lasting transformations that foster public activity to improve our downtown. Questions from the Board were answered.

3. Adjourn.

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

Meeting adjourned at 6:31 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, January 16, 2023, at 6:32 pm.

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

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng.
Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Fire Chief Carrel, Com Enrich.
Serv. Dir. Vosters, HR Dir. Swaney and interested citizens.

- 1. Correspondence None.
- 2. Discussion Topics.
- 3. Adjourn to Closed Session.
 - a. Adjourn to Closed Session pursuant to State Statute 19.85(1)(c) to discuss employment, promotion, compensation or performance evaluation data of any public employee.

Motion by Moore, seconded by Kilgas to adjourn to Closed Session.

All members voted aye.

Motion carried.

Adjourned to Closed Session at 6:33 p.m.

b. Return to Open Session for possible action.

Motion by DeCoster, seconded by Schell to return to Open Session.

All members voted aye.

Motion carried.

Returned to Open Session at 6:42 p.m.

Motion by Moore, seconded by Coenen to adopt the 2023 Deputy Court Clerk stipend as presented.

All members voted aye.

Motion carried.

Motion by Kilgas, seconded by Schell to adopt the 2023 Deputy Clerk stipend as presented. All members voted aye.

Motion carried.

4. Adjourn.

Motion by DeCoster, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:44 pm.

Sally Kenney, Clerk

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, January 16, 2023 at 6:45 P.M.

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

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

Schell, Alder Moore, Street Sup. Van Gompel, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Cord. Vosters and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Solicitors Licenses.

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

Anderson	Trey	S.	462 Marion Road	Oshkosh
Ayala	Edvardo	B.J.	888 E. Shady Ln. #108	Neenah
Bessette	Gavin	M.	W1962 Vandenberg St.	Freedom
Budzynski	Matthew	T.	1621 Schaefer Circle	Appleton
Reategui	Lance	R.	888 E. Shady Ln. #224	Neenah
Zierler	Wyatt	L.	142 Frances St.	Kaukauna

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

All members voted aye.

Motion carried.

b. Ordinance amending section 12.03.3 of the Municipal Code to include Class B Winery License.

Motion by Antoine, seconded by Kilgas to send the ordinance amending section 12.03.3 of the Municipal Code to include Class B Winery to the Common Council for approval. All members voted aye.

Motion carried.

c. Class B Winery License to Hex Meadery, Lexie Lau Agent, 175 W. Wisconsin Aveune.

Motion by DeCoster, seconded by Antoine to approve the Class B Winery License to Hex Meadery, Lexie Lau Agent, 175 W. Wisconsin Ave., Kaukauna.

All members voted ave.

Motion carried.

3. Adjourn.

Motion made by Antoine, seconded by Kilgas to adjourn.

All members voted ave.

Motion carried.

Meeting adjourned at 6:54 pm.

Sally Kenney Clerk

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, January 23, 2023 at 6:54 P.M.

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

Also present: Mayor Penterman, Attorney Davidson, Alder DeCoster, Alder Eggleston,

Alder Kilgas, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, HR Dir. Swaney, Fire Chief Carrel, Com. Enrich. Serv. Dir. Vosters, KU

Moureau and interested citizens.

1. Correspondence - none.

2. Discussion Topics.

a. Cross Connection Ordinance.

Kaukauna Utilities (KU) Representative Zach Moureau, KU Environmental & Compliance Manager was present to provide background information. As a result of the Wisconsin Department of Natural Resources (WDNR) 2022 Sanitary Survey, the WDNR recommended modification to the City of Kaukauna ordinance Chapter 13.06(3) "Cross Connection Control and Backflow Prevention – Inspections" to align with State of Wisconsin regulatory code. Current ordinance language requires cross connection inspections at all non-residential facilities on a two-year interval; however, s. NR 810.15(1)(c) allows commercial properties that are similar or less risk than a residential property to be inspected on a tenyear interval. Revision of the language in the ordinance will lead to easier identification of the higher risk facilities. Cross connection ordinances for surrounding communities were researched and these revisions bring the ordinance in line with other communities. The Utility Commission approved the language change at the December 22, 2022 Utility Commission Meeting.

Motion by Moore, seconded by Coenen to approve and forward Ordinance 1879-2023 to the City Council.

All members voted aye.

Motion carried.

3. Adjourn.

Motion by Moore, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:58 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, January 23, 2023 at 6:58 pm.

Members present: Eggleston, Kilgas, Schell, Thiele.

Also present: Mayor Penterman, Ald. Antoine, Coenen, DeCoster, Moore, Atty. Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Com. Enrich. Serv. Dir.

Vosters, KU Moureau and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Firefighting Foam Bank Agreement.

Fire Chief Carrel provided the Firefighter Foam Bank Agreement, which includes seventeen area communities. The agreement is to jointly collaborate to purchase a Class B firefighting foam bank. The communities agree to mutually share the cost of the foam; prorated based on the population each community serves. The City of Appleton Fire Department agrees to facilitate the purchase of 265 gallons of Class B Firefighting Foam, transport the Foam from point of purchase and store the Foam at the City of Appleton Fire Department for the duration of this Agreement at no additional cost to the communities. Questions were answered.

Motion by Thiele, seconded by Eggleston to approve the Firefighting Foam Bank Agreement. All members voted aye.

Motion carried.

3. Adjourn.

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

Meeting adjourned at 7:05 p.m.

Sally Kenney Clerk



PLAN COMMISSION

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

Thursday, October 20, 2022 at 4:00 PM

MINUTES

The meeting was called to order at 4:00 PM.

1. Roll Call.

Members Present: Avanzi, Feller, Schoenike, Moore (arrived at 4:10PM via Zoom), Mayor Penterman (via Zoom), DPW Neumeier, PCDD Stephenson,

Members Absent: Thiele

Others Present: AP Paul, Pudge Schuh (Bernatello's Pizza)

A motion was made by Avanzi to excuse the absent member(s). The motion was seconded by Schoenike. The motion passed unanimously.

- 2. Approval of Minutes.
 - a. Approve Minutes from October 6, 2022 Meeting

A motion was made by Feller to approve the minutes from October 6, 2022 meeting. DPW Neumeier seconded the motion. The motion passed unanimously.

- New Business.
 - a. Site Plan Review Bernatello's Pizza Waste Water Treatment Plant

AP Paul presented the Site Plan for Bernatello's WWTP. The building will be an existing building on the property that is moved to the new site - the current building meets all code with white and red trim corrugated metal siding and a decorative masonry 4 feet high on the face of the building that shows to the public roads. There is no additional lighting being proposed. Setbacks are met. The reason for this WWTP is to prepare for expansion.

A motion was made by Avanzi to approve the Site Plan for Bernatello's Pizza Waste Water Treatment Plant. Schoenike seconded the motion. The motion passed unanimously.

Rezoning Request for 1302 Moon Ridge Court

AP Paul presented a Request for Rezone at the parcel mentioned. The Dalke family is requesting to rezone from Residential Single Family (RSF) to Residential Two-Family (RTF). They are hoping to build a new duplex that they will occupy and rent out the other side. The zoning map shows the lot to be surrounded by RSF and RTF. Staff believes since this is a new build, it will be a great addition to the neighborhood especially because it will provide an affordable house opportunity. The family is aware that additional water and sewer lines will need to be installed to the site. There were questions and concerns that the lot will be sandwiched between two RSF lots. The lot is directly across from RTF.

A motion was made by Avanzi to approve the rezone and recommend the same to council. Feller seconded the motion. 5 Commissioners voted aye, 1 Commissioner voted nay (Neumeier). The motion passed.

c. Landscape Ordinance - Update

PCDD Stephenson updated the requested changes to the landscape ordinance. Language was provided to avoid plantings within 8 feet of public utilities, and that all landscape plans will require approval from both Staff and Plan Commission. There was also an update to require a gate on the front of dumpster corrals. This ordinance will be passed onto Council with proper public hearing notices for the opportunity to be adopted.

A motion was made by DPW Neumeier to approve the Landscape Ordinance and recommend the same to Council. Avanzi seconded the motion. The motion passed unanimously.

d. Disposition of City Land - Remnant Parcel - 122 Island Street

DPW Neumeier presented a remnant parcel owned by the City that was a result of the Island/Elm intersection realignment. This parcel is on a corner and not needed by the city, especially considering the maintenance of the sidewalks. It would be wise to transfer the parcel to the abutting property owner. Avanzi mentioned that there is going to be a water study conducted in that area of the city.

Avanzi made a motion to table the item until he received more information on the area needed for the water study. Schoenike seconded the motion. The motion carried.

Other Business.

There was no other business.

5. Adjourn.

Motion was made by Avanzi to adjourn the meeting. DPW Neumeier seconded the motion. The motion carried. Meeting adjourned at 4:33 PM.



City of Kaukauna **Council Chambers** Municipal Services Building 144 W. Second Street, Kaukauna Thursday, November 17, 2022 at 4:00 PM

MINUTES

The meeting was called to order at 4:00 PM.

1. Roll Call

Members Present: Avanzi, Feller, Moore, DPW Neumeier, Mayor Penterman, Schoenike, Thiele and PCDD Stephenson

Others Present: AP Paul, Brandon Wegner from Mach IV

- 2. Approval of Minutes
 - a. Approval of Minutes from October 20, 2022 Meeting

There was a request to revise section 3. b. of the October 20, 2022 Meeting Minutes. Avanzi motioned to approve the minutes with the revisions. Schoenike seconded the motion. The motion passed.

- Old Business.
 - a. Disposition of City Land Remnant Parcel 122 Island Street

Avanzi mentioned that the water study area was reviewed and the property in question will not be effected. A motion was made by Moore to approve the disposition of the City's remnant parcel at 122 Island Street to the adjacent property owner. Schoenike seconded the motioned. The motion passed.

- New Business.
 - a. Certified Survey Map Review Bernatello's Pizza

AP Paul presented a CSM submitted by Mach IV showing a lot combination for Bernatello's Pizza. Bernatello's is now in ownership of the stormwater pond, driveway and parking area and the CSM is combining this land with their current property. DPW Neumeier brought up two points:

- The document number for the No Build easement along the west line is incorrect
- There needs to be an addition of a power easement

A motion was made by DPW Neumeier to accept the CSM with the changes mentioned above. The CSM must be submitted back to City Planning Department for in house approval before being passed on to Common Council. Seconded by Thiele. Motion passed.

b. Site Plan Review - Bassett Mechanical Corporate Office Addition

AP Paul presented the site plan review for Bassett Mechanical's corporate office addition off the south end of their existing facility. This an 8600 square foot addition to accommodate more office space, common areas, bathrooms, and conference rooms. There will be associated parking lot accommodation as well to account for this expansion. This is located in the Industrial Park District (IPD). All setback, height, parking, façade, landscaping, stormwater and erosion control requirements are being met.

5. Other Business.

There was no other business.

6. Adjourn.

A motion was made by Thiele to adjourn the meeting. Moore seconded the meeting. The meeting was adjourned at 4:16 PM.

MINUTES

HEART OF THE VALLEY METROPOLITAN SEWERAGE DISTRICT REGULAR MEETING HELD ON DECEMBER 13, 2022 AT THE HEART OF THE VALLEY MSD MEETING ROOM

Members Present: Dave Casper - President

Bruce Siebers - Vice President Patrick Hennessey - Secretary John Sundelius - Commissioner Kevin Coffey - Commissioner

Absent:

None

Also Present:

Brian Helminger - District Director HOVMSD

Dawn Bartel - Office Manager HOVMSD

Chad Giackino - Regulatory Compliance Manager HOVMSD

John Neumeier - City of Kaukauna

1. 5:00 p.m. Call to Order – Roll Call

President Casper called the meeting to order at 5:00 PM.

2. Public Appearances

No appearances were made.

3. Approval of the Minutes of the November 8, 2022 Regular Meeting

The minutes of the November 8, 2022 Regular Meeting were presented to the Commission. A motion was made by Commissioner Coffey and seconded by Commissioner Siebers to approve the minutes as written. Motion carried unanimously. The minutes were reviewed and preapproved by Secretary Hennessey.

4. Correspondence

The Commission received a copy of a letter dated 11/16/2022 from Outagamie County Recycling & Solid Waste regarding the landfill leachate management proposal. The District and Mike Gerbitz from Donohue will meet with the landfill on December 14th to discuss the expectations in detail.

5. Discussion Items

A. Introduction & Roundtable Discussion: Michael Avanzi of Kaukauna Utilities

Commissioner Casper welcomed Michael Avanzi, General Manager of Kaukauna Utilities. Commissioner Siebers talked about HOV's vision for strategic future planning, creating relationships and broadening connectivity with other utilities/entities, and making environmental impacts to ensure clean water.

B. Motor Control Center Upgrade: Discussion & Possible Action

The Commission received an email from Mike Gerbitz of Donohue, dated 11/29/2022, confirming that the cost breakdown from LW Allen is reasonable. The Commission directed staff to request a total cost affirmation from LW Allen including installation.

C. PK Boiler Replacement: Discussion & Possible Action

After a discussion and review of correspondence from Energy Control & Design regarding the solids building PK Boiler #3 operation and AHU-1M serving the admin building, a motion was made by Commissioner Casper and seconded by Commissioner Sundelius to enter into a contract with EC&D in the amount of \$37,910. A roll call vote was taken: Commissioner Casper, yes; Commissioner Sundelius, yes; Commissioner Coffey, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously.

D. Interceptor Rehab Project – Monthly Activity Report

Scott Schramm of Strategic Municipal Services provided a detailed written activity/progress summary for November. A working meeting with staff and Commissioner Casper will be held on December 28th as well as an appearance at an upcoming commission meeting. Public bidding is expected 1st quarter of 2023.

E. Effluent Filtration Project – Monthly Activity Report

District Director Helminger reviewed a project status report from Donohue detailing construction activities and progress photographs from October 23rd – November 19th. The Commission also received a copy of a letter from the DNR dated 11/28/2022 regarding reported soil contamination and an explanation of how to initiate the investigation and cleanup. Also copied for the Commission was a memorandum dated 12/13/2022 from Short Elliot Hendrickson, Inc. summarizing the identified soil contamination and outlining the next steps in the DNR's regulatory process. The Commission directed staff to get rates and a contract from SEH for their assistance with the soil testing and cleanup.

F. FOG Program – Monthly Activity Report

John Stoeger of Stoeger & Associates provided a written fats, oil, and grease update by community, including a grease trap inspection report and site visit correspondence. The Commission also received an itemized copy of the November 2022 invoice.

G. Leonard & Finco - Monthly Activity Report

Leonard & Finco provided a written monthly update of projects completed in November as well as a list of ongoing and upcoming tasks for December & January. District Director Helminger informed the Commission that our account manager Scott Stein is retiring.

PLANT REPORTS:

5PR. Flows & Revenues / Operations & Maintenance

Item 6.h.

The Commission received a copy of the hydraulic & organic loadings data, along with flow & strength projections, which shows the year-to-date surplus/deficit in revenue for the month of November 2022. Commissioner Hennessey noted that precipitation data for Darboy was absent from the monthly report. The District is waiting for a SIM card to arrive so that the data is transmitted automatically to the WWTF. Darboy data is being collected and needs to be retrieved manually and was not done in time for the November report. Revenue received from the WPS-Fox Energy Center for effluent purchased in November = \$12,906.55; Revenue received to date for 2022 = \$148,976.35. WPS-Fox Energy purchased 50% of the effluent produced in November.

The average effluent concentrations for **November 2022** were as follows:

	Monthly Average	Permit Limit
BOD	10 mg/L	30 mg/L
Suspended Solids	28.4 mg/L	30 mg/L
Suspended Solids	551 lbs.	801 lbs.
Phosphorus	.42 mg/L	1.0 mg/L
Ammonia	.38 mg/L	18 mg/L
Chlorides	664 mg/L	<u>~</u>

All permit values were met for November 2022

Kevin Skogman, Director of Operations & Maintenance, provided a written O & M Report on plant operations for November. He noted that one pressure vessel tank is installed and up & running. A second tank was recently installed and will be put in service when it's time to switch DAFT units. The peak flow pump #3 VFD has been installed but not started yet due to a delay in receiving fuses. Kevin's report also talked about replacing the bio-filter media in ATAD with haydite stone, which should eliminate the restriction of air flow. Two quotes were received from Thermal Process Systems: \$23,053.14 for 66 tons and \$30,737.52 for 88 tons. Kevin recommended going with the 88 tons. The Commission asked staff to get other quotes for the haydite stone. This will be discussed again in January.

6. Funds

A. December 2022 Accounts Payable; Action for Approval

After a review of the bills payable, a motion was made by Commissioner Casper and seconded by Commissioner Hennessey to approve payment of the bills in the amount of \$1,251,307.62. A roll call vote was taken: Commissioner Casper, yes; Commissioner Sundelius, yes; Commissioner Coffey, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously. The Commission signed the check voucher register which includes general, pre-paid, and petty cash checks.

B. Budget Comparison Report

The Commission received a Budget Comparison Report, along with a verbal explanation of exceedances.

7. General Old or New Business

- ✓ Fox Wolf Sponsorship: The Commission consented to sponsoring the Fox Wolf Watershed Conference at the gold level (\$1,200) which includes three conference attendees. The Conference will be held in Oshkosh on 2/28 & 3/1, 2023.
- ✓ *DNR Onsite Inspection:* The final inspection report has been received showing the District is in compliance with its NPDES permit.
- ✓ Interceptor Pay Methodology: No further communication from the City of Kaukauna on this issue and nothing from the PSC.

8. Closed Session pursuant to Wisconsin State Statute 19.85 91)(c) regarding 2023 wage adjustments: return to open session for possible action

A motion was made by Commissioner Coffey and seconded by Commissioner Siebers to enter into a Closed Session. Motion carried. (Time: 6:48 PM)

A motion was made by Commissioner Siebers and seconded by Commissioner Coffey to return to Open Session. Motion carried.

A motion was made by Commissioner Sundelius to adjust the step plan by 4% and increase the safety shoe reimbursement to \$200 and the safety glasses reimbursement to \$400. The Commission also granted District Director Helminger an additional week of vacation. The motion was seconded by Commissioner Siebers. A roll call vote was taken: Commissioner Casper, yes; Commissioner Sundelius, yes; Commissioner Coffey, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously

8. Adjournment

With no further business before the Commission, a motion was made by Commissioner Sundelius and seconded by Commissioner Coffey to adjourn the meeting. Motion carried unanimously. (Time: 7:45 PM)

SIGNED & APPROVED BY:

Patrick E. Hennessey, Secretary

January 17, 2023

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:

Brokaw	Shawn	M.	412 Hammen Ct.	Kaukauna
Franczek	John	A.	9 Armstrong Ct.	Kaukauna
Harvey	Leah	E.	1406 Biscayne Dr.	Little Chute
Keberlein	Mary	J.	209 W. Seventh St.	Kaukauna
Keddell	Jennifer	V.	700 W. Main St.	Little Chute
Kizewski	Joel	P.	3125 N. Durkee St.	Appleton
Mader	Mackenzie	L.	613 George St.	Kaukauna
Momberg	Jane	E.	144 E. Tobacnoir St.	Kaukauna
Oakley	Michael	T.	211 Oak St.	Kaukauna
Torud	Amanda	L.	N1922 Swanee Circle	Greenville
Van Abel	Lisa	A.	609 W. Ninth St.	Kaukauna
Verstegen	Nicole	M.	513 Third St.	Menasha

Kaukauna Fire Department Fire Report - December 2022

Incident Type: Fire			
Code - Description	Number	of Runs	Year to Date
111 - Building Fire		0	5
113 - Cooking Fire, confined to container	Great and grant other teach and provided from the publishing consequence of much situative account and was and	2	3
118 - Trash or rubbish fire, contained		0	3
131 - Passenger vehicle fire	uthrammarin Ausel or pro-driven, https://occupy.uthram.html.prop.eu-an	0	3
132 - Road Freight or Transport Vehicle Fire		. 0	1
154 - Dumpster or Other Outside Trash Receptacle Fire		0	2
	Total	2	17

Incident Type: Rescue & Emergency Medical Services				
Code - Description	Number of Runs	Year to Date		
311 - Medical Assist, Assist EMS Crew	0	3		
320 - Emergency Medical Service, Other	0	5		
321 - EMS Call	161	1,512		
322 - Motor Vehicle Accident with Injuries	4	49		
323 - Motor Vehicle/Pedestrian Accident	0	3		
324 - Motor Vehicle Accident with No Injuries	2	22		
331 - Lock-In	0	1		
350 - Extrication, Rescue, Other	0	1		
352 - Extrication of Victim(s) from Vehicle	0	1		
363 - Swift Water Rescue	0	1		
381 - Rescue or EMS Standby	0	4		
	Total 149	1,602		

Incident Type: Hazardous Condition (No	o Fire)		
Code - Description	Number of	Runs	Year to Date
400 - Hazardous Condition, Other		0	1
411 - Gasoline or Other Flammable Liquid Spill		0	5
412 - Gas Leak (Natural or LPG)		2	12
413 - Oil or Other Combustible Liquid Spill		0	3
424 - Carbon Monoxide Incident		0	3
440 - Electrical Wiring/Equipment Problem		1	3
443 - Breakdown of Light Ballast		1	1
444 - Power line down		1	18
445 - Arcing, shorted electrical equipment		1	3
451 - Biological hazard, Confirmed or Suspected		0	1
460 - Accident, potential accident, other		0	2
463 - Vehicle Accident, General Cleanup		0	5
	Total	6	57

Kaukauna Fire Department Fire Report - December 2022

Incident Type: Service Call			
Code - Description	Number of	Runs	Year to Date
500 - Service call, other		2	7
511 - Lock-out	tregueste (1935 Base) disensibilities reactives, etc. classification (1990 Annie 1990 Annie 1990 Annie 1990 A	3	19
520 - Water Problem, Other		0	4
522 - Water or Steam Leak		1	2
531 - Smoke or Odor Removal		1	5
542 - Animal Rescue		0	1
550 - Public Service Assistance, Other		0	2
551 - Assist Police or Other Governmental Agency		0	7
561 - Unauthorized Burning	***************************************	0	3
	Total	7	50

Incident Type: Good Intent Call		
Code - Description	Number of Runs	Year to Date
600 - Good Intent Call, Other	0	5
611 - Dispatched and Canceled Enroute	3	38
621 - Wrong Location	0	1
622 - No Incident Found on Arrival at Dispatch Address	0	3
631 - Authorized Controlled Burning	0	3
651 - Smoke Scare, Odor of Smoke	0	10
652 - Steam, Vapor, Fog or Dust Thought to be Smoke	1	1
	Total 4	61

Incident Type: False Alarm & False Call			
Code - Description	Number of	Runs	Year to Date
700 - False Alarm or False Call, Other		1	4
714 - Central Station, Malicious False Alarm		0	1
733 - Smoke Detector Activation Due to Malfunction		0	8
734 - Heat Detector Activation Due to Malfunction		0	1
735 - Alarm System Sounded Due to Malfunction		0	14
736 - CO Detector Activation Due to Malfunction		0	2
740 - Unintentional Transmission of Alarm, Other		0	1
742 - Extinguishing System Activation		0	1
743 - Smoke Detector Activation, No Fire, Unintentional		0	7
744 - Detector Activation, No Fire - Unintentional		0	3
745 - Alarm System Activation, No Fire - Unintentional		1	15
746 - Carbon Monoxide Detector Activation, No CO Found		3	10
	Total	5	67

Kaukauna Fire Department Fire Report - December 2022

Incident Type: Severe Weather & Natural Disaster				
Code - Description	Number o	f Runs	Year to Date	
813 - Wind Storm, tornado/hurricane assessment		0	1	
	Total	0	1.	

number c	of Runs	Year to Date
	0	3
Total	0	3
STATE OF THE PARTY		0

Fire Inspection Summary		
	Completed This Month	Year to Date
Inspections Completed	114	1,206
Violations Found	23	163
Violations Corrected	0	25

^{*} Reflects corrected YTD numbers

Kaukauna Fire Department Ambulance Report - December 2022

Runs by Municipality		
City / Village / Town	Number of Runs	Year to Date
City of Kaukauna	130	1,300
Village of Combined Locks	17	128
Town of Kaukauna	3	56
Village of Little Chute	5	52
Town of Vandenbroek	6	40
Town of Buchanan	2	22
Town of Holland	2	17
Town of Freedom	3	7
City of Appleton	1	7
City of Menasha	1	3
Village of Shiocton	0	1
Town of Wrightstown	0	1
Village of Wrightstown	0	1
City of Seymour	0	1
Village of Kimberly	0	1
	Total 170	1,637

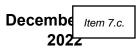
Runs by County		
County	Number of Runs	Year to Date
Outagamie	167	1,613
Brown	2	21
Winnebago	1	3
	Total 170	1,637

Runs by Disposition		
Disposition	Number of Runs	Year to Date
Patient Treated, Transported by Kaukauna Fire	124	1,166
Patient Treated, Released	19	166
Patient Refused Evaluation/Care, No Transport	12	102
Patient Evaluated, No Treatment/Transport Required	5	82
Patient Dead at Scene - No Resuscitation Attempted	5	34
Canceled on Scene, No Patient Found	2	30
Canceled Prior to Arrival	2	26
Canceled on Scene, No Patient Contact	1	10
Patient Treated, Transferred Care to Another EMS Unit	0	7
Canceled - Request Transferred to Another Provider	0	5
Standby- No Services or Support Provided	0	5
Standby- Operational Support Provided	0	3
Patient Dead at Scene - Resuscitation Attempted, No Transpor	t 0	1
	Total 170	1,637

Kaukauna Fire Department Ambulance Report - December 2022

Runs by Ambulance		
Primary Unit	Number of Runs	Year to Date
First Out Ambulance, Unit 2191	147	1,393
Second Out Ambulance, Unit 2192	20	217
Third Out Ambulance, Unit 2193	3	19
Engine Company, Unit 2121	0	8
	Total 170	1,637

Mutual Aid			
	Number of Runs	Year to Date	
Provided	3	12	
Received	0	7	



Police calls generated by:		YTD
911 call	238	2,406
Officer initiated	475	7,580
Called general phone number	295	3,903
TOTAL	1,008	13,889
Breakdown of calls:	1,000	.0,000
ABANDONED VEHICLE	0	32
ACCIDENT	42	360
ALARMS	11	137
ALCOHOL OFFENSE	0	7
ANIMAL	22	397
ARSON	0	0
ASSISTS	113	1,544
ASSAULT	1	9
BURGLARY	0	11
CIVIL	1	17
CRIME PREVENTION	133	2,736
DAMAGE TO PROPERTY	5	76
DISTURBANCES	24	287
DOMESTIC	6	25
DRUGS	12	111
FINGERPRINTING	0	0
FIRE CALLS	9	125
FIREWORKS	0	22
FRAUD	5	91
HARASSMENT	5	63
HAZARD	6	144
JUVENILE	21	304
LOCKOUT	16	152
LOST & FOUND	9	166
MEDICAL	108	1,064
MISSING PERSON	1	9
OPEN DOOR	4	77
OPERATING WHILE INTOXICATED	2	39
ORDINANCE VIOLATIONS	4	174
PARKING	19	261
RECKLESS DRIVE COMPLAINT	16	285
SEX OFFENSE	1	47
SUICIDE; ATTEMPT, THREAT, COMPLETED	4	35
SUSPICIOUS PERSON, VEHICLE, SITUATION	33	506
THEFT	15	138
TRAFFIC	137	1,994
TRAFFIC SAFETY	2	213
TRESPASS	0	22
TRUANCY	1	10
VIOLATE COURT ORDER	2	44
WANTED PERSON OR APPREHENSION	5	73
WARNINGS	107	1,418
WEAPON	107	11
WELFARE CHECK	44	515
911 HANGUP/ASSIST	79	720
total	1,026	14,471
lotai	1,020	14,471

note- the difference between the totals is some calls have mulitple offenses

MUNICIPAL JUDGE COURT REPORT

DECEMBER

	2022	2021	2022 CUMULATIVE	2021 CUMULATIVE	
FORFEITURES FOR MUNICIPAL ORDINANCE VIOLATIONS	\$7,090.27	\$7,470.99	\$47,572.04	\$79,821.67	
MUNICIPAL COURT COSTS	\$3,198.76	\$2,640.04	\$22,659.49	\$31,711.22	
PENALTY SURCHARGES	\$1,751.99	\$1,663.82	\$12,550.85	\$19,313.78	
COUNTY JAIL SURCHARGES	\$840.62	\$672.14	\$6,088.22	\$8,535.68	
DRIVER IMPROVEMENT SURCHARGES	\$2,175.00	\$2,429.52	\$9,718.18	\$16,391.95	
CRIME LAB/DRUG ENFORCEMENT SURCHARGES	\$1,105.00	\$884.26	\$6,771.58	\$9,993.34	
IGNITION INTERLOCK DEVICE SURCHARGE	\$192.00	\$0.00	\$572.05	\$100.00	
SAFE RIDE PROGRAM	\$200.00	\$200.00	\$993.00	\$1,674.60	
TOTAL	\$16,553.64	\$15,960.77	\$106,925.41	\$167,542.24	

Clerk-Treasurer Daily Deposit Report

Data	-	Palaras		
Date	Deposit	Balance	0.0 +	.
12/1/2022	¢002.00	620.047.00	iviontn: L	December
12/1/2022	\$882.80	\$30,917.80		
12/1/2022	\$35.00	\$30,035.00		
12/2/2022	\$2,495.49	\$32,658.49		
12/2/2022	\$140.00	\$30,163.00		
12/2/2022	\$23.00	\$30,023.00		
12/5/2022	\$12,403.30	\$42,408.30		
12/5/2022	\$5.00	\$30,005.00		
12/6/2022	\$1,739.48	\$31,943.48		
12/6/2022	\$204.00	\$30,204.00		
12/7/2022	\$80.00	\$30,100.00		
12/7/2022	\$20.00	\$30,020.00		
12/8/2022	\$659.10	\$30,672.10		
12/8/2022	\$13.00	\$30,013.00		
12/9/2022	\$13,959.61	\$48,817.32		
12/9/2022	\$2,342.21	\$34,857.71		
12/9/2022	\$2,143.50	\$32,515.50		
12/9/2022	\$277.00	\$30,372.00		
12/9/2022	\$75.00	\$30,095.00		
12/9/2022	\$20.00	\$30,020.00		
12/12/2022	\$605,984.31	\$638,769.31		
12/12/2022	\$2,438.00	\$32,785.00		
12/12/2022	\$310.00	\$30,347.00		
12/12/2022	\$37.00	\$30,037.00		
12/13/2022	\$10,206.43	\$40,614.43		
12/13/2022	\$408.00	\$30,408.00		
12/14/2022	\$29,011.31	\$59,201.31		
12/14/2022	\$110.00	\$30,190.00		
12/14/2022	\$80.00	\$30,080.00		
12/15/2022	\$135,986.61	\$170,774.26		
12/15/2022	\$4,727.65	\$34,787.65		
12/15/2022	\$60.00	\$30,060.00		
12/16/2022	\$32,731.70	\$91,255.28		
12/16/2022	\$27,740.40	\$58,523.58		
12/16/2022	\$358.50	\$30,783.18		
12/16/2022	\$309.68	\$30,424.68		
12/16/2022	\$115.00	\$30,115.00		
12/19/2022	\$183,999.38	\$333,976.53		
12/19/2022	\$81,013.50	\$149,977.15		
12/19/2022	\$21,842.74	\$68,963.65		
12/19/2022	\$17,095.91	\$47,120.91		
12/19/2022	\$25.00	\$30,025.00		
12/20/2022	\$265,437.35	\$778,634.02		
12/20/2022	\$253,476.72	\$513,196.67		
•				

	4	
12/20/2022	\$198,425.08	\$259,719.95
12/20/2022	\$30,129.12	\$61,294.87
12/20/2022	\$960.75	\$31,165.75
12/20/2022	\$205.00	\$30,205.00
12/21/2022	\$387,416.70	\$1,247,045.77
12/21/2022	\$291,390.38	\$859,629.07
12/21/2022	\$209,442.57	\$568,238.69
12/21/2022	\$192,370.64	\$358,796.12
12/21/2022	\$136,252.48	\$166,425.48
12/21/2022	\$160.00	\$30,173.00
12/21/2022	\$13.00	\$30,013.00
12/22/2022	\$296,893.19	\$727,694.37
12/22/2022	\$201,505.21	\$430,801.18
12/22/2022	\$98,479.18	\$229,295.97
12/22/2022	\$95,064.36	\$130,816.79
12/22/2022	\$5,680.43	\$35,752.43
12/22/2022	\$37.00	\$30,072.00
12/22/2022	\$35.00	\$30,072.00
	\$435,060.57	
12/27/2022		\$1,924,458.69
12/27/2022	\$419,859.78	\$1,489,398.12
12/27/2022	\$331,619.06	\$1,069,538.34
12/27/2022	\$286,395.12	\$737,919.28
12/27/2022	\$149,896.79	\$451,524.16
12/27/2022	\$110,231.72	\$301,627.37
12/27/2022	\$91,720.72	\$191,395.65
12/27/2022	\$54,657.52	\$99,674.93
12/27/2022	\$14,809.41	\$45,017.41
12/27/2022	\$160.00	\$30,208.00
12/27/2022	\$48.00	\$30,048.00
12/28/2022	\$391,177.55	\$1,012,750.86
12/28/2022	\$332,937.65	\$621,573.31
12/28/2022	\$193,416.20	\$288,635.66
12/28/2022	\$48,253.06	\$95,219.46
12/28/2022	\$6,269.62	\$46,966.40
12/28/2022	\$125.00	\$40,696.78
12/28/2022	\$20.00	\$40,571.78
12/29/2022	\$1,144,711.84	\$2,305,000.93
12/29/2022	\$572,516.72	\$1,160,289.09
12/29/2022	\$243,345.79	\$587,772.37
12/29/2022	\$216,251.48	\$344,426.58
12/29/2022	\$98,067.10	\$128,175.10
12/29/2022	\$55.00	\$30,108.00
12/29/2022	\$53.00	\$30,053.00
12/30/2022	\$1,193,548.10	\$1,815,395.34
12/30/2022	\$300,790.62	\$621,847.24
12/30/2022	\$177,209.02	\$321,056.62
	\$177,209.02	\$143,847.60
12/30/2022	γ111,८/2. 3 3	00./45,041ډ

12/30/2022	\$1,257.31	\$32,574.65
12/30/2022	\$1,237.34	\$31,317.34
12/30/2022	\$50.00	\$30,080.00
12/30/2022	\$30.00	\$30,030.00

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



IPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID		ROJECT UATION		EST. BUILDING COST
Electrical Permit	22- 001163	235 W Wisconsin Ave.	Ed Zintherfer - 9208385137, Geerts Revocable Trust		12/20/2022 at 11:23 AM	\$ 545.00	52,	\$ 000.00	0	
Electrical Permit	22- 001178	715 Grignon St.	Ervin Fischer - 9205731482, Matt Becker - (920) 462-7005	Ervin Fischer	12/27/2022 at 1:18 PM	\$ 40.00	\$ 2,	000.00	0	
Electrical Permit	22- 001174	173 W Wisconsin Ave.	JJ'S Bottle Room Jordan La Chance , Joe Bayard - 9203713528	Joe Bayard	12/27/2022 at 8:10 AM	\$ 62.80	\$ 1,	600.00	0	
Electrical Permit	22- 001172	1600 Badger Rd.	Perry Schisel - 9107395156	Perry Schisel	12/19/2022 at 2:29 PM	\$ 274.00	23,	\$ 000.00	3483	
Electrical Permit	22- 001170	801 Westfield St.	Jim Gyldenvand - 7152582848, Timothy B. Dolan	Jim Gyldenvand	12/16/2022 at 9:27 AM	\$ 29.00		\$ 0	0	
Electrical Permit	22- 001119	2533 Kavanaugh Rd.	Antonio & Kristina Flores , Arturo Flores - 9202262616	Arturo Flores	12/08/2022 at 2:18 PM	\$ 30.00	\$	500.00	0	
Electrical Permit	22- 001155	1704 Main Ave.	Allen J. Bangart , Mark Krause - 19205853975	Mark Krause	12/06/2022 at 9:55 AM	\$ 40.00	\$ 2,	000.00	0	
Fence Permit		1850 White Dove Lane	Keith & Jodie Huss - 9209157640		12/13/2022 at 12:41 PM	\$ 45.00		\$ 0	0	
Fence Permit	22- 001169	117 W 4th St.	Jessica Jozwiak - 9204285883		12/13/2022 at 9:56 AM	\$ 45.00		\$ 0	0	

January 01, 2023 at 9:00 AM

12/01/2022 - 01/01/20

PLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	SQUARE FOOTAGE (BUILDING)	PROJECT VALUATION		EST. BUILDING COST
Mechanical Permit	22- 001156	2341 Campfire Ct.	Dave Lamers , DERCKS BUILDERS & INC		12/06/2022 at 10:05 AM	\$ 149.64		\$ 7,700.00	3116	
Mechanical Permit	22- 001176	514 Quinney Ave.	Dale G. Arnoldussen - (920) 766-4151, Kirk Knight - 9207579990	Kirk Knight	12/27/2022 at 8:19 AM	\$ 35.00		\$ 3,000.00	0	
Mechanical Permit	22- 001150	2700 Northridge Dr.	Plumbers & Steamfitters Local 400 - (920) 462-0400, Tom Tease - 9204263005	Tom Tease	12/09/2022 at 2:08 PM	\$ 155.00		\$ 155,155.00	0	
Mechanical Permit	22- 001167	1016 Hennes Ct.	Weather - 9209390329, Gerald J. Martzahl	Weather	12/13/2022 at 9:31 AM	\$ 35.00		\$ 2,000.00	0	
Mechanical Permit	22- 001166	304 Doty St.	James D. Kieffer , Kirk Knight - 9207579990	Kirk Knight	12/13/2022 at 9:11 AM	\$ 35.00		\$ 3,000.00	0	
Mechanical Permit	22- 001165	413 Brill St.	Federal Home Loan Mortgage Crp , Kirk Knight - 9207579990	Kirk Knight	12/13/2022 at 9:05 AM	\$ 35.00		\$ 4,000.00	0	
Mechanical Permit	22- 001153	860 East Line Rd.	Mike Fitzgerald - 9208328225	Mike Fitzgerald	12/05/2022 at 12:32 PM	\$ 125.10		\$ 15,870.00	13430	
Mechanical Permit	22- 001161	860 East Line Rd.	Mike Fitzgerald - 9208328225	Mike Fitzgerald	12/09/2022 at 9:19 AM	\$ 100.20		\$ 15,870.00	0	
Mechanical Permit	22- 001159	924 Shamrock Ct.	Brian K. Agen , Kirk Knight - 9207579990	Kirk Knight	12/08/2022 at 2:32 PM	\$ 60.00		\$ 7,000.00	0	
Mechanical Permit	22- 001157	2960 S Weiler Rd.	Dave Lamers		12/06/2022 at 10:24 AM	\$ 125.24		\$ 7,600.00	2506	
Plumbing Permit	22- 001164	1320 Boxer St.	Andy Nielsen - 9205855370, Mark Lemke	Andy Nielsen	12/13/2022 at 8:53 AM	\$ 201.88		\$ 13,000.00	0	

January 01, 2023 at 9:00 AM

12/01/2022 - 01/01/20

TEMPLATE NAME	PERMIT NUMBER	PROJECT ADDRESS	PROJECT CONTACTS DETAILS	COLLABORATORS	PERMIT ISSUED DATE	PROJECT FEES PAID	SQUARE FOOTAGE (BUILDING)	PROJECT VALUATION	PROJECT SQUARE FEET	BUILDING
Plumbing Permit	22- 001162	105 W 9th St.	Jeanine Jacobson - 2623250132, Nick O' Connell - 9207577222	Nick O' Connell	12/09/2022 at 3:13 PM	\$ 40.00		\$ 4,640.00	0	
Plumbing Permit	22- 001151	112 W Tobacnoir St.	Daniel L. & Margi Verbeten - (920) 858- 1645, Tundraland Permits - 9206635755	Tundraland Permits	12/05/2022 at 1:53 PM	\$ 30.00		\$ 15,338.00	0	
Plumbing Permit	22- 001154	613 Sunset Ave.	Jay D. Van Der Velden - (920) 428-4663, Tundraland Permits - 9206635755	Tundraland Permits	12/05/2022 at 1:55 PM	\$ 30.00		\$ 14,270.00	0	
Residential Add-On / Remodel	22- 001158	320 Dixon St.	David Thrasher - 9208861163, John M. Mainville - (920) 851-0320	David Thrasher	12/08/2022 at 2:36 PM	\$ 131.70	0	\$ 23,339.41	0	
Residential Add-On / Remodel	22- 001175	105 W 5th St.	Nichole Klingensmith - (920) 572-4913, Tanya Mollen	Tanya Mollen	12/28/2022 at 10:43 AM	\$ 81.56	864	\$ 6,400.00	864	
Sign Permit	22- 001168	2700 Crooks Ave.	Eric Hasenjager - 9202787775, Forefront Management		12/16/2022 at 4:11 PM	\$ 40.00		\$ 0	0	
Sign Permit	22- 001173	2051 Progress Way	Energy Federation Inc , Magie Wildenberg - 9207341601, Weimer Bearing Co.	Magie Wildenberg	12/27/2022 at 8:25 AM	\$ 40.00		\$ 0	0	
Sign Permit	22- 001147	2111 Crooks Ave.	Sara Geiger - 9208513246	Sara Geiger	12/08/2022 at 1:54 PM	\$ 40.00		\$ 0	0	
AVERAGE										
TOTAL						\$ 92.90	30.86			
TOTAL					28	\$ 2,601.12	864.00			

January 01, 2023 at 9:00 AM

CITY OF KAUKAUNA ORDINANCE 1878-2023

ORDINANCE AMENDING SECTION 12.03 (3)

WHEREAS, the City of Kaukauna Municipal Code currently does not have a Retail Class B Winery License; and

WHEREAS, a new business, Hex Meadery, was established in the City of Kaukauna and in order for them to be able to sell wine to be consumed by the glass or in opened containers, an Ordinance in conjunction with State Statute 123.51(3)(am) is needed;

WHEREAS, the Common Council of the City of Kaukauna believes it is in the best interest of the City of Kaukauna to add a Retail Class B Winery License to make it easier for new businesses to come to the City;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: <u>AMENDMENT</u> "12.03 Intoxicating Liquor And Fermented Malt Beverages" of the City of Kaukauna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.03 Intoxicating Liquor And Fermented Malt Beverages

- 1. State statutes adopted. The provisions of Wis. Stats. ch. 125, defining and regulating the sale, procurement, dispensing, and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
- 2. Licenses, permits, authorization required.
 - a. *When required*. No person, except as provided by Wis. Stats. § 125.06, shall, within the city, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this chapter or Wis. Stats. ch. 125, requires a license, permit, or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).
 - b. Separate license required for each place of sale. Except for licensed public warehouses, a license shall be required for each location or premises, which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Wis. Stats. § 125.04(9).
- 3. Classes of licenses and fees. The following classes and denominations of licenses may be issued by the city clerk under the authority of the city council after payment of the application fee specified in section 12.01 of this chapter, which, when so issued, shall

permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28, and 125.51. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- a. Class A fermented malt beverage retailer's license. See Wis. Stats. § 125.25.
- b. Class B fermented malt beverage retailer's license. See Wis. Stats. § 125.26.
 - (1) *Six months*. A license may be issued at any time for six months in any calendar year, for which three-fourths of the applicable license application fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
- c. *Class C wine license*. A Class C license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold.
- d. Wholesalers fermented malt beverage license. See Wis. Stats. § 125.28.
- e. Retail Class A liquor license. See Wis. Stats. § 125.51(2).
- f. *Retail Class B liquor license*. A retail Class B liquor license shall permit its holder to sell intoxicating liquor to be consumed by glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the premises where sold. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity. See Wis. Stats. § 125.51(3)(b).
 - (1) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The application fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
 - (2) Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license application fee, as stated in section 12.01 of this chapter. The license may not be renewed during the calendar year in which issued.
- g. Reserve retail Class B liquor license. A reserve retail Class B liquor license means a license that is not granted or issued on or before December 1, 1997, and is counted under Wis. Stats. § 125.51(4)(br), which authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass to be consumed on the licensed premises or in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.
- h. *Outdoor beverage area permit*. An outdoor beverage area permit shall permit its holder to sell intoxicating liquor beverages in outdoor areas as described in subsection (11) "Permit Required for Outdoor Alcoholic Beverage Area."
 - (1) A permit may be issued after July 1 in any license year. The permit shall expire on the following June 30. The application fee for the permit shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

- (2) Permits valid for six months may be issued at any time. The fee for the permit shall be 50 percent of the annual permit application fee, as stated in section 12.01 of this chapter. The permit may not be renewed during the calendar year in which issued.
- i. Operators. See Wis. Stats. § 125.17.
 - (1) Operator licenses may be granted to individuals by the city council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).
 - (2) Operator licenses may be issued only upon submission of a written application on forms provided by the city clerk. A color photograph of the applicant shall be submitted with the written application.
 - (3) Operator licenses shall be valid for two years and shall expire on June 30 of the second year.
- j. *Provisional operator's license*. The city clerk may issue a provisional operator's license to a person who has applied for an operator's license and provides proof of enrollment in a responsible beverage server training course required under Wis. Stats. § 125.17(6)(a), subject to the following:
 - (1) A provisional license may not be issued to any person who has been denied an operator's license, or whose operator's license has been revoked or suspended within the preceding 12 months.
 - (2) A provisional license may be issued only to persons eligible for operator's licenses under all of the provisions of this chapter, upon completion of a satisfactory background check by the Kaukauna Police Department, and under the requirements of Wis. Stats. § 125.04.
 - (3) Any provisional license granted under this subparagraph shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
 - (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material misleading omission on the application.
 - (5) The city clerk shall revoke the provisional license if the applicant fails successfully to complete the responsible beverage server training course in which the applicant enrolls.
 - (6) No more than one provisional license may be issued to an applicant during any 12-month period.
 - (7) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional operator's license.
- k. *Provisional retail license*. The city clerk may issue a provisional retail license to a person who has applied for a Class A, Class B, Class A, Class B, or Class C retail license and who provides proof of enrollment in, or the appointed agent of the entity applying provides proof of enrollment in, a responsible beverage server training course required under Wis. Stats. § 125.04(5)(a)5., or any future amendment, revision, or modification of such statute.
 - (1) A provisional license shall not be issued to any person who has been

- denied a retail license by the common council, whose operator's license has been revoked or suspended within the preceding 12 months, or who already holds a provisional license of the type applied for.
- (2) A provisional license may be issued only to persons eligible for a retail license under all of the provisions of this chapter and under the requirements of Wis. Stats. §§ 125.04 and 125.185, and only for the activities that the retail license applied for would authorize.
- (3) Any provisional license granted under this section shall expire 60 days after its issuance, or when a retail license is issued to the holder, whichever is sooner.
- (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material or misleading omission on the application.
- (5) The city clerk shall revoke the provisional license if the applicant or its appointed agent fails successfully to complete the responsible beverage server training course in which he or she enrolls.
- (6) The city clerk shall not issue a provisional Class B license if doing so would exceed the municipal quota under Wis. Stats. § 125.51(4).
- (7) No more than one provisional license may be issued to an applicant during any 12-month period.
- (8) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional retail license.

4. License application.

- a. *Form*. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the state department of revenue, or governing body for operator licenses and filed with the city clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- b. *List of licenses*. By July 15 of each year, the city clerk shall forward to the state department of revenue, to the Kaukauna City Attorney's Office, to the Kaukauna Police Department, and to the finance department, a list containing the name, address, and trade name of each person holding a license issued under this section, except a picnic, manager's, or operator's license. An electronic record of all licenses issued shall be made available at all times to the city attorney's office, police department and finance department.
- c. Recommendations. Each application filed with the city clerk shall be forwarded to the chief of the police and the fire departments of the city, to the building inspection department and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval. Their recommendation shall be entered on or attached to the application and based upon their respective investigations and/or inspections of the applicant and/or the premises as to the suitability and

- character of any applicants, as to any issues relevant to the safety, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and so as to determine whether the same are qualified and/or in compliance with those regulations, laws and ordinances, relative to their fields of enforcement, applicable and relevant to such licensing.
- d. *Denied applications*. Any person denied a license or permit applied for under this section 12.03 shall be ineligible to apply for another license or permit under this section 12.03 for a period of 12 months from the date of such denial by the council.

5. License restrictions.

a. *Statutory requirements*. Licenses shall not be issued to any persons ineligible therefore under Wis. Stats. § 125.04. No license shall be issued under this section 12.03 less than 15 days from submission to the clerk of the application and required application fee.

b. Location.

- (1) No retail Class A or Class B license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.
- (2) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
- c. *Violators of liquor or beer laws or ordinances*. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- d. *Health and sanitation requirements*. No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the state department of industry, labor, and human relations pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants, and to all such ordinances and regulations adopted by the city.
- e. *License quota*. The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stats. § 125.51(4).
- f. *Corporations*. No corporation organized under the laws of this state or any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).

- g. *Age requirement*. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator licenses may be issued only to applicants who have attained the age of 18.
- h. *Effect of revocation of license*. Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before another license shall be granted to the person whose license was revoked.
- i. *Delinquent taxes, assessments, and claims*. No license shall be granted for any premises for which taxes, assessments, or other claims of the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.
- j. *Issuance for sales in dwellings prohibited*. No license shall be issued to any person for the purpose of possessing, selling, or offering for sale and alcohol beverages in any dwelling house, flat, or residential apartment.
- 6. Form and expiration of licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The city clerk shall affix his or her affidavit as required by Wis. Stats. § 125.04(4).
- 7. Transfer of licenses.
 - a. *As to person*. No license shall be transferable as to licensee except as provided by Wis. Stats. § 125.04(2).
 - b. *As to place*. Licenses issued pursuant to this section may be transferred as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on blanks furnished by the state department of revenue. Proceedings for transfer shall be had in the same manner and form as the original application.
- 8. *Posting and care of licenses*. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit or have any other person post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.
- 9. Regulation of licensed premises and licenses.
 - a. *Gambling and disorderly conduct prohibited*. Each licensed and permitted premises shall, at all times, be conducted in an orderly manner; and no disorderly, riotous, or indecent conduct or illegal gambling shall be allowed at any time on any such premises.
 - b. *Employment of underage persons*. No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense, or give away any alcohol beverage.
 - c. *Sales by clubs*. No club shall sell intoxicating liquor or fermented malt beverages except to members and guests invited by members.
 - d. *Safety and sanitation requirements*. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper

- place for the purpose for which used.
- e. *Capacity limited*. All premises which have been issued a retail Class B license are subject to the capacity provisions of COMM 76.05(4), Wisconsin Administrative Code, which provisions are hereby adopted by reference and made a part hereof.

10. Closing hours.

- a. No premises for which a wholesale alcohol beverage license has been issued shall remain open for the sale thereof between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
- b. No premises for which a retail Class A fermented malt beverage license or Class A liquor license has been issued shall remain open for the sale thereof between 9:00 p.m. and 6:00 a.m.
- c. No premises for which a retail Class B fermented malt beverage or a retail Class B liquor license has been issued shall remain open for business for the sale thereof and shall be vacated, except as permitted under section 12.03(10) (d) and as expressly excepted pursuant to Wis. Stats. § 125.10(4), between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. Saturdays and Sundays. However, an employee of such a license holder may be present during non-business hours for maintenance and clean up duties. On January 1, premises operating under retail Class B liquor license are not required to close. No package, container, or bottle sales may be made after midnight and no person may carry out alcoholic beverages in an original unopened package, container, or bottle for consumption away from the premises after midnight.
- d. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, gym and fitness centers, golf courses and golf clubhouses may remain open for the conduct of their regular business but no alcoholic beverages shall be sold, dispensed, or permitted to be consumed during prohibited hours.
- e. No premises for which a retail Class B fermented malt beverage license has been issued and which premises is upon city-owned property shall sell any such beverages from one hour prior to the scheduled commencement of until one hour after the completion of any athletic activity conducted upon such property and in which event any participants are under the age of 18 years. However, such a license holder shall be allowed to sell fermented malt beverages until the end of an athletic event at said property not involving participants under 18 years of age which event ends less than one hour before the start of an athletic event involving participants under 18 years of age; and, such a license holder shall be allowed to sell fermented malt beverages at the start of an athletic event at said property not involving participants under 18 years of age, which event starts less than one hour after the end of an athletic event at said property involving participants under 18 years of age.
- 11. Permit required for outdoor alcoholic beverage area.
 - a. Definition. An outdoor alcoholic beverage area is defined as an open air,

- roofed or unroofed area adjacent to or accessory to a Class B intoxicating liquor and/or Class B fermented malt beverage and/or Class C licensed premises, where beer and other alcoholic beverages are consumed, which is not included within the licensed premises.
- b. Required for outdoor consumption. No licensee shall allow the consumption of alcoholic beverages on any part of the licensed premises property not enclosed within the licensed premises as described on the license, except under permit granted by the city council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the city council at its pleasure at any time or shall otherwise expire on June 30 of each year. An initial permit request may be applied for any time throughout the year, by completing a city outdoor alcoholic beverage area permit application, but after the initial request is approved any renewals shall accompany the regular license renewal application. No person shall consume or have in his or her possession alcoholic beverages on any unenclosed part of premises property not within a licensed premises as described on the license and which is not described in a valid outdoor alcoholic beverage area permit.

c. Limitations on issuance of permit.

- (1) Each applicant for an outdoor alcoholic beverage permit shall accurately describe the area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor alcoholic beverage area. Applicants shall submit a site plan professionally drawn to scale and an application for review by the city's zoning administrator. The zoning administrator will review all proposed outdoor alcoholic beverage area permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.
- (2) Every outdoor beverage area shall be completely enclosed with a permanent barrier; not less than four feet in height and will achieve not less than 50% screening. The barrier may consist of a vegetative screen, permanent fencing, or a combination of the two. The barrier shall be well kept and maintained in an orderly fashion. if any portion of the barrier is comprised, in disrepair, or otherwise not functioning, the outdoor alcoholic beverage area permit shall be suspended until such steps are taken to restore the barrier to working order.
- (3) Barriers adjacent to residential and institutional properties shall provide a six-foot tall 100% screened barrier along all sides directly abutting a residential and institutional property.
- d. *Grant of permit*. The city clerk shall forward any outdoor beverage area permit application to the chief of the police and the fire departments of the city, to the building inspector and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval of such permit. Their recommendation

- shall be based upon their respective investigations and/or inspections of the applicant and/or the premises and proposed outdoor alcoholic beverage area as to the suitability and character of any applicants, as to any issues relevant to the safety, traffic, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and as to whether any additional special conditions, restrictions, or limitations should apply to said permit.
- e. *Restrictions*. All premises receiving outdoor alcoholic beverage area permits approved after the adoption date of this section will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes an outdoor alcoholic beverage area that was established, licensed, and authorized by the city prior to the adoption of this section, the restrictions under this subsection (e) do not apply, except as specified.
 - (1) Access to the outdoor entertaining area shall only be through the main entrance to the Class B intoxicating liquor, Class B fermented malt beverage; and Class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes. In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of the building, the Plan Commission may review the outdoor beverage area site plan and approve alternative entrances.
 - (2) No amplified sound or music Owners of an establishment, wishing to have an outdoor event that includes amplified music, may apply for a special event permit to be reviewed by staff and approved by the Common Council.
 is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor alcoholic beverage area. Any premises licensed prior to the adoption of this ordinance for which such premises includes areas not enclosed within the building of the premises shall be required to obtain approval from the city council for amplified sound or music.
 - (3) All sales of alcoholic beverages shall be restricted to the enclosed licensed premise.
 - (4) The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10:00 a.m. until 11:00 p.m. daily
 - (5) No outdoor alcoholic beverage area which is less than 80 feet from any school shall be open for operation during school hours as specified on the outdoor alcoholic beverage area permit. Such distance shall be measured by the shortest route from the closest point of such school to the closest point of the outdoor alcoholic beverage area.
 - (6) A licensed bartender shall be responsible for and monitor the outdoor alcoholic beverage area while it is open for operation.
 - (7) If any area is required by the permit specification to be monitored by surveillance cameras such surveillance cameras and security recording

- system shall be maintained in good operating condition at all times. Upon request by the Kaukauna Police Department surveillance video shall be made available for review to aid in the investigation of any incident, altercation or crime under investigation.
- (8) The capacity for the licensed premises' building shall remain the same even with the addition of an outdoor alcoholic beverage area permit.
- (9) A licensee shall not permit any activities within the outdoor alcoholic beverage area that constitute a nuisance.
- (10) A licensee shall comply with all other applicable state statutes and city ordinances.
- f. Adjoining property owners to be notified of pendency of applications. All property owners within 150 feet of the proposed outdoor entertaining area measured from property line to property line shall be notified of the pendency of application for an outdoor alcoholic beverage area permit and notice of informational hearing to be held prior to city council approval. Such notice shall be made by the city clerk's office via first class mail.
- g. Authority of police to suspend outdoor alcoholic beverage area permit. The shift commander or designee of the police department has the authority to order any outdoor alcoholic beverage area to be closed down at any time the shift commander/designee believes its continued operation is in violation of this section, any other applicable city ordinance or provisions of Wis. Stats. ch. 125.
- h. State statutes enforced within outdoor entertaining area. Every licensee under this section shall comply with and enforce all provisions of Wis. Stats. ch. 125 applicable to Class B and/or Class C licensed premises, except insofar as such provisions are clearly renewal of the outdoor alcoholic beverage area permit by the city council.
- i. *Fee required*. The city council shall approve the fee for outdoor alcoholic beverage area permits.
- 12. Revocation and suspension of licenses.
 - a. *Procedure*. Whenever the holder of any license under this section violates any portion of this section 12.03(12), or whenever any license has been issued in violation of any portion of section 12.03, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.
 - b. Effect of revocation. See subsection (5)(h) of this section.
 - c. *Cease doing business*. If any holder of a Class A or Class B fermented malt beverage license or a retail Class A or Class B liquor license shall suspend or cease doing business for 90 consecutive days or more, his license shall be subject to revocation by the city council after a public hearing.
 - d. Alcohol beverage demerit point system.
 - (1) *Purpose*. The purpose of this paragraph is to establish an alcohol beverage demerit point system to assist in determining which license

- holders should be subject to suspension, revocation, or nonrenewal procedures.
- (2) Schedule of demerit points. The schedule of demerit points as listed below is to be used to identify habitually troublesome license holders who have repeatedly violated state statutes or city ordinances for the purpose of determining suspension, revocation, or nonrenewal of their alcoholic beverage licenses:

Type of Violation	Poi nt Val ue
Sale of alcoholic beverages without proper license or permit	100
Unauthorized use or transfer of license or permit	75
Owner/licensee selling controlled substance/possession of controlled substance with intent to sell	150
Owner/licensee possession of controlled substance	75
Employee selling controlled substance/possession of controlled substance with intent to sell on premises property or outdoor alcoholic beverage area	100
Sale of controlled substances on licensed premises or outdoor alcoholic beverage area	75
Sale of alcoholic beverages to underage persons	50
Sale of alcoholic beverages to intoxicated person	50
Underage person on premises or outdoor alcoholic beverage area	50
Intoxicated bartender; disorderly conduct on premises property or outdoor alcoholic beverage area	50
Off hours consumption or sale of alcoholic beverages	50
Refusal to allow police to inspect premises or outdoor alcoholic beverage area or refusal to cooperate with lawful police investigation	50
Failure to post license	25
Employee possession of controlled substance on premises or outdoor alcoholic beverage area	50
Licensee, agent, or operator not on premises or outdoor alcoholic beverage area at all times	25

Page 11

Non-employee(s) on premises or outdoor alcoholic beverage area after closing hours	25
Violation of carry out hours	25
Licensee permitting person to leave licensed premises or outdoor alcoholic beverage area with open alcohol beverage	25
Disorderly conduct upon premises property or arising from premises or outdoor alcoholic beverage area	25
All other violations of Wis. Stats. § 125, or of Kaukauna Municipal Code	25

Any points assessed for above violation shall double if the violation results in serious bodily injury to or the death of any person.

- (3) *Violations, how calculated.* In determining the accumulated demerit points against a licensee within a 12-month, 24-month, or 36-month period, the city shall use the date each violation was committed as the basis for the determination and shall further include only those instances where there has been a court imposed conviction for the violation.
- (4) Suspension, revocation, or nonrenewal of license. All licensees who accumulate 200 points in a 12-month period, 250 points in a 24-month period, or 300 points in a 36-month period shall be considered for suspension, revocation, or nonrenewal. In the event of suspension, the suspension shall be for not less than ten days nor more than 90 days.

In addition to the demerit points assessed as specified above, if an owner or licensee is charged with selling controlled substance or charged with possession of controlled substance with intent to sell, the owner or licensee may be subject to revocation proceedings pursuant to Wis. Stats. § 125.12.

- 13. *Nonrenewal of licenses*. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the city council.
- 14. *Violations by agents and employees*. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.
- 15. *Transfer/sale of licensed business*. Upon the transfer or sale of a licensed business, all accumulated demerit points shall be canceled, unless any of the following apply:
 - a. The new licensee is related to the former licensee by blood, adoption, or marriage;
 - b. The new licensee held a business interest in the previous licensed business,

- real estate, or equipment;
- c. The former licensee retains an interest in the business, real estate or equipment used by the business;
- d. The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in the Code, unless the new licensee establishes, by sufficient evidence to the common council, that application of this inheritance rule in their specific circumstances would be unjust and is not necessary to fulfill the purpose of this rule, which is to prevent the avoidance of legitimate consequences for repeated violations of statutes and ordinances regulating the business of selling alcoholic beverages.

(Ord. No. 1785, 5-7-2019; Ord. No. 1804, 5-5-2020)

Editor's note(s)—Ord. No. 1804, adopted May 5, 2020, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 1699, 9-2-2014; Ord. No. 1700, 10-21-2015. At the direction of the city, the amendment by Ord. No. 1785, adopted May 7, 2019, has been incorporated into the section.

AFTER AMENDMENT

12.03 Intoxicating Liquor And Fermented Malt Beverages

- 1. State statutes adopted. The provisions of Wis. Stats. ch. 125, defining and regulating the sale, procurement, dispensing, and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
- 2. Licenses, permits, authorization required.
 - a. *When required*. No person, except as provided by Wis. Stats. § 125.06, shall, within the city, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this chapter or Wis. Stats. ch. 125, requires a license, permit, or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).
 - b. Separate license required for each place of sale. Except for licensed public warehouses, a license shall be required for each location or premises, which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Wis. Stats. § 125.04(9).
- 3. Classes of licenses and fees. The following classes and denominations of licenses may be issued by the city clerk under the authority of the city council after payment of the application fee specified in section 12.01 of this chapter, which, when so issued, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28, and 125.51. Except as otherwise provided in this

section, the full license fee shall be charged for the whole or fraction of any year.

- a. Class A fermented malt beverage retailer's license. See Wis. Stats. § 125.25.
- b. Class B fermented malt beverage retailer's license. See Wis. Stats. § 125.26.
 - (1) *Six months*. A license may be issued at any time for six months in any calendar year, for which three-fourths of the applicable license application fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
- c. Class C wine license. A Class C license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold.
- d. Wholesalers fermented malt beverage license. See Wis. Stats. § 125.28.
- e. Retail Class A liquor license. See Wis. Stats. § 125.51(2).
- f. Retail Class B liquor license. A retail Class B liquor license shall permit its holder to sell intoxicating liquor to be consumed by glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the premises where sold. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity. See Wis. Stats. § 125.51(3)(b).
 - (1) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The application fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
 - (2) Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license application fee, as stated in section 12.01 of this chapter. The license may not be renewed during the calendar year in which issued.
- g. Retail Class B winery license. A retail Class B winery license shall permit its holder to sell wine to be consumed by the glass or in opened containers on the premises where sold or off the premises if the licensee seals the container of wine with a tamper-evident seal before the wine is removed from the premises. The "Class B" license also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine.. See Wis. Stats. § 125.51(3)(am).
 - (1) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The application fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
 - (2) Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license application fee, as stated in section 12.01 of this chapter. The license may not be renewed during the calendar year in which issued.
- h. *Reserve retail Class B liquor license*. A reserve retail Class B liquor license means a license that is not granted or issued on or before December 1, 1997,

and is counted under Wis. Stats. § 125.51(4)(br), which authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass to be consumed on the licensed premises or in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.

- i. *Outdoor beverage area permit*. An outdoor beverage area permit shall permit its holder to sell intoxicating liquor beverages in outdoor areas as described in subsection (11) "Permit Required for Outdoor Alcoholic Beverage Area."
 - (1) A permit may be issued after July 1 in any license year. The permit shall expire on the following June 30. The application fee for the permit shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
 - (2) Permits valid for six months may be issued at any time. The fee for the permit shall be 50 percent of the annual permit application fee, as stated in section 12.01 of this chapter. The permit may not be renewed during the calendar year in which issued.
- j. Operators. See Wis. Stats. § 125.17.
 - (1) Operator licenses may be granted to individuals by the city council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).
 - (2) Operator licenses may be issued only upon submission of a written application on forms provided by the city clerk. A color photograph of the applicant shall be submitted with the written application.
 - (3) Operator licenses shall be valid for two years and shall expire on June 30 of the second year.
- k. *Provisional operator's license*. The city clerk may issue a provisional operator's license to a person who has applied for an operator's license and provides proof of enrollment in a responsible beverage server training course required under Wis. Stats. § 125.17(6)(a), subject to the following:
 - (1) A provisional license may not be issued to any person who has been denied an operator's license, or whose operator's license has been revoked or suspended within the preceding 12 months.
 - (2) A provisional license may be issued only to persons eligible for operator's licenses under all of the provisions of this chapter, upon completion of a satisfactory background check by the Kaukauna Police Department, and under the requirements of Wis. Stats. § 125.04.
 - (3) Any provisional license granted under this subparagraph shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
 - (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material misleading omission on the application.

- (5) The city clerk shall revoke the provisional license if the applicant fails successfully to complete the responsible beverage server training course in which the applicant enrolls.
- (6) No more than one provisional license may be issued to an applicant during any 12-month period.
- (7) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional operator's license.
- l. *Provisional retail license*. The city clerk may issue a provisional retail license to a person who has applied for a Class A, Class B, Class A, Class B, or Class C retail license and who provides proof of enrollment in, or the appointed agent of the entity applying provides proof of enrollment in, a responsible beverage server training course required under Wis. Stats. § 125.04(5)(a)5., or any future amendment, revision, or modification of such statute.
 - (1) A provisional license shall not be issued to any person who has been denied a retail license by the common council, whose operator's license has been revoked or suspended within the preceding 12 months, or who already holds a provisional license of the type applied for.
 - (2) A provisional license may be issued only to persons eligible for a retail license under all of the provisions of this chapter and under the requirements of Wis. Stats. §§ 125.04 and 125.185, and only for the activities that the retail license applied for would authorize.
 - (3) Any provisional license granted under this section shall expire 60 days after its issuance, or when a retail license is issued to the holder, whichever is sooner.
 - (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material or misleading omission on the application.
 - (5) The city clerk shall revoke the provisional license if the applicant or its appointed agent fails successfully to complete the responsible beverage server training course in which he or she enrolls.
 - (6) The city clerk shall not issue a provisional Class B license if doing so would exceed the municipal quota under Wis. Stats. § 125.51(4).
 - (7) No more than one provisional license may be issued to an applicant during any 12-month period.
 - (8) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional retail license.

4. License application.

- a. *Form*. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the state department of revenue, or governing body for operator licenses and filed with the city clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- b. List of licenses. By July 15 of each year, the city clerk shall forward to the

state department of revenue, to the Kaukauna City Attorney's Office, to the Kaukauna Police Department, and to the finance department, a list containing the name, address, and trade name of each person holding a license issued under this section, except a picnic, manager's, or operator's license. An electronic record of all licenses issued shall be made available at all times to the city attorney's office, police department and finance department.

- c. Recommendations. Each application filed with the city clerk shall be forwarded to the chief of the police and the fire departments of the city, to the building inspection department and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval. Their recommendation shall be entered on or attached to the application and based upon their respective investigations and/or inspections of the applicant and/or the premises as to the suitability and character of any applicants, as to any issues relevant to the safety, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and so as to determine whether the same are qualified and/or in compliance with those regulations, laws and ordinances, relative to their fields of enforcement, applicable and relevant to such licensing.
- d. *Denied applications*. Any person denied a license or permit applied for under this section 12.03 shall be ineligible to apply for another license or permit under this section 12.03 for a period of 12 months from the date of such denial by the council.

5. License restrictions.

a. *Statutory requirements*. Licenses shall not be issued to any persons ineligible therefore under Wis. Stats. § 125.04. No license shall be issued under this section 12.03 less than 15 days from submission to the clerk of the application and required application fee.

b. Location.

- (1) No retail Class A or Class B license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.
- (2) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
- c. *Violators of liquor or beer laws or ordinances*. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any

- member thereof ineligible for such license for one year.
- d. *Health and sanitation requirements*. No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the state department of industry, labor, and human relations pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants, and to all such ordinances and regulations adopted by the city.
- e. *License quota*. The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stats. § 125.51(4).
- f. *Corporations*. No corporation organized under the laws of this state or any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).
- g. *Age requirement*. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator licenses may be issued only to applicants who have attained the age of 18.
- h. *Effect of revocation of license*. Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before another license shall be granted to the person whose license was revoked.
- i. *Delinquent taxes, assessments, and claims*. No license shall be granted for any premises for which taxes, assessments, or other claims of the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.
- j. *Issuance for sales in dwellings prohibited*. No license shall be issued to any person for the purpose of possessing, selling, or offering for sale and alcohol beverages in any dwelling house, flat, or residential apartment.
- 6. Form and expiration of licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The city clerk shall affix his or her affidavit as required by Wis. Stats. § 125.04(4).
- 7. Transfer of licenses.
 - a. *As to person*. No license shall be transferable as to licensee except as provided by Wis. Stats. § 125.04(2).
 - b. *As to place*. Licenses issued pursuant to this section may be transferred as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on blanks furnished by the state department of revenue. Proceedings for transfer shall be had in the same manner and form as the original application.
- 8. *Posting and care of licenses*. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit or have any other person post it upon premises other than those mentioned in the application, or knowingly deface or

destroy such license.

- 9. Regulation of licensed premises and licenses.
 - a. *Gambling and disorderly conduct prohibited*. Each licensed and permitted premises shall, at all times, be conducted in an orderly manner; and no disorderly, riotous, or indecent conduct or illegal gambling shall be allowed at any time on any such premises.
 - b. *Employment of underage persons*. No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense, or give away any alcohol beverage.
 - c. *Sales by clubs*. No club shall sell intoxicating liquor or fermented malt beverages except to members and guests invited by members.
 - d. *Safety and sanitation requirements*. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
 - e. *Capacity limited*. All premises which have been issued a retail Class B license are subject to the capacity provisions of COMM 76.05(4), Wisconsin Administrative Code, which provisions are hereby adopted by reference and made a part hereof.

10. Closing hours.

- a. No premises for which a wholesale alcohol beverage license has been issued shall remain open for the sale thereof between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
- b. No premises for which a retail Class A fermented malt beverage license or Class A liquor license has been issued shall remain open for the sale thereof between 9:00 p.m. and 6:00 a.m.
- c. No premises for which a retail Class B fermented malt beverage or a retail Class B liquor license has been issued shall remain open for business for the sale thereof and shall be vacated, except as permitted under section 12.03(10) (d) and as expressly excepted pursuant to Wis. Stats. § 125.10(4), between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. Saturdays and Sundays. However, an employee of such a license holder may be present during non-business hours for maintenance and clean up duties. On January 1, premises operating under retail Class B liquor license are not required to close. No package, container, or bottle sales may be made after midnight and no person may carry out alcoholic beverages in an original unopened package, container, or bottle for consumption away from the premises after midnight.
- d. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, gym and fitness centers, golf courses and golf clubhouses may remain open for the conduct of their regular business but no alcoholic beverages shall be sold, dispensed, or permitted to be consumed during prohibited hours.
- e. No premises for which a retail Class B fermented malt beverage license has

been issued and which premises is upon city-owned property shall sell any such beverages from one hour prior to the scheduled commencement of until one hour after the completion of any athletic activity conducted upon such property and in which event any participants are under the age of 18 years. However, such a license holder shall be allowed to sell fermented malt beverages until the end of an athletic event at said property not involving participants under 18 years of age which event ends less than one hour before the start of an athletic event involving participants under 18 years of age; and, such a license holder shall be allowed to sell fermented malt beverages at the start of an athletic event at said property not involving participants under 18 years of age, which event starts less than one hour after the end of an athletic event at said property involving participants under 18 years of age.

11. Permit required for outdoor alcoholic beverage area.

- a. *Definition*. An outdoor alcoholic beverage area is defined as an open air, roofed or unroofed area adjacent to or accessory to a Class B intoxicating liquor and/or Class B fermented malt beverage and/or Class C licensed premises, where beer and other alcoholic beverages are consumed, which is not included within the licensed premises.
- b. Required for outdoor consumption. No licensee shall allow the consumption of alcoholic beverages on any part of the licensed premises property not enclosed within the licensed premises as described on the license, except under permit granted by the city council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the city council at its pleasure at any time or shall otherwise expire on June 30 of each year. An initial permit request may be applied for any time throughout the year, by completing a city outdoor alcoholic beverage area permit application, but after the initial request is approved any renewals shall accompany the regular license renewal application. No person shall consume or have in his or her possession alcoholic beverages on any unenclosed part of premises property not within a licensed premises as described on the license and which is not described in a valid outdoor alcoholic beverage area permit.

c. Limitations on issuance of permit.

- (1) Each applicant for an outdoor alcoholic beverage permit shall accurately describe the area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor alcoholic beverage area. Applicants shall submit a site plan professionally drawn to scale and an application for review by the city's zoning administrator. The zoning administrator will review all proposed outdoor alcoholic beverage area permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.
- (2) Every outdoor beverage area shall be completely enclosed with a permanent barrier; not less than four feet in height and will achieve not less than 50% screening. The barrier may consist of a vegetative

- screen, permanent fencing, or a combination of the two. The barrier shall be well kept and maintained in an orderly fashion. if any portion of the barrier is comprised, in disrepair, or otherwise not functioning, the outdoor alcoholic beverage area permit shall be suspended until such steps are taken to restore the barrier to working order.
- (3) Barriers adjacent to residential and institutional properties shall provide a six-foot tall 100% screened barrier along all sides directly abutting a residential and institutional property.
- d. *Grant of permit*. The city clerk shall forward any outdoor beverage area permit application to the chief of the police and the fire departments of the city, to the building inspector and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval of such permit. Their recommendation shall be based upon their respective investigations and/or inspections of the applicant and/or the premises and proposed outdoor alcoholic beverage area as to the suitability and character of any applicants, as to any issues relevant to the safety, traffic, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and as to whether any additional special conditions, restrictions, or limitations should apply to said permit.
- e. *Restrictions*. All premises receiving outdoor alcoholic beverage area permits approved after the adoption date of this section will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes an outdoor alcoholic beverage area that was established, licensed, and authorized by the city prior to the adoption of this section, the restrictions under this subsection (e) do not apply, except as specified.
 - (1) Access to the outdoor entertaining area shall only be through the main entrance to the Class B intoxicating liquor, Class B fermented malt beverage; and Class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes. In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of the building, the Plan Commission may review the outdoor beverage area site plan and approve alternative entrances.
 - (2) No amplified sound or music Owners of an establishment, wishing to have an outdoor event that includes amplified music, may apply for a special event permit to be reviewed by staff and approved by the Common Council.
 is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor alcoholic beverage area. Any premises licensed prior to the adoption of this ordinance for which such premises includes areas not enclosed within the building of the premises shall be required to obtain approval from the city council for amplified sound or music.

- (3) All sales of alcoholic beverages shall be restricted to the enclosed licensed premise.
- (4) The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10:00 a.m. until 11:00 p.m. daily
- (5) No outdoor alcoholic beverage area which is less than 80 feet from any school shall be open for operation during school hours as specified on the outdoor alcoholic beverage area permit. Such distance shall be measured by the shortest route from the closest point of such school to the closest point of the outdoor alcoholic beverage area.
- (6) A licensed bartender shall be responsible for and monitor the outdoor alcoholic beverage area while it is open for operation.
- (7) If any area is required by the permit specification to be monitored by surveillance cameras such surveillance cameras and security recording system shall be maintained in good operating condition at all times. Upon request by the Kaukauna Police Department surveillance video shall be made available for review to aid in the investigation of any incident, altercation or crime under investigation.
- (8) The capacity for the licensed premises' building shall remain the same even with the addition of an outdoor alcoholic beverage area permit.
- (9) A licensee shall not permit any activities within the outdoor alcoholic beverage area that constitute a nuisance.
- (10) A licensee shall comply with all other applicable state statutes and city ordinances.
- f. Adjoining property owners to be notified of pendency of applications. All property owners within 150 feet of the proposed outdoor entertaining area measured from property line to property line shall be notified of the pendency of application for an outdoor alcoholic beverage area permit and notice of informational hearing to be held prior to city council approval. Such notice shall be made by the city clerk's office via first class mail.
- g. Authority of police to suspend outdoor alcoholic beverage area permit. The shift commander or designee of the police department has the authority to order any outdoor alcoholic beverage area to be closed down at any time the shift commander/designee believes its continued operation is in violation of this section, any other applicable city ordinance or provisions of Wis. Stats. ch. 125.
- h. State statutes enforced within outdoor entertaining area. Every licensee under this section shall comply with and enforce all provisions of Wis. Stats. ch. 125 applicable to Class B and/or Class C licensed premises, except insofar as such provisions are clearly renewal of the outdoor alcoholic beverage area permit by the city council.
- i. *Fee required*. The city council shall approve the fee for outdoor alcoholic beverage area permits.
- 12. Revocation and suspension of licenses.
 - a. *Procedure*. Whenever the holder of any license under this section violates any

portion of this section 12.03(12), or whenever any license has been issued in violation of any portion of section 12.03, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

- b. Effect of revocation. See subsection (5)(h) of this section.
- c. *Cease doing business*. If any holder of a Class A or Class B fermented malt beverage license or a retail Class A or Class B liquor license shall suspend or cease doing business for 90 consecutive days or more, his license shall be subject to revocation by the city council after a public hearing.
- d. Alcohol beverage demerit point system.
 - (1) *Purpose*. The purpose of this paragraph is to establish an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension, revocation, or nonrenewal procedures.
 - (2) Schedule of demerit points. The schedule of demerit points as listed below is to be used to identify habitually troublesome license holders who have repeatedly violated state statutes or city ordinances for the purpose of determining suspension, revocation, or nonrenewal of their alcoholic beverage licenses:

Type of Violation	Poi nt Val ue
Sale of alcoholic beverages without proper license or permit	100
Unauthorized use or transfer of license or permit	75
Owner/licensee selling controlled substance/possession of controlled substance with intent to sell	150
Owner/licensee possession of controlled substance	75
Employee selling controlled substance/possession of controlled substance with intent to sell on premises property or outdoor alcoholic beverage area	100
Sale of controlled substances on licensed premises or outdoor alcoholic beverage area	75
Sale of alcoholic beverages to underage persons	50
Sale of alcoholic beverages to intoxicated person	50
Underage person on premises or outdoor alcoholic beverage area	50

Intoxicated bartender; disorderly conduct on premises property or outdoor alcoholic beverage area	50
Off hours consumption or sale of alcoholic beverages	50
Refusal to allow police to inspect premises or outdoor alcoholic beverage area or refusal to cooperate with lawful police investigation	50
Failure to post license	25
Employee possession of controlled substance on premises or outdoor alcoholic beverage area	50
Licensee, agent, or operator not on premises or outdoor alcoholic beverage area at all times	25
Non-employee(s) on premises or outdoor alcoholic beverage area after closing hours	25
Violation of carry out hours	25
Licensee permitting person to leave licensed premises or outdoor alcoholic beverage area with open alcohol beverage	25
Disorderly conduct upon premises property or arising from premises or outdoor alcoholic beverage area	25
All other violations of Wis. Stats. § 125, or of Kaukauna Municipal Code	25

Any points assessed for above violation shall double if the violation results in serious bodily injury to or the death of any person.

- (3) Violations, how calculated. In determining the accumulated demerit points against a licensee within a 12-month, 24-month, or 36-month period, the city shall use the date each violation was committed as the basis for the determination and shall further include only those instances where there has been a court imposed conviction for the violation.
- (4) Suspension, revocation, or nonrenewal of license. All licensees who accumulate 200 points in a 12-month period, 250 points in a 24-month period, or 300 points in a 36-month period shall be considered for suspension, revocation, or nonrenewal. In the event of suspension, the suspension shall be for not less than ten days nor more than 90 days.

In addition to the demerit points assessed as specified above, if an owner or licensee is charged with selling controlled substance or charged with possession of controlled substance with intent to sell, the owner or licensee may be subject to revocation proceedings pursuant to Wis. Stats. § 125.12.

- 13. *Nonrenewal of licenses*. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the city council.
- 14. *Violations by agents and employees*. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.
- 15. *Transfer/sale of licensed business*. Upon the transfer or sale of a licensed business, all accumulated demerit points shall be canceled, unless any of the following apply:
 - a. The new licensee is related to the former licensee by blood, adoption, or marriage;
 - b. The new licensee held a business interest in the previous licensed business, real estate, or equipment;
 - c. The former licensee retains an interest in the business, real estate or equipment used by the business;
 - d. The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in the Code, unless the new licensee establishes, by sufficient evidence to the common council, that application of this inheritance rule in their specific circumstances would be unjust and is not necessary to fulfill the purpose of this rule, which is to prevent the avoidance of legitimate consequences for repeated violations of statutes and ordinances regulating the business of selling alcoholic beverages.

(Ord. No. 1785, 5-7-2019; Ord. No. 1804, 5-5-2020)

Editor's note(s)—Ord. No. 1804, adopted May 5, 2020, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 1699, 9-2-2014; Ord. No. 1700, 10-21-2015. At the direction of the city, the amendment by Ord. No. 1785, adopted May 7, 2019, has been incorporated into the section.

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

Page 26



MEMO

Kaukauna Utilities

To: Legislative Committee

From: Zachary Moureau

Date: December 30, 2022

Re: Recommended ordinance update to Chapter 13.06(3) Cross Connection

Control and Backflow Prevention

As a result of the Wisconsin Department of Natural Resources (WDNR) 2022 Sanitary Survey, the WDNR recommended modification to the City of Kaukauna ordinance Chapter 13.06(3) "Cross Connection Control and Backflow Prevention – Inspections" to align with State of Wisconsin regulatory code. Current ordinance language requires cross connection inspections at all non-residential facilities on a two-year interval; however, s. NR 810.15(1)(c) allows commercial properties that are similar or less risk than a residential property to be inspected on a ten-year interval. Revision of the language in the ordinance will lead to easier identification of the higher risk facilities. Cross connection ordinances for surrounding communities were researched and these revisions bring the ordinance in line with other communities. The Utility Commission approved the below language change at the December 22, 2022 Utility Commission Meeting.

13.06Cross Connection Control And Backflow Prevention

3. Inspections.

It shall be the duty of the utility to cause inspections to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be as established by the City Water Utility and as approved by the State Department of Natural Resources. Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval. The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the

utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a state certified cross-connection inspector/surveyor or by a state licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility. The utility shall charge fees as approved by the state public service commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.

Recommended Action:

Approval of the Chapter 13.06(3) Cross Connection Control and Backflow Prevention as presented and forward the updated ordinance to the Common Council.

Sincerely,

Zachary Moureau

Environmental & Compliance Manager



CITY OF KAUKAUNA ORDINANCE 1879-2023

ORDINANCE AMENDING SECTION 13.06(3) CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

WHEREAS, As a result the Wisconsin Department of Natural Resources (WDNR) 2022 Sanitary Survey, the WDNR recommended modification to the City of Kaukauna ordinance Chapter 13.06(3) Cross Connection Control and Backflow Prevention –Inspections to align with State of Wisconsin regulatory code; and

WHEREAS, Current ordinance language requires cross connection inspections at all non-residential facilities on a two-year interval; and

WHEREAS, s. NR 810.15(1)(c) allows commercial properties that are similar or less risk than a residential property to be inspected on a ten-year interval; and

WHEREAS, Per the recommendation of the WDNR the Utility Commission believes the revisions of the language in the ordinance will lead to easier identification of the higher risk facilities;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: <u>AMENDMENT</u> "13.06 Cross Connection Control And Backflow Prevention" of the City of Kaukauna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

13.06 Cross Connection Control And Backflow Prevention

1. *Definitions*. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Backflow means the undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the city utility ("utility") water distribution pipes of the potable supply of water from any source.

Backflow preventer* means a device or a means designed to prevent backflow caused by backpressure or back-siphonage. These devices are most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

Backpressure means an elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam or air pressure) above the utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow. Back-siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of the utility's potable water supply system from any source caused by the sudden reduction of pressure in the utility potable water supply system. Cross-connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

- 2. *Cross-connections prohibited*. No person shall establish, or permit to be established, or maintain or, permit to be maintained, any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the public water supply of the utility may enter the supply or distribution system of the utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the utility and by the state department of natural resources.
- 3. *Inspections*. It shall be the duty of the utility to cause inspections to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval. The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a state certified cross-connection inspector/surveyor or by a state licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility. The utility shall charge fees as approved by the state public service commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.
- 4. *Right of entry*. Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- 5. Authority to discontinue service. The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, or whose owner, lessee, or occupant has failed to allow an inspection for cross-connections, and to take such other precautionary measures deemed

- necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained and repaired in compliance with this section and Wis. Admin. Code § NR 810.15 or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing before the city utility commission, except as provided in subsection (7) of this section.
- 6. Reconnection of service. Water service to any property discontinued under the provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the utility has been installed in compliance with the provisions of this section. The utility shall charge fees as approved by the state public service commission for the reconnection of the water service.
- 7. Emergency discontinuance of service. If it is determined by the utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing within ten days of such emergency discontinuance. Such hearing shall be before the city utility commission and shall conform to all existing due process requirements.
- 8. Owner responsibility. The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Admin. Code §§ NR 810.15 and SPS 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventers on their premises. The property owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections which are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention devices must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.
- 9. Additional protection. In the case of premises having internal cross-connections that cannot be permanently corrected or controlled; or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash

- establishments. In the case of any premises where, in the opinion of the utility, an undue health threat is posed because of the presence of toxic substances, the utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility.
- 10. Wisconsin Administrative Code. Wis. Admin. Code ch. Comm. 82, is hereby adopted, except any penalty provisions therein. Wis. Admin. Code § NR 810.15 is hereby adopted.
- 11. *Plumbing codes*. This section does not supersede the state plumbing code, Wis. Admin. Code chs. SPS 381 through 387 or section 14.15 of this Code, but is supplementary to them.
- 12. Recommended practice. The property owner will be required to follow the recommended protection practices described in the American Water Works Association publication #AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the utility.

(Code 2011, § 13.06)

AFTER AMENDMENT

13.06 Cross Connection Control And Backflow Prevention

1. *Definitions*. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Backflow means the undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the city utility ("utility") water distribution pipes of the potable supply of water from any source. Backflow preventer means a device or a means designed to prevent backflow caused by backpressure or back-siphonage. These devices are most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

Backpressure means an elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam or air pressure) above the utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow. Back-siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of the utility's potable water supply system from any source caused by the sudden reduction of pressure in the utility potable water supply system. Cross-connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to

- the other, the direction of flow depending on the pressure differential between the two systems.
- 2. Cross-connections prohibited. No person shall establish, or permit to be established, or maintain or, permit to be maintained, any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the public water supply of the utility may enter the supply or distribution system of the utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the utility and by the state department of natural resources.
- 3. *Inspections*. It shall be the duty of the utility to cause inspections to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be as established by the City Water Utility and as approved by the State Department of Natural Resources. Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval. The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a state certified cross-connection inspector/surveyor or by a state licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility. The utility shall charge fees as approved by the state public service commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.
- 4. *Right of entry*. Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- 5. Authority to discontinue service. The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, or whose owner, lessee, or occupant has failed to allow an inspection for cross-connections, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained and repaired in compliance with this section and Wis. Admin. Code § NR 810.15 or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing before the city utility commission, except as provided in subsection (7) of this section.
- 6. Reconnection of service. Water service to any property discontinued under the

- provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the utility has been installed in compliance with the provisions of this section. The utility shall charge fees as approved by the state public service commission for the reconnection of the water service.
- 7. *Emergency discontinuance of service*. If it is determined by the utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing within ten days of such emergency discontinuance. Such hearing shall be before the city utility commission and shall conform to all existing due process requirements.
- 8. Owner responsibility. The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Admin. Code §§ NR 810.15 and SPS 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventers on their premises. The property owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections which are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention devices must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.
- 9. Additional protection. In the case of premises having internal cross-connections that cannot be permanently corrected or controlled; or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the utility, an undue health threat is posed because of the presence of toxic substances, the utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility.
- 10. Wisconsin Administrative Code. Wis. Admin. Code ch. Comm. 82, is hereby adopted, except any penalty provisions therein. Wis. Admin. Code § NR 810.15 is hereby adopted.
- 11. *Plumbing codes*. This section does not supersede the state plumbing code, Wis.

- Admin. Code chs. SPS 381 through 387 or section 14.15 of this Code, but is supplementary to them.
- 12. Recommended practice. The property owner will be required to follow the recommended protection practices described in the American Water Works Association publication #AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the utility.

(Code 2011, § 13.06)

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		

Page 7

RESOLUTION NO. 2023 - 5368

RESOLUTION DESIGNATING THE MUNICIPAL SERVICES BUILDING AS THE POLLING SITE

WHEREAS, City Ordinance 1.55 (5) allows for the establishment of voting places upon resolution of the Common Council;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin, that for the February 21, 2023 Spring Primary Election, the voting place for all Aldermanic Districts and Wards, shall be at the Municipal Services Building, 144 W. Second Street, Kaukauna.

Introduced and adopted this 17th day of January 2023.

		APPROVED: _		
			Anthony J. Penterman, Mayor	
ATTEST:				
	Sally A. Kenney, Clerk			

Resolution No. 2023-5369

RESOLUTION BY THE CITY OF KAUKAUNA REQUESTING UTILIZATION OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES GRANT FOR WISCONSIN AVENUE SEAWALL

WHEREAS, the City of Kaukauna does deem it desirable to make improvements to the Wisconsin Avenue Seawall, and

WHEREAS, the City of Kaukauna has budgeted a sum (\$280,120.00) sufficient to complete the project, and

WHEREAS, the Wisconsin Department of Natural Resources provides grants to assist municipalities with improvements impacting waters of the State of Wisconsin;

THEREFORE, BE IT RESOLVED that the City of Kaukauna hereby requests assistance for the purpose of the Wisconsin Avenue Seawall; and

HEREBY AUTHORIZES John Neumeier, to act on behalf of the City of Kaukauna to:

Submit an application to the Department of Natural Resources for financial assistance; sign documents; and take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Kaukauna

Will comply with state and federal rules for the programs; may perform force account work;

Will maintain the completed project in an attractive, inviting and safe manner;

Will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and

Will obtain approval from the Wisconsin Department of Natural Resources before any change is made in the use of the project site (if applicable).

Introduced and adopted this 17th day of January, 2023

	APPROVED:		
		Anthony J. Penterman, Mayor	
ATTEST:	_		
Sally A. Kenney, Clerk			

RESOLUTION NO. 2023-5370

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE
SPECIAL ASSESSMENT POLICE POWERS FOR PUBLIC IMPROVEMENTS TO CONCRETE
STREETS ON GREYHOUND STREET, BOXER STREET, SETTER DRIVE, LODERBAUER
ROAD, WHITE DOVE LANE, WHITE BIRCH STREET, DIXON STREET, SEVENTH STREET,
METOXEN AVENUE, QUINNEY AVENUE, CANAL STREET, OAK STREET AND
SCHULTHEIS STREET

WHEREAS, Kaukauna Municipal Code requires concrete curb and gutter installed; and

WHEREAS, the Kaukauna Municipal Code authorizes, pursuant to state statutes, the exercise of police powers for such public improvements;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin that the Common Council hereby declares its intention to exercise the police powers under Section 66.0703 of the Wisconsin Statutes to levy special assessments upon property within the following areas for improvements conferred upon such property:

- 1. The installation of concrete street, concrete curb and gutter, concrete sidewalks, driveway aprons/approaches, storm sewer, grading, gravel base, excavation, landscaping and topsoil including engineering charges on the following streets:
 - Greyhound Street Setter Drive to 620' south of Setter Drive
 - Boxer Street Setter Drive to 790' south of Setter Drive
 - Setter Drive Boxer Street to 100' east of Greyhound Street
 - Loderbauer Road 830' south of White Wolf Lane to 100' south of White Dove Lane
 - White Dove Lane Loderbauer Road to White Birch Street
 - White Birch Street Red Fox Lane to 30' south of White Dove Lane
 - Dixon Street Quinney Avenue to 560' east of Metoxen Avenue
 - Seventh Street Crooks Avenue to 200' east of Metoxen Avenue
 - Metoxen Avenue Dixon Street to Eighth Street
 - Quinney Avenue 190' north of Dixon Street to Eighth Street
 - Canal Street Catherine Street to 540' east of Catherine Street
 - Oak Street Island Street to Schultheis Street
 - Schultheis Street –Oak Street to Elm Street
- 2. The assessment against any parcel abutting the project related to the installation of storm sewer, Concrete Street, curb and gutter, sidewalk and driveway apron

installation may be paid in cash or over a period of ten (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%).

- 3. The City Engineer and Board of Public Works are hereby directed to prepare a report consisting of:
 - a. Final plans and specifications for the said improvements.
 - b. An estimate of the entire cost of the proposed project.
 - c. A schedule of the proposed assessments.
 - d. A statement that the property against which the assessments are proposed is benefited.
- 4. Upon completion of the above report, a copy of the same is to be filed in the office of the City Clerk for public inspection, and the Clerk is then directed to give notice of a public hearing on such report pursuant to Section 66.0703(7) of the Wisconsin Statutes.

Introduced and adopted this 17th day of January, 2023

	APPROVED:	
		Anthony J. Penterman, Mayor
ATTEST:		
Sally A. Kenney, Clerk		

RESOLUTION NO. 2023-5371

GOVERNMENTAL RESPONSIBILITY RESOLUTION
FOR WISCONSIN ECONOMIC DEVELOPMENT CORPORATION COMMUNITY
DEVELOPMENT INVESTMENT-VIBRANT SPACES GRANT (CDI-VS GRANT) – 100 BLOCK
OF 2ND & 3RD STREET PEDESTRIAN WALK WAYS AND ALLEY; PARCELS 324008600 &
324009500

WHEREAS, <u>City of Kaukauna</u> is interested in acquiring a Grant from Wisconsin Economic Development Corporation (WEDC) for the purpose of updating the alley (repaving, replacing storm sewer, and bury cables) and creating two pedestrian walk ways between 2nd Street and 3rd Street.

WHERE AS, updates in the Commercial Core District (CCD) with the proposed project will encourage economic growth and increase the quality of the downtown.

WHEREAS, the CDI-VS Grant has funds to assist approximately 20 communities

NOW, THEREFORE, BE IT RESOLVED <u>City of Kaukauna</u>, applicant, HEREBY AUTHORIZES, <u>Associate Planner</u>, to act on behalf of <u>City of Kaukauna</u> to sign and submit an application to WEDC for any financial aid that may be available;

I hereby certify the foregoing resolution was duly adopted by the Kaukauna City Council at a legal meeting on this 17th day of January, 2023.

	APPROVED:
	Anthony J. Penterman, Mayor
ATTEST:	<u></u>
Sally Kenney, Clerk	