

LEGISLATIVE COMMITTEE MEETING

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



Monday, June 01, 2026 at 6:15 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Correspondence.
2. Discussion Topics.
 - a. Extraterritorial CSM Review – Town of Vandebroek.
 - b. Annexation Petition Review – Dercks 5 LLC.
 - c. Resolution 2026-5515 Resolution Authorizing the Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2026.
 - d. Repeal and Replacement of Municipal Code § 9.29 – Tobacco and Nicotine Products.
 - e. 1.33 – Industrial and Commercial Development Commission.
 - f. 2025 Compliance Maintenance Annual Report (CMAR) Resolution.
 - g. Final Resolution Levying Special Assessment Police Powers for Public Improvements on Bens Way, Setter Drive, Boxer Street, Ninth Street, Brill Road, Eden Avenue, Sullivan Avenue, Hendricks Avenue, Florence Street, and Washington Street.
3. Adjourn.

NOTICES

Legislative Committee - Notice is hereby given this is a public meeting of the Legislative Committee. As such, all members or a majority of the City's Common Council and Standing Committees will likely be in attendance. While members of the Common Council or any Standing Committees may participate in discussions, only the Legislative Committee will take formal action.

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

MEETING ACCESS INFORMATION:

You can access this meeting by one of three methods: from your telephone, computer, or by an app. Instructions are below.

To access the meeting by telephone:

1. Dial 1-312-626-6799
2. When prompted, enter Meeting ID 234 605 4161 followed by #
3. When prompted, enter Password 54130 followed by #

To access the meeting by computer:

1. Go to <http://www.zoom.us>
2. Click the blue link in the upper right hand side that says Join a Meeting
3. Enter Meeting ID 234 605 4161
4. Enter Password 54130
5. Allow Zoom to access your microphone or camera if you wish to speak during the meeting

To access the meeting by smartphone or tablet:

1. Download the free Zoom app to your device
2. Click the blue button that says Join a Meeting
3. Enter Meeting ID 234 605 4161
4. Enter Password 54130
5. Allow the app to access your microphone or camera if you wish to speak during the meeting

Members of the public will be muted unless there is an agenda item that allows for public comment or if a motion is made to open the floor to public comment.



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee
From: Adrienne Nelson, Associate Planner
Date: May 19, 2026
Re: Extraterritorial CSM Review – Town of Vandebroek

Steven C. De Jong, surveyor, has submitted a certified survey map on behalf of Sean Melvin, owner of parcel 200001111, and Kevin and Susan Melvin, owners of parcel 200001110, to adjust lot lines between parcels 200001111 and 200001110 in the Town of Vandebroek.

These parcels fall within the extraterritorial review area of the City of Kaukauna, which is why this CSM resolution is being brought before the Legislative Committee. They are located approximately 0.85 miles northwest of Kaukauna's New Prosperity Center. This CSM will have no direct impact on any current or future plans for the City, and these parcels are not contiguous to any land within the City of Kaukauna.

The application, draft of the CSM, and resolution are attached to this report. The current map and proposed map are shown below for additional detail.



APPLICATION: CERTIFIED SURVEY MAP REVIEW FORM

This application is required if you are seeking to divide, combine, or reconfigure up to four parcels. All parcels must meet the dimensional requirements as set forth in their zoning district. Information on zoning districts can be found in [Section 17 of the Municipal Code](#). Information on certified survey maps can be found in [Section 18.29 of the Municipal Code](#). Please note that the City of Kaukauna has extraterritorial review authority for any certified survey maps created for parcels located in townships within three miles of city borders.

Petitioner Information:

Name: Steve De Jong

Mailing Address: N9637 Friendship Drive

Phone Number: [REDACTED]

Email: [REDACTED]

***Property Owner Information (If Not Petitioner):**

Name: Sean Melvin

Mailing Address: N2367 Maloney Rd., Kaukauna, WI 54130

Phone Number: [REDACTED]

Email: [REDACTED]

Property Information:

Site Address/Location: N2367 Maloney Rd

Lot Dimensions and Area: 1270 by 554

Current Zoning: Gen Ag

Number of Lots to be Created: 2

***If multiple owners are involved, please add all additional owner information on an attached document.**

Please State Reason(s) for Certified Survey Map Review Request:

Extra Territorial Review. Adjusting a lot line between two adjoining land owners

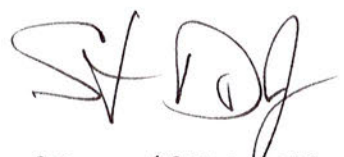
Additional Requirements: For Certified Survey Map review, professionally drawn maps are required to be submitted. These maps must include all structures, lot lines, and streets with distances to each. Maps should be drawn to a scale of not less than 1":1,000'. Additional information may also be requested as may be appropriate per the proposal being made.

Lot Division by CSM (1-4 lots) Fee Schedule: \$10.00/lot based on total lots

Please Note: The City of Kaukauna will **never** request payment for an application in the form of a wire transfer. All payments are to be made by check to the City of Kaukauna (address below) and are due when the application is submitted, prior to review.

Application Timeline: Certified survey map reviews often require action by multiple governmental bodies and sometimes reviews and authorizations can take more than 30 days. Please let staff know of your request as early as possible if you have a specific deadline that you need Plan Commission authorization by.

Signature of Petitioner:

A handwritten signature in black ink, appearing to be 'S. J. D. J.', written over a horizontal line.

Signature of Owner (If Not Petitioner):

Date Submitted to the City of Kaukauna: 5-4-2026

Please submit by email to planning@kaukauna.gov or by mail to:
City of Kaukauna
Attn: Planning and Community Development Department
144 W Second Street
Kaukauna, WI 54130

FOR DEPARTMENT USE ONLY:

Date Application Received: 5/4/2026

Payment Received: 5/4/2026

Payment Receipt #:

Certified Survey Map Reviewed:

Plan Commission Approval:

Legislative Committee Approval:

Common Council Approval:

Signature of Planning & Community Dev. Staff:

-LEGEND-

- = 1" X 18" IRON PIPE SET (1.130 LB./FT.)
- = 1" IRON PIPE FOUND
- ⊙ = COUNTY MONUMENT FOUND
- () = RECORDED INFORMATION
- ⊕ = 3/4" REBAR FOUND
- ⊗ = SEPTIC COVER
- ⊖ = SEPTIC VENT

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8134
 RECORDED AS DOCUMENT NO. 2236504; LOCATED IN THE SE/4 OF THE
 FRACTIONAL NW1/4, SECTION 1, T.21N., R.18E., TOWN OF VANDENBROEK,
 OUTAGAMIE COUNTY, WISCONSIN

N1/4 CORNER
 SECTION 1
 T.21N., R.18E.
 (SET MAG NAIL
 PER TIES)

BEARINGS REFERENCED TO THE
 OUTAGAMIE COUNTY COORDINATE
 SYSTEM AND THE EAST LINE OF THE
 FRACTIONAL NW1/4, SECTION 1, T.21N.,
 R.18E., WHICH BEARS: S00°-56'-48"W

SURVEY NOTES:

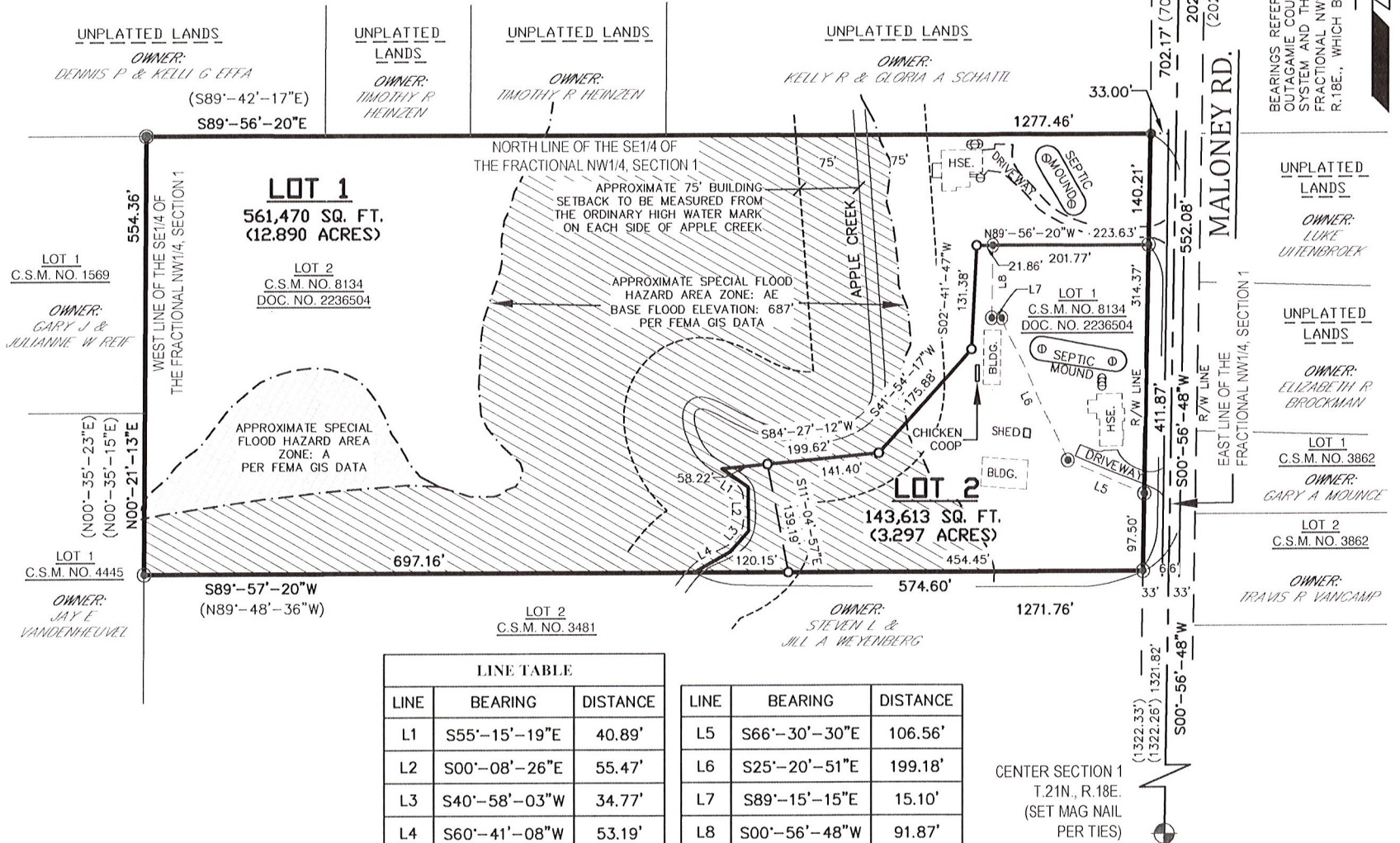
-PRIOR TO DEVELOPMENT, A WETLAND DELINEATION MAY BE REQUIRED ON LOTS 1 & 2. OUTAGAMIE COUNTY CODE OF ORDINANCES, SECTION 48-7(c)(4)a REQUIRES A WETLAND SETBACK OF 10' TO 30', 50', OR 75', DEPENDING ON THE SUSCEPTIBILITY OF THE WETLAND.

-PORTIONS OF THIS PROPERTY FALL WITHIN ZONE AE AND ZONE A OF FEMA FIRM NO. 55087C03344 WITH AN EFFECTIVE DATE OF JULY 22, 2010. FLOOD PLAIN BOUNDARY WAS ESTABLISHED WITH FEMA GIS DATA.

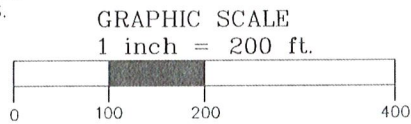
-THE ORDINARY HIGH WATER MARK SETBACK IS NOT BASED ON AN OFFICIAL DETERMINATION AND PRIOR TO ANY BUILDING, AN OFFICIAL DETERMINATION OF THE ORDINARY HIGH WATER MUST BE MADE BY THE OUTAGAMIE COUNTY ZONING DEPARTMENT OR OTHER AUTHORIZED PERSON. ALSO ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED BY THE OUTAGAMIE COUNTY ZONING OFFICE PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY.

-ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.

-THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER MARK SHALL BE THE POINT ON THE BANK OF A NAVIGABLE STREAM OR ON THE SHORE OF A LAKE UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS SO CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER EASILY RECOGNIZED CHARACTERISTICS.



LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S55°-15'-19"E	40.89'	L5	S66°-30'-30"E	106.56'
L2	S00°-08'-26"E	55.47'	L6	S25°-20'-51"E	199.18'
L3	S40°-58'-03"W	34.77'	L7	S89°-15'-15"E	15.10'
L4	S60°-41'-08"W	53.19'	L8	S00°-56'-48"W	91.87'



SURVEYED FOR:
 SEAN MELVIN
 N2367 MALONEY RD.
 KAUKAUNA, WI 54130

MERIDIAN
SURVEYING, LLC

2020 Madison Street Office: 920-993-0881
 New Holstein, WI 53061 Fax: 920-273-6037

THIS INSTRUMENT WAS DRAFTED BY: K.R.	FIELD WORK DATE: 4-17-26
CHECKED BY: S.C.D.	FIELD BOOK: X
JOB NO.: 17237	SHEET 1 OF 5

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8137, RECORDED AS DOCUMENT NO. 2236504; LOCATED IN THE SE1/4 OF THE FRACTIONAL NW1/4, SECTION 1, T.21N., R.18E., TOWN OF VANDENBROEK, OUTAGAMIE COUNTY, WISCONSIN

Sheet 2 of 5

SURVEYOR'S CERTIFICATE

I, Steven C. De Jong, Wisconsin Professional Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed, divided, mapped and monumented under the direction of Sean Melvin, all of Lot One (1) and Lot Two (2) of Certified Survey Map No. 8134 as recorded in Document No. 2236504 In the Office of the Register of Deeds for Outagamie County, located in the Southeast Quarter (SE1/4) of the Fractional Northwest Quarter (NW1/4) of Section One (1), Township Twenty-One (21) North, Range Eighteen (18) East, Town of Vandenbroek, Outagamie County, Wisconsin containing 705,083 square feet (16.186 acres) of land. Being subject to any and all easements and restrictions of record.

That such is a correct representation of all exterior boundaries of the land surveyed.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Land Subdivision Ordinance of Outagamie County, in surveying, dividing, monumenting and mapping the same.

Dated this _____ day of _____, 2026.

Wisconsin Professional Land Surveyor
Steven C. De Jong, S-2791

This Certified Survey Map is contained wholly within the property described in the following recorded instruments:

Document No. 2260295 & 2257989

Owner(s) of Record: Sean Melvin, Liudmila Vakulenko, & Kevin J. Melvin and Susan M. Melvin Revocable Trust Dated May 6, 2019

This Certified Survey Map is contained wholly within Tax Parcel Number: 200001111 & 200001110

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8137, RECORDED AS DOCUMENT NO. 2236504; LOCATED IN THE SE1/4 OF THE FRACTIONAL NW1/4, SECTION 1, T.21N., R.18E., TOWN OF VANDENBROEK, OUTAGAMIE COUNTY, WISCONSIN

Sheet 3 of 5

OWNER'S CERTIFICATE

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided, monumented and mapped as represented on this map. I (we) also certify that this map is required by S. 236.10 or 236.12 to be submitted to the following for approval or objection: Outagamie County Development and Land Services, Town of Vandebrook, and the City of Kaukauna.

Dated this _____ day of _____, 2026.

Sean Melvin _____

Personally came before me this _____ day of _____, 2026, the above named Sean Melvin to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided, monumented and mapped as represented on this map. I (we) also certify that this map is required by S. 236.10 or 236.12 to be submitted to the following for approval or objection: Outagamie County Development and Land Services, Town of Vandebrook, and the City of Kaukauna.

Dated this _____ day of _____, 2026.

Liudmila Vakulenko _____

Personally came before me this _____ day of _____, 2026, the above named Liudmila Vakulenko to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8137, RECORDED AS DOCUMENT NO. 2236504; LOCATED IN THE SE1/4 OF THE FRACTIONAL NW1/4, SECTION 1, T.21N., R.18E., TOWN OF VANDENBROEK, OUTAGAMIE COUNTY, WISCONSIN

Sheet 4 of 5

OWNER'S CERTIFICATE

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided, monumented and mapped as represented on this map. I (we) also certify that this map is required by S. 236.10 or 236.12 to be submitted to the following for approval or objection: Outagamie County Development and Land Services, Town of Vandebroek, and the City of Kaukauna.

Dated this _____ day of _____, 2026.

Kevin J. Melvin – Trustee _____

Kevin J. Melvin and Susan M. Melvin Revocable Trust Dated May 6, 2019

Personally came before me this _____ day of _____, 2026, the above named Kevin J. Melvin to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided, monumented and mapped as represented on this map. I (we) also certify that this map is required by S. 236.10 or 236.12 to be submitted to the following for approval or objection: Outagamie County Development and Land Services, Town of Vandebroek, and the City of Kaukauna.

Dated this _____ day of _____, 2026.

Susan M. Melvin – Trustee _____

Kevin J. Melvin and Susan M. Melvin Revocable Trust Dated May 6, 2019

Personally came before me this _____ day of _____, 2026, the above named Susan M. Melvin to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8137, RECORDED AS DOCUMENT NO. 2236504; LOCATED IN THE SE1/4 OF THE FRACTIONAL NW1/4, SECTION 1, T.21N., R.18E., TOWN OF VANDENBROEK, OUTAGAMIE COUNTY, WISCONSIN

Sheet 5 of 5

COUNTY DEVELOPMENT AND LAND SERVICES CERTIFICATE:

This Certified Survey Map has been reviewed and approved by the Outagamie County Development and Land Services Department.

Dated _____

Signed (Representative)

COUNTY TREASURER'S CERTIFICATE

I being the duly elected qualified and acting treasurer of the County of Outagamie, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid assessments as of this _____ day of _____, 2026 on any lands included in this Certified Survey Map.

Dated _____

County Treasurer: _____

TOWN OF VANDENBROEK CERTIFICATE

This Certified Survey in Section 1, T.21N., R18E., Town of Vandebroek, Outagamie County, Wisconsin, is hereby approved.

Town of Vandebroek - Chairman

Date

Town of Vandebroek - Clerk

Date

TOWN TREASURER'S CERTIFICATE

As duly elected Treasurer for the Town of Vandebroek, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below

Treasurer – Town of Vandebroek

Date

**EXTRA TERRITORIAL REVIEW
CITY OF KAUKAUNA CERTIFICATE**

This Certified Survey in Section 1, T.21N., R18E., Town of Vandebroek, Outagamie County, Wisconsin, is hereby approved.

City of Kaukauna – Authorized Representative

Date

RESOLUTION 2026-5514

**RESOLUTION APPROVING A CERTIFIED SURVEY MAP LOCATED
WITHIN THE CITY OF KAUKAUNA EXTRATERRITORIAL PLAT
APPROVAL JURISDICTION (TOWN OF VANDENBROEK)**

WHEREAS, Sean Melvin, as owner of Parcel 200001111, and Kevin and Susan Melvin, as owners of Parcel 200001110, have presented a Certified Survey Map to the City of Kaukauna Common Council as prepared by Steve C. De Jong, a registered Land Surveyor, for the purposes of adjusting lot lines between the subject parcels; and

WHEREAS, the subject property is located in the Town of Vandebroek, Outagamie County, Wisconsin, and lies within the City of Kaukauna’s extraterritorial plat approval jurisdiction pursuant to Wis. Stat. § 236.10; and

WHEREAS, the Certified Survey Map has been reviewed in accordance with applicable provisions of Wis. Stat. § 236; and

WHEREAS, the Plan Commission has reviewed the Certified Survey Map and recommended approval; and

WHEREAS, the Certified Survey Map describes the following lands:

All of Lot One (1) and Lot Two (2) of Certified Survey Map No. 8134 as recorded in Document No. 2236504 in the Office of the of the Register of Deeds for Outagamie County, located in the Southeast Quarter (SE1/4) of the Fractional Northwest Quarter (NW1/4) of Section (1), Township Twenty-One (21) North, Range Eighteen (18) East, Town of Vandebroek, Outagamie County, Wisconsin containing 705,083 square feet (16.186 acres) of land. Being subject to any and all easements and restrictions of record.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin, that the Certified Survey Map as submitted and on file with the City Clerk is hereby approved.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 2nd day of June, 2026.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, City Clerk



CITY OF KAUKAUNA PLAN COMMISSION

PETITION FOR UNANIMOUS ANNEXATION

To the Common Council of the City of Kaukauna, Outagamie County, Wisconsin:

Petition is hereby made in accordance with the provisions of Section 66.0217(2) of the Wisconsin State Statutes for direct annexation to the City of Kaukauna, Wisconsin, from the Town of Buchanan, Wisconsin, of the real estate described on the attached map.

The attached map is in accordance with statutory requirements and is of a reasonable scale, showing the contiguous boundary with the City of Kaukauna of the territory to be annexed, and showing acreage and North arrow.

There are 0 residents residing within the territory under petition.

Signatures:

1. NAME OF PETITIONER: Dercks 5, LLC (Tom Dercks)

SIGNATURE: *Thomas W Dercks*

DATE: 5-19-26

2. NAME OF PETITIONER:

SIGNATURE:

DATE:

3. NAME OF PETITIONER:

SIGNATURE:

DATE:

4. NAME OF PETITIONER:

SIGNATURE:

DATE:

5. NAME OF PETITIONER:

SIGNATURE:

DATE:

6. NAME OF PETITIONER:

SIGNATURE:

DATE:

Additional Requirements: City of Kaukauna staff are able to assist you in map preparation to meet statutory regulations. Please contact us by email at jstephenson@kaukauna-wi.org or by phone at (920) 766-6315 to begin the annexation process.

Fees: There are no locally assessed fees from the City of Kaukauna for annexation review, but the Wisconsin Department of Administration does assess fees for annexation.

Please Note: Annexation review and adoption requires action by multiple governmental bodies. Between multiple meetings and statutory requirements for public hearings and noticing of meetings, sometimes reviews and authorizations can take more than 30 days. Please let staff know of your request as early as possible if you have a specific deadline that you need Plan Commission authorization by.

Please submit by email to lpaul@kaukauna-wi.org or by mail to City of Kaukauna, Attn: Plan Commission, P.O. Box 890, Kaukauna, WI 54130



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 261-6097 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

April 30, 2026

PETITION FILE NO. 14842

KAYLA NESSMANN, CLERK
CITY OF KAUKAUNA
144 W SECOND STREET
KAUKAUNA, WI 54130-0890

CYNTHIA SIERACKI, CLERK
TOWN OF BUCHANAN
N178 COUNTY RD N
APPLETON, WI 54915-9459

Subject: VERBETEN DEVELOPMENT ANNEXATION

The proposed annexation submitted to our office on April 10, 2026, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF KAUKAUNA**, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14842 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2917>
Please call me at (608) 261-6097, should you have any questions concerning this annexation review.

Sincerely,

Bradley T. Vowels-Katter

Municipal Boundary Review – DOA

Direct (608) 261-6097

bradley.vowelskatter@wisconsin.gov

<http://doa.wi.gov/municipalboundaryreview>

cc: petitioner



MEMO

PLANNING & COMMUNITY DEVELOPMENT

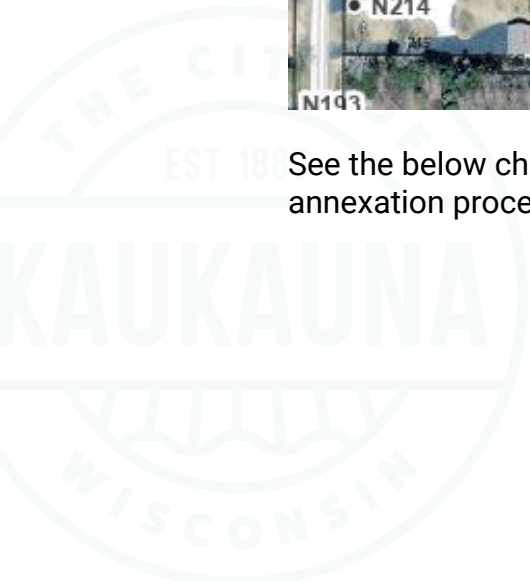
To: Legislative Committee
From: Adrienne Nelson, Associate Planner
Date: May 20, 2025
Re: Annexation Petition Review – Dercks 5 LLC

Verbeten Development Inc. submitted an annexation request for unanimous annexation of parts of parcels 030062307 and 030063500 from the Town of Buchanan to the City of Kaukauna. Although Verbeten Development initiated the annexation, they have now formally sold the property to Dercks 5 LLC, who would like to continue with the unanimous annexation process. The annexation request is for a total of 28.5993 acres. As it currently stands, the property would default to Residential Single-Family for zoning if the annexation is approved, which is compliant with the City's comprehensive plan. The property can be serviced with water and sewer by the City, and the request for annexation is being made to support a future neighborhood development.

Attached is the updated annexation petition submitted by Dercks 5 LLC and a letter from the Wisconsin Department of Administration outlining their findings. Below is a simple map showing the proposed annexation area.

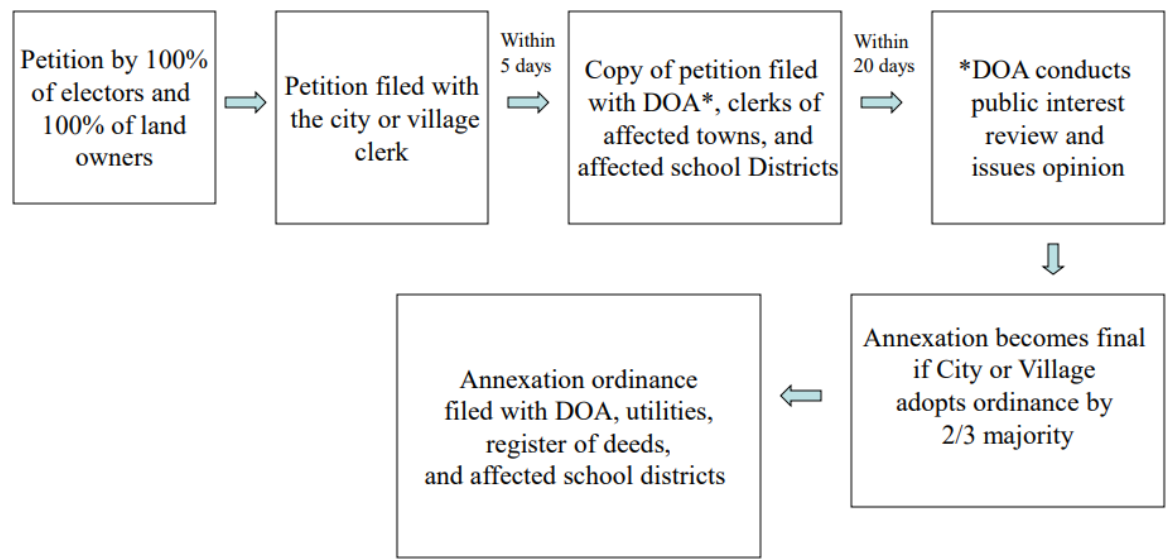


See the below chart and link for more information on the unanimous consent annexation process.



Process of a Unanimous Consent Annexation

See section [66.0217\(2\)](#) of the Wisconsin Statutes



*DOA involvement not applicable in counties with less than 50,000 persons

<https://doa.wi.gov/Pages/LocalGovtsGrants/Annexation.aspx>

Recommendation

Staff recommends approving the annexation ordinance to the Common Council.



CITY OF KAUKAUNA

ORDINANCE NO. 1956-2026

ORDINANCE TO ANNEX 28.5993 ACRES OF LAND FROM THE TOWN OF BUCHANAN TO THE CITY OF KAUKAUNA

WHEREAS, a petition for direct annexation by unanimous consent of territory to the City of Kaukauna has been filed with the Clerk of the City of Kaukauna together with a scale map and legal description of the property to be annexed showing the boundaries of such territory and the relation of the territory to the municipality to which the annexation is requested; and,

WHEREAS, the petition constitutes a direct annexation by unanimous approval pursuant to Wis. Stat. § 66.0214(2), in that it is signed by all electors and all owners of real property within the territory; and,

WHEREAS, notice of the proposed annexation was served upon the State of Wisconsin Department of Administration, Petition File No. 14842, and said Department determined that the proposed annexation is in the public interest / does not adversely affect the public interest; and,

WHEREAS, there has been due compliance with all requirements of Section 66.0217 of the Wisconsin State Statutes; and,

WHEREAS, the property is being annexed for purpose of providing municipal services; and,

WHEREAS, the matter was acted upon by the City Plan Commission which recommended annexation of the property; and

WHEREAS, the annexation includes the territory described herein and as shown on the map and/or certified survey map submitted with the annexation petition and on file with the City Clerk, which is incorporated herein by reference.

NOW THEREFORE, the Common Council of the City of Kaukauna, Wisconsin, do ordain as follows:

That the particular property hereinafter described pursuant to the petition filed with the Clerk of the City of Kaukauna be, and the same is, hereby annexed to the City of Kaukauna, and same is hereby detached, by operation of law, from the Town of Buchanan, Outagamie County, Wisconsin. That the territory so annexed is known and described as follows:

Commencing at the Southwest Corner of Government Lot 3 of Section 35, T21N, R18E; thence S88°46'06"E along the North line of the Southwest 1/4, 1075.87 feet to the Point of Beginning of the lands being Annexed to the City of Kaukauna;

thence continuing along said North line, S88°46'06"E, 1321.83 feet to the Center of Said Section 35; thence S00°16'37"W, along the East line of the Southwest 1/4, 1320.87 feet; thence N89°03'15"W, 1004.02 feet; thence N00°20'15"E, 607.78 feet; thence S89°39'07"E, 236.78 feet; thence S74°23'12"E, 31.35 feet; thence N00°20'29"E, 417.05 feet; thence N06°46'06"W, 121.15 feet; thence N88°46'06"W, 571.22 feet; thence N00°20'12"E, 185.18 feet to the Point of Beginning of the lands being Annexed to the City of Kaukauna.

This ordinance shall take effect upon the passage and publication as provided by law.

Introduced and adopted by Common Council on the 2nd day of June, 2026.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessmann, Clerk



MEMO

To: Legislative Committee
From: Fire Chief Carrel
Date: 06/01/2026
Re: MOU – Fox Cities Marathon

Background

In an effort to best coordinate emergency response within the event and allow municipalities to be minimally affected outside of the event, this MOU establishes a Unified Command system, where resources (equipment and personnel) are pooled from all municipalities and are then dispatched and work together within this new system for the duration of the event.

For our part, we are dedicating an ambulance and staff to be part of this Unified Command system. Our ambulance can then be dispatched and utilized anywhere along the marathon route. Effort is made to keep resources as close to their own jurisdictions as possible. The MOU itself is valid from Friday through Sunday, but we will only be committing our ambulance and personnel on Sunday.

Strategic Plan

By collaborating and pooling resources with other municipalities, this plan helps each municipality to better maintain service levels within their own communities during this large-scale event.

Budget Impact

Estimated \$300-600 overtime for two personnel from 0700 to approximately 12:30.

Recommended Action

Forward Resolution to the Common Council for approval.

RESOLUTION NO. 2026-5515

**RESOLUTION AUTHORIZING THE MEMORANDUM OF UNDERSTANDING (MOU)
ESTABLISHING UNIFIED COMMAND FOR FOX CITIES MARATHON 2026**

WHEREAS, the Fox Cities Marathon’s route travels throughout several municipalities within the Fox Cities; and

WHEREAS, the MOU, which is attached hereto, allows area Fire Departments to provide normal operations to the rest of the communities while still providing needed coverage for the Fox Cities Marathon;

WHEREAS, the Memorandum of Understanding establishes a Unified Command structure among participating jurisdictions to coordinate emergency response operations, including the deployment and relocation of resources and personnel, in order to provide effective public safety services along the Fox Cities Marathon route while maintaining normal operations within each respective community;

WHEREAS, the City of Kaukauna Common Council believes it is in the best interest of its citizens, the Community, and the Kaukauna Fire Department to enter into the MOU;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Kaukauna approves the Memorandum of Understanding to be able to assist when needed for the Fox Cities Marathon occurring September 18-20, 2026.

Introduced and adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 2nd day of June 2026.

APPROVED:

Anthony J. Penterman, Mayor

ATTEST:

Kayla Nessmann, Clerk

Memorandum of Understanding (MOU)

Establishing Unified Command For Fox Cities Marathon 2026

Between Neenah-Menasha Fire Rescue (NMFR), Neenah Police Department (NPD), Menasha Police Department (MPD), Fox Crossing Fire Department (FCFD), Fox Crossing Police Department (FCPD), Appleton Fire Department (AFD), Appleton Police Department (APD), Fox Valley Metro Police Department (FVMPD), Kaukauna Fire Department (KKFD), Kimberly Fire Department (KFD), Harrison Fire Rescue (HFR), Town of Buchanan Fire and Rescue (BFD), Combined Locks Fire Department (CLFD), Outagamie County Sheriff's Department (OCSD), Winnebago County Sheriff's Department (WCSD), Calumet County Sheriff's Department (CCSD) collectively these emergency service departments will be referred to as (Departments).

- I. **Purpose:** The Departments share a common interest in protecting their communities, citizens, marathon participants and spectators of the 2026 Fox Cities Marathon (FCM). This MOU will assist all Departments in providing normal operations for the rest of their communities while still providing needed coverage for the FCM event.

It is anticipated that through this collaborative effort of this MOU, the FCM event will have minimal impact on the emergency responses to the rest of our communities.

- II. **Background and Authority:** FCM has been running for 32 years in our communities. During this time this event has grown and impacted all Departments operations. As the event has grown in popularity, the influx of volunteers, participants and visitors has grown to over 6,000 participants, 2,500 volunteers, and estimated over 10,000 spectators.

While each department operates within their own jurisdiction and under their department's policies, this MOU would also allow the Department's assets assigned to the FCM to be used by partnering agencies when responding to FCM calls for service.

- III. **Substance of Understanding:** This MOU is intended to form the basis of a Unified Command (UC). The UC can be filled with any Department personnel and would have the authority to:
 - a. Dispatch units to needs within the FCM route.
 - b. Relocate Departments assets as needed throughout the FCM route.
 - c. Be in contact with participating department(s) duty commanders to end or extend the commitment of assets.

Pursuant to this MOU, Departments are required to complete ICS 204 Forms for their assets, thereby providing notice to the UC of resource availability during the FCM event. Each Department, at their discretion, may deny a request for equipment, but shall agree to make reasonable efforts to provide requested equipment unless it places a significant burden on the Department, or if resources are inadequate, unavailable, or already in use.

- IV. Resource Obligations: This MOU represents the broad outline of the Departments and FCM UC collaborative interest. It is not intended to create obligations for any departments involved, but to assist in providing the best service to our communities and to those participants and spectators of the FCM. This MOU does not affect nor supersede any existing or future arrangements between the Departments. This MOU shall only be in effect for the 2026 FCM event, commencing Friday September 18, and ending September 20, 2026.
- V. Employment Status & Liability: Nothing in this MOU shall alter the employment status of any employee providing services under this MOU. Employees shall always continue to be subject to all standards of performance, disciplinary rules, and other terms and conditions imposed by their employer. No Department shall be responsible for the direct payment of any salaries, wages, compensation, or benefits of any employee of another Department to this MOU. Any employee of any Department, while providing services consistent with this MOU, shall be covered by that Department for purposes of worker’s compensation, unemployment insurance, benefits under Chapter 40 of the Wisconsin Statutes, and any civil liability. For the purposes of third-party claims or lawsuits, each Department shall be solely responsible for its own acts and those of its employees and officers under this MOU.
- VI. Requests for personnel assistance and/or resources: It is understood, as part of this agreement, that part of the unified command includes law enforcement from either a single agency or multiple agencies, who are exercising statutory authority per state law. Therefore, requests for personnel assistance and/or any request for resources from the Incident Command (or proper event authority) to any law enforcement agency are being made under mutual aid per Wis. § 66.0313. Law enforcement personnel working outside their jurisdiction or responding to requests outside their jurisdiction as part of this event, are deemed to be acting with lawful authority under the provisions of the mutual aid statute.

Approval and Signature(s) to follow:

Neenah-Menasha Fire Rescue

Title	Signature	Date	Print Name
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Neenah Police Department

Print Name	Title	Signature	Date
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Menasha Police Department

Print Name	Title	Signature	Date
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Fox Crossing Fire Department

Print Name	Title	Signature	Date
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Fox Crossing Police Department

Print Name	Title	Signature	Date
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Appleton Fire Department

Print Name	Title	Signature	Date
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Appleton Police Department

Print Name	Title	Signature	Date
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Fox Valley Metro Police Department

Print Name	Title	Signature	Date
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Kaukauna Fire Department

Print Name	Title	Signature	Date
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Kimberly Fire Department

Print Name	Title	Signature	Date
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Harrison Fire Rescue

Print Name	Title	Signature	Date
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Town of Buchanan Fire and Rescue

Print Name	Title	Signature	Date
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Combined Locks Fire Department

Print Name	Title	Signature	Date
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Outagamie County Sheriff's Department

Print Name	Title	Signature	Date
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Calumet County Sheriff's Department

Print Name	Title	Signature	Date
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Winnebago County Sheriff's Department

Print Name Title Signature Date



MEMO

To: Legislative Committee
 From: Tim Greenwood, City Attorney
 Date: June 1, 2026
 Re: Repeal and Replacement of Municipal Code § 9.29 – Tobacco and Nicotine Products

Background Information:

Section 9.29 of the City of Kaukauna Municipal Code currently regulates the purchase, possession, and provision of cigarettes, tobacco products, and nicotine products by persons under the age of 18. Since adoption of the current ordinance, Wisconsin Statutes governing youth access to tobacco and nicotine products, as well as retailer obligations, have been amended, including Wisconsin Statutes §§ 254.92 and 134.66.

Wisconsin Stat. § 254.92 authorizes municipalities to regulate certain conduct related to the purchase, possession, and provision of cigarettes, tobacco products, and nicotine products by persons under 18 years of age; however, the statute expressly limits municipal authority by requiring that any such ordinance strictly conform to state law and prohibits municipalities from imposing additional or different regulations.

Wisconsin Stat. § 134.66 governs statewide restrictions on the sale of these products, including retailer compliance and training requirements.

PURPOSE OF THE ORDINANCE:

The proposed ordinance repeals and replaces Section 9.29 of the Municipal Code in order to satisfy the strict conformity requirement imposed by Wisconsin Stat. § 254.92, update definitions and terminology to reflect current statutes, and maintain consistency between local and state regulation of tobacco and nicotine products.

WHAT HAS CHANGED:

The proposed ordinance updates definitions to mirror current Wisconsin Statutes, providing clarity while maintaining strict conformity with state law. It aligns local regulation with Wis. Stat. § 254.92 by limiting regulation to the conduct expressly authorized by statute and expressly incorporates statewide sales restrictions and retailer obligations under Wis. Stat. § 134.66 rather than restating or duplicating those provisions. The ordinance also removes outdated or duplicative language that is no longer consistent with the current statutory framework and reflects the limitations placed on municipal regulation by state law.

WHAT HAS STAYED THE SAME:

Prohibitions on the underage possession, attempted purchase, and purchase of cigarettes, tobacco products, and nicotine products remain in place, as do prohibitions on

third-party purchasing or provision of these products to persons under 18. Existing statutory exceptions for retail employment and law-enforcement compliance investigations continue to apply, and law-enforcement authority to seize prohibited products is preserved. Penalties remain governed by applicable Wisconsin Statutes and are incorporated by reference.

EFFECT OF ADOPTION:

Adoption of the proposed ordinance does not expand or reduce enforcement authority beyond that provided under state law. Because Wisconsin Statutes require strict conformity in this area, the City is not permitted to enact additional or more restrictive regulations beyond those authorized by state law. The ordinance ensures that the City’s regulations remain current, legally compliant, and consistent with Wisconsin Statutes governing tobacco and nicotine products.

Budget:

Adoption of the proposed ordinance is not anticipated to have a fiscal impact on the City. The ordinance updates and aligns existing regulations with current state law and does not create new programs, staffing requirements, or enforcement obligations.

RECOMMENDATION:

Staff recommends adoption of the proposed ordinance repealing and replacing Section 9.29. This will ensure compliance with applicable Wisconsin Statutes and maintain consistency between local and state law.



CITY OF KAUKAUNA

ORDINANCE _____-2026

ORDINANCE REPEALING AND REPLACING SECTION 9.29 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS AND ELECTRONIC DELIVERY DEVICES PROHIBITED

WHEREAS, the City of Kaukauna has previously adopted Section 9.29 of the City of Kaukauna Municipal Code regulating the purchase, possession, and provision of cigarettes, tobacco products, and nicotine products by persons under the age

WHEREAS, Wisconsin Statutes § 254.92 regulates the purchase, attempted purchase, possession, and provision of cigarettes, tobacco products, and nicotine products by persons under the age of 18, and authorizes municipalities to enact ordinances regulating such conduct only if those ordinances strictly conform to state law; and

WHEREAS, Wisconsin Statutes § 134.66 regulates the sale of cigarettes, tobacco products, and nicotine products, including retailer compliance and training requirements, which apply statewide without the need for local duplication; and

WHEREAS, the Common Council finds it necessary and appropriate to repeal and replace Section 9.29 of the City of Kaukauna Municipal Code in order to ensure strict conformity with Wisconsin Statutes §§ 254.92 and 134.66, to incorporate current state-law definitions and enforcement standards, and to maintain consistency with applicable state law;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, that Section 9.29 of the City of Kaukauna Municipal Code is hereby repealed and replaced as follows:

9.29 Sale, Purchase, Possession, and Provision of Cigarettes, Tobacco Products, and Nicotine Products Regulated

1. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection and as defined in the Wisconsin Statutes, including but not limited to, Wis. Stats. § § 254.911 and 134.66, as those provisions may be amended, renumbered, or successor statues enacted, to ensure strict conformity with state law:

- a. "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.
- b. "Direct marketer" means a bonded direct marketer or a nonbonded direct marketer.
- c. "Distributor" means any of the following:

- 1. any person who acquires unstamped cigarettes from the manufacturer

thereof, affixes stamps to the packages or other containers, stores them and sells them to other permittees or to retailers for resale or who acquires stamped cigarettes from another permittee for such sales;

2. Any person engaged in the business of selling tobacco products or vapor products in this state who brings, or causes to be brought, into this state from outside the state any tobacco products or vapor products for sale;
 3. Any person who makes, manufactures or fabricates tobacco products or vapor products in this state for sale in this state; or
 4. Any person engaged in the business of selling tobacco products or vapor products outside this state who ships or transports tobacco products or vapor products to retailers in this state to be sold by those retailers.
- d. "Identification card" means any of the following:
1. A license containing a photograph issued under Wis. Stats. § 343.
 2. An identification card issued under Wis. Stats. § 343.50.
 3. An identification card issued under Wis. Stats. § 125.08, 1987 stats.
 4. A tribal identification card, as defined in Wis. Stats. § 134.695 (1) (cm).
- e. "Jobber" means any person who acquires stamped cigarettes from manufacturers or distributors, stores them and sells them to retailers for resale.
- f. "Manufacturer" means any of the following:
1. any person who manufactures cigarettes for the purpose of sale, including the authorized agent of a person who manufactures cigarettes for the purpose of sale. "Manufacturer" includes a person who owns an automated roll-your-own machine that is used to make cigarettes, but does not include an individual who owns a roll-your-own machine and uses the machine in his or her home solely to make cigarettes for his or her personal use or for the use of other individuals who live in his or her home.
 2. any person who manufactures and sells tobacco products or vapor products.
- g. "Law enforcement officer" means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed and sworn to enforce. "Law enforcement officer" includes a university police officer, as defined in Wis. Stats. § 175.42 (1) (b).

- h. "Nicotine product" means a product that contains nicotine and is not any of the following:
 - 1. A tobacco product.
 - 2. A cigarette.
 - 3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such approved purpose.
 - i. "Retailer" means any person licensed under Wis. Stats. § 134.65(1d).
 - j. "School" means a public, parochial, private, or tribal school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school.
 - k. "Stamp" means the authorized indicia of cigarette tax payment including water transfer stamps and heat applied stamps.
 - l. "Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products or vapor products from a distributor and sells them to persons other than the ultimate consumers.
 - m. "Tobacco products" means cigars; pipe tobacco; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under Wis. Stats. § 139.30 (1m).
 - n. "Vending machine" is any mechanical device which automatically dispenses cigarettes upon the deposit therein of specified coins in payment for such cigarettes.
 - o. "Vending machine operator" means a person who acquires stamped cigarettes from manufacturers or permittees, stores them and sells them through the medium of vending machines which he or she owns, operates or services and which are located on premises which are owned or under the control of other persons.
2. Purchase or possession of cigarettes or tobacco products by person under 18 prohibited.
- a. No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.

- b. Purchase, Attempted Purchase, or Possession. Except as provided in Section 3 of this section, no person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product.
 - c. No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product except as follows:
 - 1. A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
 - 2. A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under Wis. Stats. § 254.916 that is conducted in accordance with Wis. Stats. § 254.916 (3).
 - d. No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age. Any person who violates this subsection may be:
 - 1. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.
 - 2. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
 - 3. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
 - 4. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
 - e. A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.
3. Sales Restrictions. The sale of cigarettes, tobacco products, and nicotine products within the City of Kaukauna shall comply with Wis. Stats. § 134.66, including all training, compliance, and enforcement provisions contained therein.
- a. No retailer, direct marketer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person under the age of 18, except as provided in Wis. Stats. § 254.92 (2) (a). A vending machine operator is not liable under this paragraph for the purchase of cigarettes, nicotine products, or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.
 - b. No retailer, direct marketer, manufacturer, distributor, jobber, subjobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor

may provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

- c. No retailer or direct marketer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Wis. Stats. § 139.32 (1).

4. Signs and Notices.

- a. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under Wis. Stat. § 134.66(2)(b)(1) and Wis. Stat. § 254.92.
- b. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Wis. Stat. § 254.92 and that the purchaser is subject to a forfeiture of not to exceed \$50.

5. Vending Machines

- a. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.
- b. Notwithstanding subsection (5)(a) of this section, no retailer may place a vending machine within 500 feet of a school.

6. Defense; Sale to Minor. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber, or subjobber, an agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution, or a complaint made under this section, for a violation of subsection (3)(a) of this section:

- 1. That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.
- 2. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.
- 3. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

7. Penalties. In this paragraph, "violation" means a violation of subsections 3 and 5 of this Section.

- a. A person who commits a violation is subject to a forfeiture of:

- 1. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
 - 2. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.
- b. A court shall suspend any license or permit issued under Wis. Stats. § 134.65, 139.34 or 139.79 to a person for:
- 1. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - 2. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - 3. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
- c. The court shall promptly mail notice of a suspension under subsection 7(b) of this Section to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.
- 1. Whoever violates subsection 4 of this section shall forfeit not more than \$25.
8. State Law Incorporated; Strict Conformity Intended. This Section is enacted pursuant to Wis. Stats. §§ 254.92, 254.911, and 134.66 and is intended to strictly conform to state law. Any future amendments, revisions, or modifications to Wis. Stats. §§ 254.92, 254.911, and 134.66 are incorporated herein by reference.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

April 9, 2026.

Presiding Officer

Attest

Anthony J. Penterman, Mayor,
City of Kaukauna

Kayla Nessmann, Clerk,
City of Kaukauna



MEMO

Department

To: Legislative Committee
From: Tim Greenwood, City Attorney
Date: June 1, 2026
Re: 1.33 – Industrial and Commercial Development Commission

Background information:

The Industrial and Commercial Development Commission (“Commission”) has been a commission of the City going back decades. Recently, it was recognized that the Commission has been operating for some time with only seven (7) members when, by current ordinance, it is supposed to consist of nine (9) members.

It was requested to review the ordinance and determine if the City could modify the ordinance so it only required seven (7) members to operate. Based on that request, the attached proposed ordinance does that and clarifies a system of appointment so there is consistency in rotation of terms for members.

Strategic Plan:

This change allows the current composition of the Commission to be compliant with our ordinance for membership purposes.

Budget: N/A

Staff Recommended Action:

Recommend approval of the amendment to Ordinance 1.33 to the Common Council.

**CITY OF KAUKAUNA
ORDINANCE _____**

**ORDINANCE AMENDING SECTION 1.33
INDUSTRIAL AND COMMERCIAL DEVELOPMENT COMMISSION**

WHEREAS, the Industrial and Commercial Development Commission is established by ordinance to assist the City of Kaukauna in the development, promotion, and sale of industrial and commercial properties; and

WHEREAS, Section 1.33 of the City of Kaukauna Municipal Code currently provides for a nine-member commission with staggered three-year terms; and

WHEREAS, two positions on the Industrial and Commercial Development Commission are currently vacant, and the commission has been operating with seven members for a period of time; and

WHEREAS, the Common Council finds that a seven-member commission will continue to allow for effective operation while improving efficiency and simplifying appointment and quorum requirements; and

WHEREAS, the Common Council further finds it is in the best interest of the City to maintain three-year terms while ensuring that no more than three terms expire in any one year to promote continuity of experience on the commission; and

WHEREAS, the Common Council desires to amend Section 1.33 of the Municipal Code to reflect a seven-member commission and clarify term structure consistent with current practice;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Kaukauna, State of Wisconsin, that Section 1.33 Industrial And Commercial Development Commission of the City of Kaukauna Municipal Code is hereby amended as follows:

BEFORE AMENDMENT

1.33 Industrial And Commercial Development Commission

1. *Composition.* The development, promotion, and sale of the city industrial park is under the direction of the city industrial and commercial development commission which consists of nine citizen members who shall be residents of the city.

2. *Appointments.* Three citizen members shall be appointed annually by the mayor, subject to confirmation by the council, for three-year terms. Appointments shall be from a list of not less than five persons, submitted to the mayor by the commission, at least 30 days prior to the appointment date, in the order of the commission's preference. If the commission fails to submit the list within the time required, the mayor shall make such appointments as he determines to be in the public interest.
3. *Compensation.* Members of the commission shall serve without compensation but shall receive such reimbursement of expenses as the commission shall direct.
4. *Budget.* Annually, at the time the regular city budget is prepared, the commission shall submit, to the council for approval, a budget regarding the operations of the commission for the succeeding year. Such budget, as approved by the council, shall become part of the regular city tax levy. Expenditures of such appropriated monies are under the direction of the commission, which shall submit requisitions to the city for payment as part of the regular payment by the city of its monthly bills.
5. *Powers and duties.*
 - a. *Deed restrictions.* The commission shall study the establishment and use of deed restrictions for the industrial park and shall recommend to the council such restrictions most advantageous to the development and sale of the park. No deed restrictions shall be implemented without final approval of the council.
 - b. *Conduct of affairs.* The commission may establish rules for the conduct of its affairs, including the time and place of meetings, rules governing the transaction of business at such meetings, the formation of any subcommittees it deems advisable, and the organization of the commission.
 - c. *Contracts.* The commission may enter into contracts, except final contracts for the sale of land and construction contracts, subject to the monetary limitations of its annual budget. The commission may further enter into preliminary contracts for the sale of land in the industrial park, subject to final approval of the council. All monies received by the commission for the sale of lands in the industrial park shall be turned over to the city.
 - d. *Development of industrial park.* The commission shall make specific recommendations regarding the future development of the industrial park, including the need for installing additional sewer and water facilities, rail sidings, and roads. However, all construction contracts relating thereto shall be let by and remain under the supervision of the city until completion.

e. *Commission assistance.* The commission shall assist the city in the development and sale of areas in the city, other than the industrial park, when requested to do so by the council.

AFTER AMENDMENT

1.33 Industrial and Commercial Development Commission

- 1. *Composition.* The development, promotion, and sale of the city industrial park is under the direction of the City Industrial and Commercial Development Commission which consists of ~~nine~~ seven (7) citizen members who shall be residents of the City.
- 2. *Appointments and Terms.* ~~Three citizen~~ Members shall be appointed annually by the Mayor, subject to confirmation by the Council, for three-year terms. Terms shall be staggered so that no more than three (3) terms expire in the same calendar year. Appointments shall be from a list of not less than five persons, submitted to the Mayor by the Commission, at least 30 days prior to the appointment date, in the order of the Commission's preference. If the Commission fails to submit the list within the time required, the Mayor shall make such appointments as ~~he~~ the Mayor determines to be in the public interest.
- 3. *Compensation.* Members of the Commission shall serve without compensation, but shall receive such reimbursement of expenses as the Commission shall direct.
- 4. *Budget.* Annually, at the time the regular city budget is prepared, the Commission shall submit, to the Council for approval, a budget regarding the operations of the Commission for the succeeding year. Such budget, as approved by the Council, shall become part of the regular city tax levy. Expenditures of such appropriated monies are under the direction of the commission, which shall submit requisitions to the city for payment as part of the regular payment by the city of its monthly bills.
- 5. *Powers and duties.*
 - a. *Deed restrictions.* The Commission shall study the establishment and use of deed restrictions for the industrial park and shall recommend to the Council such restrictions most advantageous to the development and sale of the park. No deed restrictions shall be implemented without final approval of the Council.
 - b. *Conduct of affairs.* The Commission may establish rules for the conduct of its affairs, including the time and place of meetings, rules governing the transaction of business at such meetings, the formation of any subcommittees it deems advisable, and the organization of the Commission.

- c. *Contracts.* The Commission may enter into contracts, except final contracts for the sale of land and construction contracts, subject to the monetary limitations of its annual budget. The Commission may further enter into preliminary contracts for the sale of land in the industrial park, subject to final approval of the Council. All monies received by the Commission for the sale of lands in the industrial park shall be turned over to the City.
- d. *Development of industrial park.* The Commission shall make specific recommendations regarding the future development of the industrial park, including the need for installing additional sewer and water facilities, rail sidings, and roads. However, all construction contracts relating thereto shall be let by and remain under the supervision of the City until completion.
- e. *Commission assistance.* The Commission shall assist the City in the development and sale of areas in the city, other than the industrial park, when requested to do so by the Council.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL
 _____, 2026.

Presiding Officer

Attest

 Anthony J. Penterman, Mayor,
 City of Kaukauna

 Kayla Nessmann, Clerk,
 City of Kaukauna

RESOLUTION NO. _____

2025 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR) RESOLUTION

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Department of Natural Resources for the governing body to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208:

WHEREAS, the governing body has reviewed the Compliance Maintenance Annual Report (CMAR);

WHEREAS, it is necessary to provide recommendations or an action response plan for the Collection Systems CMAR section grades of "C" or less and/or an overall grade point average <3.00, or if a Sanitary Sewer Overflow was reported;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna that the following recommendations or actions will be taken to address or correct problems/deficiencies of the wastewater treatment or collection system as identified in the Compliance Maintenance Annual Report (CMAR):

- 1) Continue systematic inspection, rehabilitation, and replacement of sanitary sewer collection system to maintain zero sanitary sewer overflows and assure capacity of the system for future growth.

Introduced and adopted this 1st day of June 2026.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, Clerk

RESOLUTION NO. _____

FINAL RESOLUTION LEVYING SPECIAL ASSESSMENT POLICE POWERS FOR PUBLIC IMPROVEMENTS ON BENS WAY, SETTER DRIVE, BOXER STREET, NINTH STREET, BRILL ROAD, EDEN AVENUE, SULLIVAN AVENUE, HENDRICKS AVENUE, FLORENCE STREET, AND WASHINGTON STREET.

WHEREAS, the Board of Public Works of the Common Council of the City of Kaukauna, Wisconsin, held a public hearing in the Council Chambers at 6:00 p.m. on June 1st, 2026, for the purpose of hearing all interested persons concerning the Report of the Board of Public Works and the City Engineer on the installation of concrete street, curb and gutter, concrete sidewalk, driveway approaches, storm sewer laterals, grading, topsoil, landscaping, and engineering services related thereto and the amount that should be assessed to each parcel of real estate by reason of such improvement on the following streets:

- Bens Way – 570’ northwest of Rusty Street to Setter Drive
- Setter Drive – Western terminus to 130’ east of Boxer Street
- Boxer Street – 150’ south of Setter Drive to Setter Drive
- Ninth Street – Brill Road to Crooks Avenue
- Brill Road – Tenth Street to Seventh Street
- Seventh Street – Brill Road to 200’ west of Foerster Avenue
- Eden Avenue – Tenth Street to Eighth Street
- Sullivan Avenue – Tenth Street to Ninth Street
- Hendricks Avenue – Tenth Street to Ninth Street
- Florence Street – Plank Road to Claribel Street
- Washington Street – Plank Road to Lawe Street

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

- (1) The Common Council finds that the improvements confer special benefits upon the properties assessed and that the assessments are reasonable and not in excess of the benefits conferred.
- (2) That the report of the City Engineer and the Board of Public Works pertaining to the public improvements as indicated above, including the final plans and specifications thereof, is hereby adopted and approved and that said work and improvements be carried out in accordance with said report.
- (3) That payment for the improvements is to be made by assessing the cost against the property as indicated in the report.
- (4) That the Schedule of Assessments, as shown on the report is true and correct and, in accordance therewith, abutting property on the following streets shall be assessed for installation of concrete streets, curb and gutter, driveway approaches, concrete sidewalks, storm sewer laterals, mini storm sewer, sewer laterals and with other associated work and services as set forth above, at the rates of:

Special Assessment Rates for Concrete Street Paving -Reconstruction Streets

<u>27-foot B/B Wide 6-inch Concrete Street with Curb and Gutter</u>	
<ul style="list-style-type: none"> • Brill Road – Tenth Street to Seventh Street..... 	\$83.69 /Frontage Foot
<u>30-foot B/B Wide 6-inch Concrete Street with Curb and Gutter</u>	
<ul style="list-style-type: none"> • Florence Street – Plank Road to Claribel Street..... 	\$92.97 /Frontage Foot
<u>37-foot B/B Wide 6-inch Concrete Street with Curb and Gutter</u>	
<ul style="list-style-type: none"> • Ninth Street-Brill Road Avenue to Crooks Avenue..... • Eden Avenue-Tenth Street to Eighth Street..... • Sullivan Avenue – Tenth Street to Ninth Street..... • Hendricks Avenue – Tenth Street to Ninth Street..... • Washington Street – Plank Road to Lawe Street..... 	\$114.65 /Frontage Foot \$114.65 /Frontage Foot \$114.65 /Frontage Foot \$114.65 /Frontage Foot \$114.65 /Frontage Foot

Special Assessment Rates for Concrete Street Paving – New Construction Streets

<u>33-foot B/B Wide 6” Concrete Street with Curb and Gutter</u>	
<ul style="list-style-type: none"> • Bens Way – 570’ northwest of Rusty Street to Setter Drive..... • Setter Drive – Western terminus to 130’ east of Boxer Street..... • Boxer Street – 150’ south of Setter Drive to Setter Drive 	\$75.87 / Frontage Foot \$75.87 / Frontage Foot \$75.87 / Frontage Foot

Special Assessment Rate for Sidewalk/Driveway Apron Installation

<u>Reconstruction Streets - Sidewalk and Driveway Aprons</u>	<u>New Sidewalk</u>
<ul style="list-style-type: none"> • Brill Road – Tenth Street to Seventh Street..... • Florence Street – Plank Road to Claribel Street..... • Ninth Street-Brill Road Avenue to Crooks Avenue • Eden Avenue-Tenth Street to Eighth Street • Sullivan Avenue – Tenth Street to Ninth Street • Hendricks Avenue – Tenth Street to Ninth Street..... • Washington Street – Plank Road to Lawe Street..... 	\$7.11 /Square Foot – 4” \$8.21 /Square Foot – 6” <u>Reconstruct Sidewalk</u> \$7.90 /Square Foot – 4” \$9.00 /Square Foot – 6”

Special Assessment Rate for Sidewalk/Driveway Apron Installation	
Fine Grade Areas - Sidewalk and Driveway Aprons	
• Bens Way – 570’ northwest of Rusty Street to Setter Drive	\$6.91 /Square Foot – 4”
• Setter Drive – Western terminus to 130’ east of Boxer Street	\$7.55 /Square Foot – 6”
• Boxer Street – 150’ south of Setter Drive to Setter Drive	

Special Assessment Rates for Storm Sewer Laterals and Mini Storm Sewer	
• 4” Storm Lateral per residence.....	\$1,936.49 / Each
• 6” Mini Storm Sewer.....	\$42.50 / Frontage Foot
• 8” Storm Sewer Main.....	\$36.40/ Frontage Foot

- (5) That assessments against any parcel related to the installation of Concrete Street, curb and gutter, sidewalks, driveway approaches, and storm sewer laterals may be paid in cash or over a period of 10 years or less. All deferred payments shall bear interest at the rate paid by the City on the borrowed money plus one percent (1%).
- (6) That the City Clerk is hereby directed to publish this Resolution in the Times-Villager, the official newspaper of the City of Kaukauna.
- (7) That the City Clerk is further directed to mail a copy of this Resolution to every interested person whose post office address is known or can with reasonable diligence be ascertained.

Introduced and adopted this 1st day of June, 2026.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, Clerk