

LEGISLATIVE COMMITTEE MEETING

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



Monday, July 14, 2025 at 6:25 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Correspondence.
2. Discussion Topics.
 - a. Term Lengths for Mayor.
 - b. Term Lengths for City Attorney.
 - c. E-Bike Sub-Committee.
 - [d.](#) Ordinance 1935-2025 Ordinance Repealing Section 9.25.
 - [e.](#) Ordinance 1936-2025 Ordinance to Annex 16.905 Acres of Land from the Town of Buchanan to the City of Kaukauna.
 - [f.](#) Ordinance 1937-2025 Ordinance Repealing and Replacing Section 17.51.
 - [g.](#) Resolution 2025-5476 Resolution declaring official intent to reimburse expenditures from proceeds of borrowing not to exceed \$5,000,000- Kaukauna Utilities Water Treatment System Improvement Project.
 - [h.](#) Resolution 2025-5477 Resolution declaring official intent to reimburse expenditures from proceeds of borrowing not to exceed \$19,681,000- Kaukauna Utilities Various Water Treatment Projects.
 - [i.](#) Resolution 2025-5478 Repealing and Recreating Resolution 4088 Establishing Incentives for Employees of the City of Kaukauna Residing within the City of Kaukauna.
 - [j.](#) Resolution 2025-5479 Resolution Approving fee for a Zoning Amendment.
 - [k.](#) Resolution 2025-5480 Resolution Authorizing the Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2025.
 - [l.](#) Resolution 2025-5481 Resolution to sunset the MissionSquare Retiree Health Savings (RHS) Program.
3. Adjourn.

NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Legislative Committee scheduled for Monday, July 14, 2025, at 6:25 P.M. to gather information about a subject over which they have decision making responsibility.

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.

CITY OF KAUKAUNA
ORDINANCE NO. 1935-2025
ORDINANCE REPEALING SECTION 9.25

WHEREAS, upon review of the City's Ordinances it became apparent that Section 9.25, titled "Unauthorized Minors Loitering or Wagering at Racetracks," was no longer applicable for its intended purpose with the City of Kaukauna; and,

WHEREAS, the City of Kaukauna had a dog track within the City, The Fox Valley Greyhound Park, which closed in the 1990s; and

WHEREAS, no other racetrack exists within the corporate limits of the City of Kaukauna; and

WHEREAS, obsolete ordinances should be removed from the City's municipal code to prevent confusion;

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 9.25 of the Kaukauna Municipal Code be repealed as follows:

BEFORE REPEAL

9.25 Unauthorized Minors Loitering Or Wagering at Racetracks

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:*

Licensee means any person or entity issued a license by the state racing board pursuant to Wis. Stats. § 562.05.

Racetrack means any racetrack licensed by the state racing board under Wis. Stats. § 562.05(1).

2. *Prohibited acts.*
 - a. *No person under the age of 18 years may be admitted to the premises of a racetrack or a track located at a fair where there is racing, unless accompanied by a parent, grandparent, great-grandparent, guardian, or spouse who is at least 18 years of age or unless accompanied by another person at least 18 years of age with the written permission of the minor's parent or guardian. This prohibition shall not apply to persons under the age of 18 years who are lawfully employed at the racetrack or to persons under 18 years of age who are within the day care area at a track if the day care area is licensed by the state department of health and social services under Wis. Stats. § 48.65.*

- b. *No licensee may accept a wager from a person under the age of 18 years or make any payout on a wager to any person under the age of 18 years.*
 - c. *No person under the age of 18 years may make a wager in any race or receive any payout on a wager.*
- 3. *Racetrack to give notice of prohibition. The licensee of any racetrack shall give adequate notice of the prohibitions under this section by posting signs at each public entrance to the racetrack giving reasonable notice to anyone entering the premises of the prohibitions of this section. The number, size, and content of such signs shall be approved by the chief of police or his designee. Failure of such signs to be posted shall not be a defense to prosecution under any other subsection of this section.*
- 4. *Penalties. Any person or entity violating this section shall be subject to a forfeiture of not less than \$50.00 or more than \$300.00. Subsequent violations within a one-year period shall carry a minimum forfeiture of \$100.00 but not more than \$1,000.00 per violation. Any person or entity in default of payment shall be committed to the county jail not to exceed 90 days. In addition, any minor violating this section shall be subject to suspension of his driver's license.*

AFTER REPEAL

Section 9.25 (Reserved)

Introduced and adopted by Common Council on the _____ day of _____, 2025.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessmann, Clerk



MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Common Council
 From: Adrienne Nelson, Associate Planner
 Date: July 10, 2025
 Re: Annexation Petition Review – Parcel 030032306

Gregory Lauer has submitted an annexation request for direct annexation of parcel 030032306. The annexation request is for a total of 16.905 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 this is one of the reasons the owners of the property are requesting to annex into the City.

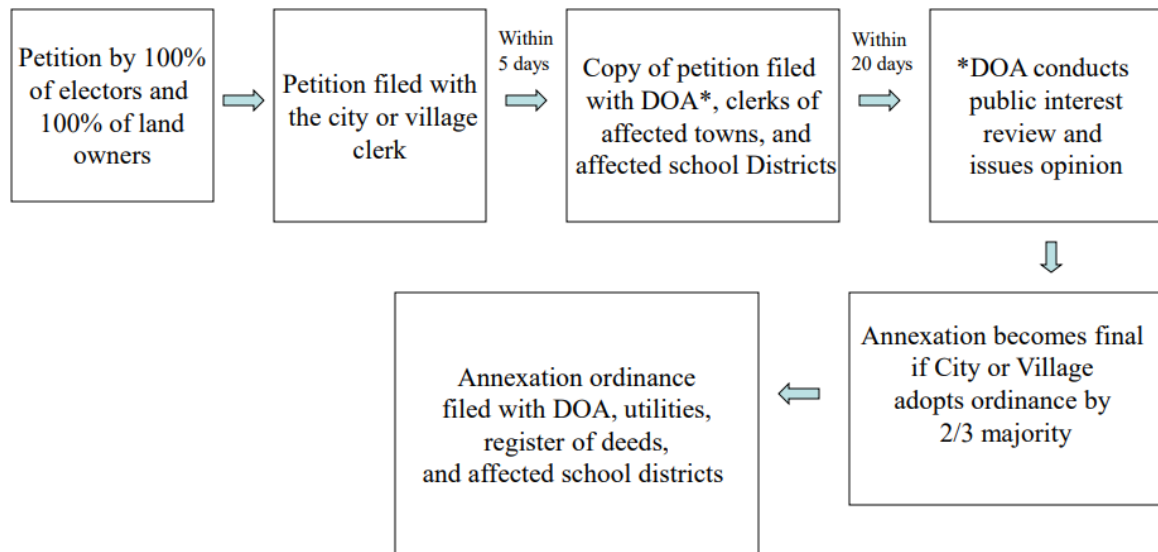
Attached is the annexation petition for greater detail and below is a simple map showing the proposed annexation area.



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>

The Plan Commission recommends approval of the annexation request for parcel 0300323306.

CITY OF KAUKAUNA

ORDINANCE NO. 1936-2025

**ORDINANCE TO ANNEX 16.905 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, notice of the proposed annexation was served upon the State of Wisconsin Department of Administration, Petition File No. 14762, and said Department determined that the proposed annexation is in 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 purposed of providing municipal services; and,

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

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 the 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:

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3921, BEING PART OF THE GOVERNMENT LOTS 5, 6, 7, AND 8, SECTION 21, TOWNSHIP 21 NORTH, RANGE 18 EAST, TOWN OF BUCHANAN, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 21 NORTH, RANGE 19 EAST;

THENCE NORTH 01 DEGREES 04 MINUTES 32 SECONDS EAST, ALONG EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION 21, A DISTANCE OF 950.77 FEET;

THENCE SOUTH 83 DEGREES 20 MINUTES 44 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF C.T.H. "CE", A DISTANCE OF 1795.12 FEET;

THENCE SOUTH 87 DEGREES 31 MINUTES 31 SECONDS WEST, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF C.T.H. "CE", A DISTANCE OF 724.68 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 87 DEGREES 31 MINUTES 31 SECONDS WEST, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF C.T.H. "CE", A DISTANCE OF 578.80 FEET;

THENCE SOUTH 80 DEGREES 28 MINUTES 59 SECONDS WEST, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF C.T.H. "CE", A DISTANCE OF 30.42 FEET;

THENCE ALONG THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3921, 177.79 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 904.93 FEET AND A CHORD THAT BEARS NORTH 07 DEGREES 58 MINUTES 55 SECONDS EAST, 177.51 FEET;

THENCE NORTH 13 DEGREES 36 MINUTE 41 SECONDS EAST, ALONG THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3921, A DISTANCE OF 100.00 FEET;

THENCE CONTINUING ALONG THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3921, 567.15 FEET ALONG AN ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1959.86 FEET AND A CHORD THAT BEARS NORTH 05 DEGREES 19 MINUTES 16 SECONDS EAST, 565.18 FEET;

THENCE SOUTH 83 DEGREES 29 MINUTES 02 SECONDS EAST, ALONG THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3921, A DISTANCE OF 1341.15 FEET;

THENCE SOUTH 00 DEGREES 23 MINUTES 49 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF PETERS ROAD, A DISTANCE OF 87.67 FEET;

THENCE NORTH 89 DEGREES 32 MINUTE 53 SECONDS WEST, ALONG THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 4674, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 00 DEGREES 23 MINUTE 49 SECONDS EAST, ALONG THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 4674, A DISTANCE OF 90.00 FEET;

THENCE THE FOLLOWING FIVE CALLS ARE ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 7177;

THENCE SOUTH 53 DEGREES 26 MINUTES 11 SECONDS WEST 139.97 FEET;

THENCE SOUTH 39 DEGREES 17 MINUTES 34 SECONDS WEST 125.38 FEET;

THENCE NORTH 84 DEGREES 44 MINUTES 53 SECONDS WEST 133.14 FEET;

THENCE SOUTH 27 DEGREES 31 MINUTES 07 SECONDS WEST 140.26 FEET;

THENCE NORTH 88 DEGREES 46 MINUTES 00 SECONDS WEST 282.81 FEET;

THENCE SOUTH 01 DEGREES 14 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF LOT 4 OF SAID CERTIFIED SURVEY MAP NO. 7177, 190.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 736,400 SQUARE FEET [16.905 ACRES].

Introduced and adopted by Common Council on the 15th day of July, 2025.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessmann, Clerk



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee
 From: Dave Kittel, Director of Planning and Community Development
 Date: 7/07/2025
 Re: Update to 17.51

Background information:

In 2017 Wisconsin Act 243 passed which repealed Wis. Stat. § 62.23(7)(d)2m.a, which required a three-fourths vote by the governing body to approve a proposed zoning amendment when a protest petition was filed. And in 2023 Wis. Act 16 created Wis. Stat. § 66.10015(3)(a), which provides that a zoning amendment only requires approval by a simple majority of a quorum of the members-elect. These law changes have implications for [Section 17.51](#) in the City's ordinances. Currently 17.51(4)a has language that would require a three fourths majority vote to approve a zoning amendment if 20 percent of the owners in the immediate area signed a petition in opposition. Based on the above-mentioned law changes and guidance from the Wisconsin League of Municipalities staff is recommending to update the ordinance to remove that specific provision. As part of this change updating the fee for this process is also included to have it set by resolution from time to time. The Plan Commission has reviewed and is recommending approval of update. See the Ordinance language below with edits:

17.51 Amendments

1. *Power of amendment.* The city council may from time to time, on its own motion or petition, amend, supplement, or change this chapter, including the official zoning map.
2. *Procedures.* The city council shall refer every proposed amendment to the city plan commission for a report and recommendation. If the city council does not receive a report and recommendation from the city plan commission within 60 days of submitting the proposed amendment, the city council may proceed with the necessary hearing.
3. *Public hearing and notice.* No amendment of this chapter shall become effective until a public hearing is held before the city council where parties in interest and citizens shall have the opportunity to be heard. A class 2 notice in accordance

with Wis. Stats. ch. 985 shall be published in the official newspaper of the city once during each of the two weeks prior to such hearing. At least ten days before the public hearing, a written notice of such hearing shall also be given to the clerk of any city whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

4. *Final approval.*

1. An amendment shall become effective upon a majority vote of the members of the city council voting on the proposed change. ~~However, in case of a protest against such amendment, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment or by owners of 20 percent or more of the area immediately adjacent extending 100 feet therefrom, or by owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of three-fourths of the members of the city council voting on the proposal.~~
2. No amendment concerning the floodway, flood fringe, or general floodplain districts, shall become effective until also being approved by the department of natural resources, the Federal Insurance Administration and, in the case of district boundary amendments, until an official letter of the boundary change has been issued by the Federal Insurance Administration.

5. *Amendments to floodplain districts.*

1. *Actions requiring amendment.* Actions which require amendment include, but are not limited to, the following:
 1. Any change to the official floodplain zoning map, including the floodway lines or boundary of the floodplain area.
 2. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps.
 3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 4. Any fill or encroachment into the floodplain that will cause a change equal to or greater than 0.01 foot in the height of the regional flood.
 5. Any upgrading of floodplain zoning ordinances required by Wis. Admin. Code § NR 116.05(4), or otherwise required by law.
2. *Referral and approval.* Copies of the proposed amendment and notice of public hearing shall be submitted to the appropriate district office of the department. No amendment to the floodplain maps or text shall become effective until reviewed and approved by the department. When considering amendments to the official zoning map in areas where no water surface profile exists, the city shall consider data submitted by the department, on-site inspections, and other available information.

3. *Flood easements.* All persons petitioning for a map amendment which involves an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easements or other appropriate legal arrangements from all affected local units of government and property owners before the city may approve such amendment.
 6. *Fees.* Any petition for an amendment shall be accompanied by a fee ~~of \$25.00~~ **as set by the City Council by resolution from time to time**, to compensate the city for publication of notices and other expenses. No action shall be taken until such fee has been paid.
 7. *Annexation to city.* All new territory annexed to the city shall automatically become residential single-family district until definite boundaries and regulations for such territory are recommended by the plan commission and adopted by the council.
- (Code 2011, § 17.51)

See below links for more information:

League of Wisconsin Municipalities: <https://www.lwm-info.org/1135/Zoning-FAQ-5>

2017 Wis. Act 243: <https://docs.legis.wisconsin.gov/2017/related/acts/243>

2023 Wis. Act 16: <https://docs.legis.wisconsin.gov/2023/related/acts/16>

Strategic Plan:

This is a procedural review and not directly tied to the strategic plan

Budget:

No impact

Recommendation:

To send the ordinance with the updates to 17.51 to Common Council and recommend approval.

CITY OF KAUKAUNA

ORDINANCE NO. 1937-2025

ORDINANCE REPEALING AND REPLACING SECTION 17.51

WHEREAS, in 2023 Wis. Act 16 created Wis. Stat. § 66.10015(3)(a), which provides that a zoning amendment only requires approval by a simple majority of a quorum of the members-elect; and,

WHEREAS, the League of Wisconsin Municipalities recommends updating local ordinances that require a super-majority vote for zoning amendments; and,

WHEREAS, the Plan Commission has recommended the following ordinance changes; and,

WHEREAS, the Legislative Committee has recommended the following ordinance changes; and,

WHEREAS, a public hearing was held on July 15th, 2025 at the Council meeting to hear any public comments on this matter; and,

WHEREAS, the Common Council finds the following ordinance changes to be in the public interest;

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 17.51 of the Kaukauna Municipal Code be created as follows:

BEFORE ADOPTION

17.51 Amendments

1. *Power of amendment.* The city council may from time to time, on its own motion or petition, amend, supplement, or change this chapter, including the official zoning map.
2. *Procedures.* The city council shall refer every proposed amendment to the city plan commission for a report and recommendation. If the city council does not receive a report and recommendation from the city plan commission within 60 days of submitting the proposed amendment, the city council may proceed with the necessary hearing.
3. *Public hearing and notice.* No amendment of this chapter shall become effective until a public hearing is held before the city council where parties in interest and citizens shall have the opportunity to be heard. A class 2 notice in accordance with Wis. Stats. ch. 985 shall be published in the official newspaper of the city once during each of the two weeks prior to such hearing. At least ten days before the public hearing, a written notice of such hearing shall also be given to the clerk of any city whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.
4. *Final approval.*
 1. An amendment shall become effective upon a majority vote of the members of the city council voting on the proposed change. However, in case of a protest against such amendment, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment or by owners of 20 percent

or more of the area immediately adjacent extending 100 feet therefrom, or by owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of three-fourths of the members of the city council voting on the proposal.

2. No amendment concerning the floodway, flood fringe, or general floodplain districts, shall become effective until also being approved by the department of natural resources, the Federal Insurance Administration and, in the case of district boundary amendments, until an official letter of the boundary change has been issued by the Federal Insurance Administration.
5. *Amendments to floodplain districts.*
 1. *Actions requiring amendment.* Actions which require amendment include, but are not limited to, the following:
 1. Any change to the official floodplain zoning map, including the floodway lines or boundary of the floodplain area.
 2. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps.
 3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 4. Any fill or encroachment into the floodplain that will cause a change equal to or greater than 0.01 foot in the height of the regional flood.
 5. Any upgrading of floodplain zoning ordinances required by Wis. Admin. Code § NR 116.05(4), or otherwise required by law.
 2. *Referral and approval.* Copies of the proposed amendment and notice of public hearing shall be submitted to the appropriate district office of the department. No amendment to the floodplain maps or text shall become effective until reviewed and approved by the department. When considering amendments to the official zoning map in areas where no water surface profile exists, the city shall consider data submitted by the department, on-site inspections, and other available information.
 3. *Flood easements.* All persons petitioning for a map amendment which involves an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easements or other appropriate legal arrangements from all affected local units of government and property owners before the city may approve such amendment.
6. *Fees.* Any petition for an amendment shall be accompanied by a fee of \$25.00 to compensate the city for publication of notices and other expenses. No action shall be taken until such fee has been paid.
7. *Annexation to city.* All new territory annexed to the city shall automatically become residential single-family district until definite boundaries and regulations for such territory are recommended by the plan commission and adopted by the council.

(Code 2011, § 17.51)

AFTER ADOPTION

17.51 Amendments

1. *Power of amendment.* The city council may from time to time, on its own motion or petition, amend, supplement, or change this chapter, including the official zoning map.
2. *Procedures.* The city council shall refer every proposed amendment to the city plan commission for a report and recommendation. If the city council does not receive a report and recommendation from the city plan commission within 60 days of submitting the proposed amendment, the city council may proceed with the necessary hearing.
3. *Public hearing and notice.* No amendment of this chapter shall become effective until a public hearing is held before the city council where parties in interest and citizens shall have the opportunity to be heard. A class 2 notice in accordance with Wis. Stats. ch. 985 shall be published in the official newspaper of the city once during each of the two weeks prior to such hearing. At least ten days before the public hearing, a written notice of such hearing shall also be given to the clerk of any city whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.
4. *Final approval.*
 1. An amendment shall become effective upon a majority vote of the members of the city council voting on the proposed change
 2. No amendment concerning the floodway, flood fringe, or general floodplain districts, shall become effective until also being approved by the department of natural resources, the Federal Insurance Administration and, in the case of district boundary amendments, until an official letter of the boundary change has been issued by the Federal Insurance Administration.
5. *Amendments to floodplain districts.*
 1. *Actions requiring amendment.* Actions which require amendment include, but are not limited to, the following:
 1. Any change to the official floodplain zoning map, including the floodway lines or boundary of the floodplain area.
 2. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps.
 3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 4. Any fill or encroachment into the floodplain that will cause a change equal to or greater than 0.01 foot in the height of the regional flood.
 5. Any upgrading of floodplain zoning ordinances required by Wis. Admin. Code § NR 116.05(4), or otherwise required by law.
 2. *Referral and approval.* Copies of the proposed amendment and notice of public hearing shall be submitted to the appropriate district office of the department. No amendment to the floodplain maps or text shall become effective until reviewed and approved by the department. When considering amendments to the official zoning map in areas where no water surface profile exists, the city shall consider data submitted by the department, on-site inspections, and other available information.
 3. *Flood easements.* All persons petitioning for a map amendment which involves an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easements or other appropriate legal arrangements

from all affected local units of government and property owners before the city may approve such amendment.

6. *Fees.* Any petition for an amendment shall be accompanied by a fee as set by the City Council by resolution from time to time, to compensate the city for publication of notices and other expenses. No action shall be taken until such fee has been paid.
7. *Annexation to city.* All new territory annexed to the city shall automatically become residential single-family district until definite boundaries and regulations for such territory are recommended by the plan commission and adopted by the council.

(Code 2011, § 17.51)

Introduced and adopted by Common Council on the 15th day of July, 2025.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessmann, Clerk

RESOLUTION NO. 2025-5476

By: City of Kaukauna

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING NOT TO EXCEED \$5,000,000 – KAUKAUNA UTILITIES WATER TREATMENT SYSTEM IMPROVEMENT PROJECT

WHEREAS, the City of Kaukauna, Outagamie County, Wisconsin (“the Municipality”) plans to undertake the Water Treatment System Improvement Project (collectively, “the Project”); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis by issuing bonds or promissory notes (the “Bonds”); and

WHEREAS, because the Bonds will not be issued prior to November 2025, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. . The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$5,000,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the City of Kaukauna office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall become effective upon its adoption and approval.

ADOPTED on this 15th day of July, 2025 by the City of Kaukauna, Outagamie County, Wisconsin.

Anthony J. Penterman, Mayor

Date Signed

ATTEST: _____
Kayla Nessmann, Clerk

RESOLUTION NO. 2025-5477

By: City of Kaukauna

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING NOT TO EXCEED \$19,681,000 – KAUKAUNA UTILITIES VARIOUS WATER TREATMENT PROJECTS

WHEREAS, the City of Kaukauna, Outagamie County, Wisconsin (“the Municipality”) plans to undertake a project that includes pilot testing water treatment equipment, land acquisition, construction of Water Treatment Plants and ground storage reservoir, installation of new treatment equipment and chemical feed systems, raw water transmission main construction, water main piping connections, SCADA improvements, on-site generators at all water facilities, security equipment, demolition of existing facilities, reconstruction of Well 4 building, media pressure filter equipment replacement at Water Treatment plant 2 (Well 9) and site work improvements (collectively, “the Project”); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis with financial assistance from Wisconsin’s Safe Drinking Water Loan Program which require issuance of tax-exempt bonds (the “Bonds”); and

WHEREAS, because the Bonds will not be issued prior to commencement of the project, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the total principal amount of which is not expected to exceed \$19,681,000.00.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the City of Kaukauna office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall become effective upon its adoption and approval.

ADOPTED on this 15th day of July, 2025 by the City of Kaukauna, Outagamie County, Wisconsin.

Anthony J. Penterman, Mayor

Date Signed

ATTEST:

Kayla Nessmann, Clerk

RESOLUTION NO. 2025-5478**REPEALING AND RECREATING RESOLUTION NO. 4088 ESTABLISHING
INCENTIVES FOR EMPLOYEES OF THE CITY OF KAUKAUNA
RESIDING WITHIN THE CITY OF KAUKAUNA**

WHEREAS, the Common Council of the City of Kaukauna at its regular meeting of November 5, 2013, did enact Resolution No. 3848 approving a program of incentives for employees of the City of Kaukauna residing within the City of Kaukauna; and

WHEREAS, the Common Council of the City of Kaukauna at its regular meeting of April 18, 2017, did enact Resolution No. 4088 which repealed and recreated a program of incentives for employees of the City of Kaukauna residing within the City of Kaukauna; and

WHEREAS, during the discussion of the Council of April 18, 2017, there were terms of Resolution No. 4088 that did not end up within Resolution No. 4088, but that the City has been operating as though they were over the last several years; and

WHEREAS, it is desirous that the terms of the resolution creating the incentive program should contain those terms that have been acted upon since the program was approved;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kaukauna, Wisconsin, that said Council does hereby repeal Resolution No. 4088 and does recreate and implement an Employee Residency Incentive Program to be effective upon this Resolution's passing and publication as follows:

1. QUALIFIED EMPLOYEE. A Qualified Employee for the Residency Incentive Program shall have and maintain all of the following:
 - a. Be one of the following:
 1. A non-represented, full or part-time employee of the City of Kaukauna.
 - a. Employees are considered full-time if their regularly scheduled hours per week are thirty (30) or more and not otherwise excluded below.

- b. Employees are considered part-time if their regularly scheduled hours per week are twenty (20) or more, but less than thirty (30) hours per week, and not otherwise excluded below.
- 2. A represented employee of the City of Kaukauna employed under a Collective Bargaining Agreement which provides for this Residency Incentive program benefit.
 - b. The employee's position must be anticipated to be scheduled to work more than one thousand (1,000) hours during a calendar year.
 - c. Maintain their actual, bona fide residence within the Corporate Limits of the City of Kaukauna.

The following categories of employment shall not be eligible to be a Qualified Employee:

- a. Elected officials (as designated at Kaukauna Municipal Code 1.02).
 - b. Seasonal Employees.
 - c. Temporary Employees.
- 2. ELIGIBILITY. Eligibility of a Qualified Employee to receive the incentives set forth in paragraph 3 herein, shall be subject to the following:
 - a. A Qualified Employee whose residence is within the Corporate Limits of the City of Kaukauna as of the passing by council and publication of this Resolution shall be eligible upon implementation of this Residency Incentive Program.
 - b. A Qualified Employee shall become eligible under this Residency Incentive Program within the first full pay period after the Qualified Employee establishes their residence within the Corporate Limits of the City of Kaukauna. A newly hired Qualified Employee whose residence is already within the Corporate Limits of the City of Kaukauna shall be eligible upon their first full pay period.
 - c. Eligibility for Qualified Employees for the Residence Incentive Program shall terminate with the last full pay period before one of the following occurs:
 - 1. The employee establishes residency outside the Corporate Limits of the City of Kaukauna;
 - 2. The employee's employment is terminated;
 - 3. The employee retires;
 - 4. The employee's job status changes to one that is not eligible to receive this benefit.

3. INCENTIVES. Each Qualified Employee who is eligible under paragraph 2 above shall receive an incentive equivalent to six percent (6%) of their Wisconsin Retirement System eligible wages. This incentive shall be provided as a bi-weekly contribution deposited into a 401(a) Supplemental Retirement Plan for the Qualified Employee and shall be vested immediately upon deposit. All employer contributions shall be discretionary as authorized by the Common council hereunder.
4. RESIDENCY DEFINED. As used in this Residency Incentive Program, the term "residence" shall be construed to mean the actual living quarters maintained by an employee. Neither voting in the City, nor payment of taxes of any kind by an employee, by itself, shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by maintaining a rented room or rooms by an employee solely for the purpose of establishing their residence within the City of Kaukauna when it appears that the employee's residence is outside the City. Ownership of real property within the City, when not coupled with the maintenance of the employee's use as their actual living quarters as herein required, shall be deemed insufficient to meet the requirements of this section. Final determination of any question of an employee's residence shall be at the discretion of, and shall be determined by, the City's Common Council.
5. ELIGIBILITY DETERMINATION. Employees shall reach out to the Human Resources Director to request an application form for this benefit. The Human Resources Department shall investigate and determine whether eligibility for the employee is met and approve or deny the application.
 - a. Any dispute regarding eligibility of an employee shall be referred to Common Council where the Human Resources Director shall present their investigation and recommendation to the Common Council regarding the employee's residence and eligibility. The Common Council shall make a final determination regarding any residency and eligibility question.
6. INCENTIVE MAXIMUM. Notwithstanding the foregoing, the total cost to the City of Kaukauna of implementation of this Residency Incentive Program to eligible Qualified Employees shall not exceed \$250,000 per budget year. In the event the total cost of implementation to the City of Kaukauna should exceed \$250,000, that percentage specified in Paragraph 3 above shall be reduced by an amount

sufficient to reduce the total cost of implementation by the City in providing this incentive to eligible Qualified Employees to not exceed \$250,000.

Introduced and adopted this ____ day of _____, 2025

APPROVED: _____

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessmann, Clerk

RESOLUTION NO. 4088**REPEALING AND RECREATING RESOLUTION NO. 3848 ESTABLISHING
INCENTIVES FOR EMPLOYEES OF THE CITY OF KAUKAUNA
RESIDING WITHIN THE CITY OF KAUKAUNA**

WHEREAS, the Common Council of the City of Kaukauna at its regular meeting of November 5, 2013, did enact Resolution No. 3848 approving a program of incentives for employees of the City of Kaukauna residing within the City of Kaukauna; and

WHEREAS, Resolution No. 3848 included such incentives to continue through December 31, 2017; and

WHEREAS, Resolution No. 3848 did direct that such incentives would continue through December 31, 2017; and

WHEREAS, Resolution No. 3848 did direct that the incentive program be reviewed by staff after June, 2017, to determine its effectiveness, at which time staff should provide recommendations to the Common Council regarding such effectiveness and recommendations regarding whether to extend, modify, or terminate the Residency Incentive Program after December 31, 2017; and

WHEREAS, it is desirous that employees of the City of Kaukauna reside within the City of Kaukauna to promote and enhance the community, employee community pride, community identity, and efficiency of operations; and

WHEREAS, the matter having been brought before and heard by the Common Council of the City of Kaukauna at its regular meeting of April 5, 2017; and,

WHEREAS, the Common Council of the City of Kaukauna did approve extending the residency incentives beyond December 31, 2017, with amendments;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin, that said Council does hereby repeal Resolution No. 3848 and does recreate and implement an Employee Residency Incentive Program to be effective through December 31, 2017, as previously set forth under Resolution No. 3848 approved and enacted on November 5, 2013, and effective as of January 1, 2018, as follows:

1. **QUALIFIED EMPLOYEES.** All non-represented employees of the City of Kaukauna, and represented employees of the City of Kaukauna employed under a Collective Bargaining Agreement which provides for this Residency Incentive Program benefit, shall be Qualified Employees.

2. **ELIGIBILITY.** Qualified Employees who work more than one thousand (1,000) hours per year who maintain their actual bona fide residence within the Corporate Limits of the City of Kaukauna may be eligible to receive the incentives as set forth under paragraph 3 herein:

a. A Qualified Employee residing within the Corporate Limits of the City of Kaukauna as of January 1, 2018, shall be eligible upon implementation of this Residency Incentive Program.

b. A Qualified Employee shall become eligible under this Residency Incentive Program within the first full pay period after the employee establishes residency within the Corporate Limits of the City of Kaukauna. Eligibility shall be upon the employment start date for a newly hired Qualified Employee who resides within the Corporate Limits of the City of Kaukauna upon the employment start date.

c. Eligibility of an employee shall end with the last full pay period that the employee resides within the Corporate Limits of the City of Kaukauna before establishing residency outside of Corporate Limits of the City of Kaukauna.

3. INCENTIVES. Each eligible employee shall receive an incentive equivalent to 6% percent of Wisconsin Retirement eligible wages.

Such incentive shall be provided as a bi-weekly contribution deposited into a 401 (a) Supplemental Retirement Plan for the employee and shall be vested immediately upon deposit. All employer contributions shall be discretionary as authorized by the Common Council hereunder.

4. RESIDENCY DEFINED. The term "residence", as used in this Residency Incentive Program, shall be construed to mean the actual living quarters maintained by an employee. Neither voting in the City nor payment of taxes of any kind by employee, by itself, shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employee solely for the purpose of establishing residency when it appears that the employee's residence is outside the City. Ownership of real property within the City when not coupled with the maintenance of actual living quarters in the City, as herein required, shall be deemed insufficient to meet the requirements of this section. Final determination of any residency question shall be at the discretion of, and shall be determined by, the Common Council.

5. ELIGIBILITY DETERMINATION. Department heads shall provide to the Human Resources Director a list of all eligible department employees within such department, and shall notify the Human Resources Director of any change of eligibility status for department employees.


a. Any dispute regarding eligibility of a department employee shall be referred to the department head for investigation and determination. Any dispute regarding eligibility of a department head shall be referred to the Mayor for investigation and determination. All referrals under this section shall be by action of the Common Council.

b. After completion of the investigation the department head or mayor shall present a recommendation to the Common Council regarding residency determination and eligibility for the employee. The Common Council shall make a final determination regarding any residency and eligibility question. All employer contributions under this Residency Incentive Program shall be discretionary as authorized by the Common Council.

6. INCENTIVE MAXIMUM. Notwithstanding the foregoing, the total cost of implementation to the City of Kaukauna in providing this incentive to Qualified Employees shall not exceed \$250,000. In the event that the total cost of implementation to the City in providing this incentive to Qualified Employees should exceed \$250,000, that percentage specified in Paragraph 3 herein shall be reduced by an amount sufficient to reduce the total cost of implementation to the City of Kaukauna in providing this incentive to Qualified Employees such that it shall not exceed \$250,000.

Introduced and adopted this 18th day of April, 2017.

APPROVED: _____


Eugene J. Rosin, Mayor

ATTEST: _____


Susan J. Duda, Clerk/Treasurer

RESOLUTION 2025-5479**RESOLUTION APPROVING FEE FOR A ZONING AMENDMENT**

WHEREAS, Chapter 17.51(6) states the fee for a zoning amendment is to be set by the Common Council; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin that the zoning amendment fee of \$100 is hereby accepted and approved.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 15th day of July, 2025.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, City Clerk



MEMO

To: Legislative Committee
 From: Fire Chief Carrel
 Date: 07/14/2025
 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 \$600 overtime for two personnel from 0700 to approximately 12:30.

Recommended Action

Forward Resolution to the Common Council for approval.

RESOLUTION NO. 2025-5480

RESOLUTION AUTHORIZING THE MEMORANDUM OF UNDERSTANDING (MOU)
ESTABLISHING UNIFIED COMMAND FOR FOX CITIES MARATHON 2025

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; and

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 in September 2025.

Introduced and adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 15th day of July 2025.

APPROVED:

Anthony J. Penterman, Mayor

ATTEST:

Kayla Nessmann, Clerk

RESOLUTION NO 2025-5481

RESOLUTION TO SUNSET THE MISSIONSQUARE RETIREE HEALTH SAVINGS (RHS) PROGRAM

WHEREAS, the City of Kaukauna previously adopted the MissionSquare Retirement Health Savings (RHS) Plan under Resolution 2021-5248 to provide eligible retirees with tax-advantaged reimbursement of medical expenses; and

WHEREAS, regulatory limitations under the Affordable Care Act prohibit access to RHS funds by employees who return to active employment, even on a part-time basis, thereby significantly limiting plan flexibility and usefulness; and

WHEREAS, the administrative burden required to maintain the plan: including eligibility verification, documentation, and correspondence, is substantial and increasingly disproportionate to the number of participants utilizing the plan; and

WHEREAS, the financial benefit to the City of Kaukauna is minimal under even the most generous assumptions, and

WHEREAS, City staff have reviewed the legal, financial, and operational implications of the plan in consultation with MissionSquare representatives and the City's plan advisor and have determined that the plan no longer serves the strategic or fiscal interests of the City;

NOW, THEREFORE, BE IT RESOLVED that the City of Kaukauna does hereby sunset its MissionSquare RHS Plan and instructs staff to take all necessary administrative steps to terminate the plan in accordance with Mission Square's requirements.

Introduced and adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 15th day of July 2025.

APPROVED:

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessman, Clerk