

# COMMON COUNCIL

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



Tuesday, August 02, 2022 at 7:00 PM

## AGENDA

### In-Person

1. Roll call, one minute of silent prayer, Pledge of Allegiance to the American Flag.
2. Reading and approval of minutes.
  - a. [Common Council Meeting Minutes of July 19, 2022.](#)
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
  - a. [Bills Payable.](#)
4. Public appearances.
5. Business presented by Mayor.
  - a. Swearing in of Police Officer Caleb Lyons.
  - b. Appointment of Cindy Fallona to the Kaukauna Public Library Board to replace Shana Beach for the remainder of her term ending 6-30-24.
  - c. City of Kaukauna receives \$345,000 in grants through the David L. and Rita E. Nelson Family Fund within the Community Foundation for the Fox Valley Region.
  - d. [Municipal Court Operations Update and recommendations.](#)
  - e. [City Attorney Referendum Information Sheet and public info meeting dates.](#)
6. Reports of standing and special committees.
  - a. [Board of Public Works Meeting Minutes of August 1, 2022.](#)
  - b. [Finance and Personnel Meeting Minutes of August 1, 2022.](#)
  - c. [Health & Recreation Committee Meeting Minutes of August 1, 2022.](#)
  - d. [Legislative Committee Meeting Minutes of August 1, 2022.](#)
  - e. [Grignon Mansion Board Meeting Minutes of June 27, 2022.](#)
  - f. [Plan Commission Meeting Minutes of June 23, 2022.](#)
  - g. [1000 Islands Environmental Center Committee Meeting Minutes of June 16, 2022.](#)
  - h. [Operator \(Bartender\) Licenses.](#)
7. Reports of City officers.
8. Presentation of ordinances and resolutions.
  - a. [Ordinance 1865-2022 Ordinance Amending Sections 12.01\(2\)\(D\) Reserve Class B and 12.03\(11\) Permit for Outdoor Alcoholic Beverage Area of the Municipal Code.](#)
9. Closed session.
  - a. Adjourn to Closed Session Pursuant to 19.85(1)(e) deliberating and/or negotiations regarding disposition of public property.

- b. Return to Open Session for possible action.
- c. Adjourn to Closed Session Pursuant to 19.85(1)(g) with respect to litigation in which it is or is likely to become involved.
- d. Return to Open Session for possible action.

10. Consideration of Miscellaneous Business.

11. Adjourn.

#### **NOTICES**

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



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – JULY 19, 2022

Pursuant to adjournment on July 5, 2022, meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, July 19, 2022.

Roll call present: Antoine, Coenen (via ZOOM), DeCoster, Eggleston, Kilgas (via ZOOM), Moore, Schell, and Thiele.

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Asst. Fire Chief Schneider, Police Chief Graff, Fin. Dir. Van Rossum, HR Dir. Swaney, Com. Enrich. Ser. Dir. Vosters, Lib. Dir. Thiem-Menning, Adm. Coord. Brouch, Boardman & Clark representatives Jarod Smith and Lori Kozda, Raftelis Attorney William Stannard, and interested citizens.

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

Motion by Moore, seconded by Antoine to adopt the minutes of the Common Council meeting of July 5, 2022.

All Ald. voted aye.  
Motion carried.

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

#### Bills Payable

Motion by Moore, seconded by Schell to pay bills out of the proper accounts.  
All Ald. voted aye.  
Motion carried.

### PUBLIC APPEARANCES

No one appeared.

Motion by Moore, seconded by Eggleston to go out of order and take up item 9a Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) with respect to litigation in which it is or is likely to become involved.

All Ald. voted aye.  
Motion carried.

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

Motion by Moore, seconded by Eggleston to adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) with respect to litigation in which it is or is likely to become involved.

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

Adjourned to closed session at 7:05 p.m.

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

Returned to open session at 7:29 p.m.

Motion by Moore, seconded by Thiele to accept the report from Raftelis and draft PFC complaint and authorize the Common Council for the City to present such documents to the HOVMSD and begin negotiations over cost allocations for the interceptor project.  
Roll call vote: Coenen-aye, DeCoster-aye, Eggleston-aye, Kilgas-aye, Moore-aye, Schell-aye, Thiele-aye, Antoine-aye.  
Motion carried.

## **BUSINESS PRESENTED BY THE MAYOR**

Mayor Penterman introduced new Administrative Coordinator Megan Brouch who replaced Karen Koch due to retirement.

### **Appointment of Megan Brouch to the Board of Canvassers to replace Karen Koch for the remainder of her term ending 12-31-22.**

Motion by Moore, seconded by Antoine to appoint Megan Brouch to the Board of Canvassers to replace Karen Koch for the remainder of her term ending 12-31-22.  
All Ald. voted aye.  
Motion carried.

### **Appointment of Megan Brouch to the Kaukauna Veterans Memorial Park Association to replace Karen Koch.**

Motion by DeCoster, seconded by Eggleston to appoint Megan Brouch to the Kaukauna Veterans Memorial Park Association to replace Karen Koch.  
All Ald. voted aye.  
Motion carried.

### **2023 Budget Process and Approval Schedule.**

The 2023 Budget Preparation and Approval Process Schedule was provided.

Motion by Moore, seconded by Antoine to receive and place on file the 2023 Budget Preparation and Approval Process Schedule.  
All Ald. voted aye.  
Motion carried.

## **REPORTS OF STANDING AND SPECIAL COMMITTEES**

### **Health & Recreation Committee Meeting Minutes of July 19, 2022. HEALTH AND RECREATION COMMITTEE**

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Tuesday, July 19, 2022 at 6:30 P.M.

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

Also present: Mayor Penterman, Ald. Coenen, Moore, Thiele, Attorney Davidson, DPW/Eng. Neumeier, Police Chief Graff, Com. Enrich. Serv. Dir. Vosters and interested citizens.

**1. Correspondence – None.**

**2. Discussion Topics.**

**a. Request for live animals on park property, submitted by Patricia DeGoey, Friends of the Grignon Mansion for August 14, 20, and 21, 2022 at Grignon Mansion grounds.**

Ald. Kilgas asked about liability insurance for this event. Community Enrichment Services Director Vosters and Attorney Davidson stated this is a City event on City property so the City's insurance policy would cover this event.

Motion by DeCoster, seconded by Antoine to grant the request for live animals on park property, submitted by Patricia DeGoey, Friends of the Grignon Mansion for August 14, 20, and 21, 2022 at Grignon Mansion grounds.

All members voted aye.

Motion carried.

**b. Request for amplified music to Patricia DeGoey, Friends of Grignon Mansion, on August 14, 2022 at Grignon Mansion grounds from 10 am to 3 pm.**

Motion by DeCoster, seconded by Antoine to grant the request for amplified music to Patricia DeGoey, Friends of Grignon Mansion, on August 14, 2022 at Grignon Mansion grounds from 10 am to 3 pm.

All members voted aye.

Motion carried.

**c. Request for amplified music to Brenda Lee Cole, Kaukauna Coffee and Tea for a book signing on July 30, 2022 at Friends and Family Sculpture Garden.**

Motion by DeCoster, seconded by Antoine to grant the request for amplified music to Brenda Lee Cole, Kaukauna Coffee and Tea for a book signing on July 30, 2022 at Friends and Family Sculpture Garden.

All members voted aye.

Motion carried.

**d. Request for amplified music to Sean Ryan for "Bike to the Beat" 2022 event, Grignon Mansion and Kaukauna Athletic Fields, on August 6, 2022 from 7:00 am to 3:00 pm.**

Motion by DeCoster, seconded by Kilgas to grant the request for amplified music to Sean Ryan for "Bike to the Beat" 2022 event, Grignon Mansion and Kaukauna Athletic Fields, on August 6, 2022 from 7:00 am to 3:00 pm.

All members voted aye.

Motion carried.

- e. **Request for amplified music to Marty DeCoster on September 17, 2022 from 2 -11 pm for the annual Wisconsin Ave. Fall Block Party.**

Motion by Antoine, seconded by Kilgas to grant the request for amplified music to Marty DeCoster on September 17, 2022 from 2 -11 pm for the annual Wisconsin Ave. Fall Block Party.

3-ayes, 1-abstain (DeCoster)  
Motion carried.

- f. **Temporary Class "B" License to Kaukauna Athletic Club on September 17, 2022 for the Wisconsin Avenue Block Party.**

Motion by Antoine, seconded by Kilgas to grant the temporary Class "B" License to Kaukauna Athletic Club on September 17, 2022 for the Wisconsin Avenue Block Party.

3-ayes, 1-abstain (DeCoster)  
Motion carried.

### 3. General Matters – None.

### 4. Adjourn.

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

Meeting adjourned at 6:41 P.M.

Sally Kenney  
Clerk

Motion by Eggleston, seconded by Antoine to adopt the Health & Recreation Committee Meeting Minutes of July 19, 2022.

All Ald. voted aye.  
Motion carried.

#### **Plan Commission Meeting Minutes of June 16, 2022.**

Motion by Moore, seconded by Schell to receive and place on file the Plan Commission Meeting Minutes of June 16, 2022.

All Ald. voted aye.  
Motion carried.

#### **Kaukauna Public Library Board Meeting Minutes of April 26, 2022.**

Motion by Kilgas, seconded by Moore to receive and place on file the Kaukauna Public Library Board Meeting Minutes of April 26, 2022.

All Ald. voted aye.  
Motion carried.

#### **Kaukauna Public Library Board Meeting Minutes of May 24, 2022.**

Motion by Kilgas, seconded by Eggleston to receive and place on file the Kaukauna Public Library Board Meeting Minutes of May 24, 2022.  
All Ald. voted aye.  
Motion carried.

**Grignon Mansion Board Meeting Minutes of May 23, 2022.**

Motion by Thiele, seconded by Schell to receive and place on file the Grignon Mansion Board Meeting Minutes of May 23, 2022.  
All Ald. voted aye.  
Motion carried.

**Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of June 14, 2022.**

Motion by Moore, seconded by DeCoster to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of June 14, 2022.  
All Ald. voted aye.  
Motion carried.

**Heart of the Valley Metropolitan Sewerage District Special Community Meeting Minutes of June 29, 2022.**

Motion by Moore, seconded by Antoine to receive and place on file the Heart of the Valley Metropolitan Sewerage District Special Community Meeting Minutes of June 29, 2022.  
All Ald. voted aye.  
Motion carried.

**Operators/Bartenders License**

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

Hoijer	Marie	E.	216 Klein St.	Kaukauna
Krause	Dalene	L.	W4458 Moore Rd.	Hilbert
Rice	David	W.	215 ½ W. Wisconsin Ave.	Kaukauna
Sampson	Crystal	A.	124 Kayla St.	Combined Locks
VanderHeiden	Samantha	A.	102 S. Midpark Dr.	Appleton

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

**REPORTS OF CITY OFFICERS**

**Fire Report**

Motion by Moore, seconded by Eggleston to receive and place on file the June 2022 Fire Report.  
All Ald. voted aye.  
Motion carried.

**Ambulance Report**

Motion by Moore, seconded by Antoine to receive and place on file the June 2022 Ambulance Report.  
All Ald. voted aye.  
Motion carried.

**Police Report**

Motion made by Moore, seconded by DeCoster to receive and place on file the June 2022 Police Report.

All Ald. voted aye.

Motion carried.

**Municipal Court Report**

Motion made by Moore, seconded by Thiele to receive and place on file the June 2022 Municipal Court Report.

All Ald. voted aye.

Motion carried.

**Clerk-Treasurer's Deposit Report**

Motion by Moore, seconded by Thiele to receive and place on file the June 2022 Clerk-Treasurer's Deposit Report.

All Ald. voted aye.

Motion carried.

**Building Permit Summary Report**

Motion made by Moore, seconded by Schell to receive and place on file the June 2022 Building Permit Summary Report.

All Ald. voted aye.

Motion carried.

**Performance Review Updates.**

HR Director Swaney gave an update on the timeline and format for annual performance reviews. Questions from the Council were answered.

**PRESENTATION OF ORDINANCES AND RESOLUTIONS**

None.

**CLOSED SESSION****Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public funds - 222 Lawe Street.**

Motion by Moore, seconded by Schell to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public funds - 222 Lawe Street.

All Ald. voted aye.

Motion carried.

Adjourned to closed session at 7:52 p.m.

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

All Ald. voted aye.

Motion carried.

Returned to open session at 8:05 p.m.



Motion by Moore, seconded by Antione to authorize the Mayor to enter into an agreement with Dreamville Kaukauna, LLC for the development of additional residential units at 222 Lawe Street.  
All Ald. voted aye.  
Motion carried.

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss specific public business.**

Motion by Moore, seconded by Eggleston to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss specific public business.  
All Ald. voted aye.  
Motion carried.

Adjourned to closed session at 8:07 p.m.

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

Returned to open session at 8:21 p.m.

Motion by Moore, seconded by Antoine to authorize the City of Kaukauna to enter into talks with surrounding service areas to begin charging \$20 per capita for ambulance services.  
All Ald. voted aye.  
Motion carried.

**CONSIDERATION OF MISCELLANEOUS BUSINESS**

Ald. Thiele thanked the Kaukauna Fire Department for responding to the large fire which took place in Combined Locks recently.

**ADJOURN**

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

Meeting adjourned at 8:24 p.m.

Sally Kenney, Clerk

# Accounts Payable

## Checks for Approval

User: cnelson  
 Printed: 7/22/2022 - 4:05 PM



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	07/08/2022	General Fund	Lease - Buildings	Grand Kakalin LLC		11,993.00
0	07/08/2022	General Fund	Maintenance - Buildings	Grand Kakalin LLC		10,833.00
0	07/08/2022	General Fund	Miscellaneous	Garrow Oil Corp.		38,877.40
0	07/08/2022	General Fund	Group Life Insurance	Securian Financial Group, Inc.		2,731.73
0	07/08/2022	General Fund	Group Health Insurance	Wisconsin Employee Trust Funds (ETF)		308,637.52
116740	07/08/2022	General Fund	General Supplies	Absolute Access ID, LLC		1,127.50
116741	07/08/2022	General Fund	Contractual Services	Advanced Maintenance Solutions		1,278.35
116742	07/08/2022	General Fund	Contractual Services	Amplitel Technologies LLC		1,690.47
116743	07/08/2022	General Fund	Contractual Services	City Of Appleton		780.50
116744	07/08/2022	General Fund	Maintenance - Automotive	Appleton Hydraulic Components, LLC		1,226.08
116745	07/08/2022	General Fund	Contractual Services	Aramark Uniform		13.55
116745	07/08/2022	Sanitary Sewer Utility	Contractual Services	Aramark Uniform		23.25
116745	07/08/2022	General Fund	Clothing Expense	Aramark Uniform		24.80
116745	07/08/2022	General Fund	Contractual Services	Aramark Uniform		278.40
116745	07/08/2022	General Fund	Contractual Services	Aramark Uniform		125.85
116746	07/08/2022	General Fund	Maintenance - Automotive	Aring Equipment Co. Inc		52.25
116746	07/08/2022	General Fund	Maintenance - Automotive	Aring Equipment Co. Inc		312.51
116747	07/08/2022	General Fund	Hydro Live Expenses	ARS Productions		22,375.00
116748	07/08/2022	General Fund	Recruitment Expenses	Ascension Medical Group - Fox Valley DBA - Ascen		694.00
116749	07/08/2022	General Fund	General Supplies	Axon Hillock Signcrafters		840.00
116750	07/08/2022	General Fund	Contractual Services	Battery Hub		67.84
116751	07/08/2022	General Fund	Aquatics Non-Taxable	Emily Beyer		25.00
116752	07/08/2022	Sanitary Sewer Utility	Contractual Services	BoardmanClark		7,492.00
116753	07/08/2022	General Fund	Contractual Services	Bob & Dave's Lawn & Landscaping		62.00
116753	07/08/2022	General Fund	Contractual Services	Bob & Dave's Lawn & Landscaping		50.00
116753	07/08/2022	General Fund	Contractual Services	Bob & Dave's Lawn & Landscaping		50.00
116753	07/08/2022	General Fund	Contractual Services	Bob & Dave's Lawn & Landscaping		89.00
116753	07/08/2022	General Fund	Contractual Services	Bob & Dave's Lawn & Landscaping		62.00
116754	07/08/2022	General Fund	Maintenance - All Other Equipm	Bobcat Plus Inc		175.28
116755	07/08/2022	General Fund	Youth Programs Non-Taxable	Megan Bolle		40.00
116756	07/08/2022	Streets & Sidewalk Capital	Street Improvements	Carl Bowers & Sons Construction Co, Inc		270,252.61
116756	07/08/2022	Sanitary Sewer Utility	CIP - Infrastructure	Carl Bowers & Sons Construction Co, Inc		123,571.59
116757	07/08/2022	General Fund	Maintenance - Roads & Walks	Roger Bowers Construction Co, Inc		480.00
116758	07/08/2022	General Fund	Maintenance - Automotive	Brooks Tractor Inc.		1,157.58

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116758	07/08/2022	General Fund	Maintenance - Automotive	Brooks Tractor Inc.		251.31
116759	07/08/2022	General Fund	Police Fines	Bruce Brunette		60.00
116760	07/08/2022	1000 Islands	Restricted Funds	Capital One Commercial		45.36
116760	07/08/2022	1000 Islands	Conservancy Zone Maint	Capital One Commercial		51.72
116760	07/08/2022	1000 Islands	Restricted Funds	Capital One Commercial		22.68
116760	07/08/2022	1000 Islands	Conservancy Zone Maint	Capital One Commercial		10.28
116760	07/08/2022	General Fund	Maintenance - Buildings	Capital One Commercial		37.85
116760	07/08/2022	General Fund	Mach Tools & Instruments	Capital One Commercial		20.34
116760	07/08/2022	General Fund	General Supplies	Capital One Commercial		99.99
116760	07/08/2022	General Fund	General Supplies	Capital One Commercial		273.93
116760	07/08/2022	General Fund	Mach Tools & Instruments	Capital One Commercial		13.56
116760	07/08/2022	Storm Water Utility	Maintenance - Roads & Walks	Capital One Commercial		251.07
116761	07/08/2022	General Fund	Contractual Services	Carrico Aquatic Resources		4,600.00
116762	07/08/2022	General Fund	Contractual Services	CliftonLarsonAllen LLP		5,906.25
116763	07/08/2022	General Fund	Maintenance - Buildings	Crane Engineering		9,322.64
116764	07/08/2022	General Fund	Maintenance - Automotive	Cummins Sales & Service		720.00
116765	07/08/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		1,506.40
116765	07/08/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		45.55
116765	07/08/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		38.83
116765	07/08/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		38.83
116765	07/08/2022	General Fund	Maintenance - Automotive	DC Auto Repair, LLC		69.11
116766	07/08/2022	General Fund	General Supplies	Diamond Vogel Inc.		600.00
116767	07/08/2022	Sanitary Sewer Utility	Contractual Services	Diggers Hotline Inc.		1,922.62
116768	07/08/2022	General Fund	Contractual Services	Diversified Benefit Services, Inc.		642.77
116769	07/08/2022	General Fund	General Supplies	Eagle Graphics LLC		1,234.75
116770	07/08/2022	General Fund	Printing Expense	Eagle Sign & Design LLC		125.00
116771	07/08/2022	General Fund	Contractual Services	Enterprise Electric Inc		160.00
116771	07/08/2022	General Fund	Maintenance - Buildings	Enterprise Electric Inc		419.98
116772	07/08/2022	General Fund	Contractual Services	Evans Title Companies Inc		250.00
116773	07/08/2022	General Fund	Maintenance - Automotive	Evergreen Power, LLC		59.32
116773	07/08/2022	General Fund	Maintenance - Automotive	Evergreen Power, LLC		305.99
116773	07/08/2022	General Fund	Maintenance - Automotive	Evergreen Power, LLC		535.49
116773	07/08/2022	General Fund	Maintenance - Automotive	Evergreen Power, LLC		118.23
116774	07/08/2022	Storm Water Utility	Maintenance - All Other Equipm	Ferguson Waterworks #1476		806.92
116775	07/08/2022	General Fund	Maintenance - Roads & Walks	Fortress Fence		250.00
116776	07/08/2022	General Fund	General Supplies	Fox Specialty Company LLC		154.26
116776	07/08/2022	General Fund	Custodial Supplies	Fox Specialty Company LLC		144.37
116776	07/08/2022	General Fund	General Supplies	Fox Specialty Company LLC		131.84
116777	07/08/2022	General Fund	Contractual Services	Fox Valley Humane Association		240.00
116778	07/08/2022	General Fund	Maintenance - All Other Equipm	Frank's Radio		989.52
116779	07/08/2022	General Fund	Hydro Live Expenses	General Beer Dist-NE		878.09
116779	07/08/2022	General Fund	Hydro Live Expenses	General Beer Dist-NE		751.22
116780	07/08/2022	General Fund	Youth Programs Non-Taxable	Sarah Grenz		10.00
116781	07/08/2022	Storm Water Utility	Maintenance - Roads & Walks	Griesbach Ready-Mix, LLC		115.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116782	07/08/2022	Equipment Capital	Equipment	Gustman Chevrolet Buick GMC		55,220.00
116783	07/08/2022	General Fund	General Supplies	H & R Safety Solutions, LLC		406.68
116784	07/08/2022	General Fund	Building Permit	Heart of The Valley Metro.		2,704.00
116785	07/08/2022	Sanitary Sewer Utility	Water Sewer & Electric	Heart of The Valley Metropolitan Sewerage District		153,936.78
116786	07/08/2022	General Fund	Miscellaneous	Harlan Hirschy		69.91
116787	07/08/2022	General Fund	Botanical & Agricultural	Horst Distributing, Inc.		5,053.00
116788	07/08/2022	General Fund	Maintenance - Buildings	Interstate Battery		148.95
116789	07/08/2022	General Fund	Aquatics Non-Taxable	Kristin Ison		225.00
116790	07/08/2022	General Fund	Rent - Equipment	James Imaging Systems, Inc.		128.57
116791	07/08/2022	General Fund	Maintenance - All Other Equipm	K. R. West Company Inc		61.60
116791	07/08/2022	General Fund	Maintenance - All Other Equipm	K. R. West Company Inc		181.57
116791	07/08/2022	General Fund	Maintenance - All Other Equipm	K. R. West Company Inc		208.40
116791	07/08/2022	General Fund	Maintenance - All Other Equipm	K. R. West Company Inc		154.41
116792	07/08/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		135.02
116792	07/08/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		18,759.32
116792	07/08/2022	Sanitary Sewer Utility	Water Sewer & Electric	Kaukauna Utilities		3,689.89
116792	07/08/2022	Sanitary Sewer Utility	Water Sewer & Electric	Kaukauna Utilities		151.24
116792	07/08/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,297.11
116792	07/08/2022	Grignon Home	Water Sewer & Electric	Kaukauna Utilities		235.18
116792	07/08/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,783.89
116792	07/08/2022	Environmental Remediate TID	Remediation Costs - City	Kaukauna Utilities		16.35
116792	07/08/2022	Storm Water Utility	Contractual Services	Kaukauna Utilities		240.00
116793	07/08/2022	Storm Water Utility	Maintenance - Automotive	Klink Hydraulics, LLC		20.75
116793	07/08/2022	General Fund	Maintenance - All Other Equipm	Klink Hydraulics, LLC		252.01
116793	07/08/2022	General Fund	Maintenance - All Other Equipm	Klink Hydraulics, LLC		36.85
116794	07/08/2022	General Fund	Seminar Expenses	Matthew Kohl		41.00
116795	07/08/2022	General Fund	Maintenance - Automotive	Kundinger Fluid Power Inc		217.94
116795	07/08/2022	General Fund	Maintenance - Automotive	Kundinger Fluid Power Inc		163.30
116796	07/08/2022	General Fund	Contractual Services	Linde Gas & Equipment Inc.		36.70
116797	07/08/2022	Storm Water Utility	Maintenance - Automotive	MacQueen Equip Group		472.85
116797	07/08/2022	Storm Water Utility	Maintenance - Automotive	MacQueen Equip Group		1,677.50
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		68.77
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		68.77
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		38.70
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		17.20
116798	07/08/2022	General Fund	Printing Expense	Marco Technologies LLC		17.20
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		21.50
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		21.50
116798	07/08/2022	General Fund	Rent - Equipment	Marco Technologies LLC		21.50
116798	07/08/2022	General Fund	Printing Expense	Marco Technologies LLC		21.50
116798	07/08/2022	General Fund	Contractual Services	Marco Technologies LLC		64.48
116798	07/08/2022	General Fund	Contractual Services	Marco Technologies LLC		17.20
116798	07/08/2022	General Fund	Contractual Services	Marco Technologies LLC		51.59
116798	07/08/2022	General Fund	Desktop Printer/Fax Expense	Marco Technologies LLC		13.03

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116799	07/08/2022	General Fund	Maintenance - Roads & Walks	MCC Inc.		493.70
116799	07/08/2022	General Fund	Maintenance - Roads & Walks	MCC Inc.		348.70
116800	07/08/2022	Storm Water Utility	CIP - Infrastructure	McMahon Associates Inc		199.50
116800	07/08/2022	Storm Water Utility	CIP - Infrastructure	McMahon Associates Inc		399.00
116801	07/08/2022	General Fund	General Supplies	MGD Industrial Corp		268.46
116802	07/08/2022	General Fund	Maintenance - Roads & Walks	Milton Propane		195.41
116803	07/08/2022	General Fund	Maintenance - All Other Equipm	Minnesota Equipment		1,456.20
116804	07/08/2022	General Fund	Contractual Services	Modern Cash Register Systems		750.00
116805	07/08/2022	General Fund	Maintenance - Automotive	Monroe Truck Equip - Green Bay		1,521.63
116806	07/08/2022	General Fund	Hydro Live Expenses	John Moore		34.80
116807	07/08/2022	Park & Pool Capital	Trails and Bridges	NES Ecological Services		385.00
116808	07/08/2022	General Fund	Tax Roll	Niebler Properties Inc.		159.78
116809	07/08/2022	General Fund	Maintenance - Automotive	Northcentral Utility of Wisconsin, LLC		23.82
116810	07/08/2022	General Fund	Contractual Services	Orkin Inc.		576.00
116810	07/08/2022	General Fund	Contractual Services	Orkin Inc.		1,566.72
116810	07/08/2022	General Fund	Contractual Services	Orkin Inc.		1,025.28
116811	07/08/2022	General Fund	Miscellaneous	OSI Environmental Inc.		75.00
116812	07/08/2022	General Fund	Outagamie County	Outagamie County Treasurer		604.16
116812	07/08/2022	General Fund	Contractual Services	Outagamie County Treasurer		29,929.12
116813	07/08/2022	General Fund	Travel - City Business	Anthony Penterman		61.44
116814	07/08/2022	General Fund	Youth Programs Non-Taxable	Cynthia Perovich		48.00
116815	07/08/2022	General Fund	Maintenance - Buildings	Keith Petersen Plumbing Inc.		115.00
116815	07/08/2022	General Fund	Maintenance - Buildings	Keith Petersen Plumbing Inc.		219.93
116816	07/08/2022	Storm Water Utility	Maintenance - Roads & Walks	Preform Concrete LLC		477.75
116817	07/08/2022	General Fund	Contractual Services	Proshine Window Cleaning LLC		2,465.00
116818	07/08/2022	General Fund	Maintenance - Automotive	Quality Truck Care Center		67.04
116818	07/08/2022	General Fund	Maintenance - Automotive	Quality Truck Care Center		203.06
116819	07/08/2022	General Fund	Desktop Printer/Fax Expense	Quill Corp.		54.96
116820	07/08/2022	General Fund	Botanical & Agricultural	Reinders Inc.		798.80
116820	07/08/2022	General Fund	Botanical & Agricultural	Reinders Inc.		2,152.00
116821	07/08/2022	General Fund	Maintenance - All Other Equipm	Revels Turf & Tractor		198.08
116822	07/08/2022	General Fund	Maintenance - All Other Equipm	Riesterer & Schnell Inc		106.94
116823	07/08/2022	General Fund	Seminar Expenses	Tyler Romenesko		36.09
116824	07/08/2022	General Fund	Facilities Rental Non-Taxable	Jane Schaefer		200.00
116825	07/08/2022	General Fund	Botanical & Agricultural	Schmalz Custom Landscaping		365.98
116826	07/08/2022	General Fund	Maintenance - All Other Equipm	Service Motor Company, Inc.		386.98
116826	07/08/2022	General Fund	Maintenance - All Other Equipm	Service Motor Company, Inc.		-38.23
116826	07/08/2022	General Fund	Maintenance - Automotive	Service Motor Company, Inc.		-26.22
116826	07/08/2022	General Fund	Maintenance - Automotive	Service Motor Company, Inc.		38.71
116826	07/08/2022	General Fund	Maintenance - All Other Equipm	Service Motor Company, Inc.		425.61
116826	07/08/2022	General Fund	Maintenance - All Other Equipm	Service Motor Company, Inc.		325.93
116827	07/08/2022	General Fund	Maintenance - All Other Equipm	Serwe Implement Municipal Sales Co. LLC		614.88
116827	07/08/2022	General Fund	Maintenance - All Other Equipm	Serwe Implement Municipal Sales Co. LLC		1,230.00
116828	07/08/2022	General Fund	Chemicals & Ordnance	Sherwin Industries		7,722.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116829	07/08/2022	Buildings & Misc. Capital	Miscellaneous	Short Elliott Hendrickson, Inc		200.73
116830	07/08/2022	General Fund	Miscellaneous	Silver Squirrel Engraving & Gifts		280.00
116831	07/08/2022	General Fund	Expense Allowance	Brittany Simonson		85.38
116832	07/08/2022	General Fund	Botanical & Agricultural	Skid & Pallet Service		112.00
116832	07/08/2022	General Fund	Botanical & Agricultural	Skid & Pallet Service		84.00
116833	07/08/2022	General Fund	General Supplies	Salvador Solorzano		125.00
116834	07/08/2022	General Fund	Contractual Services	Jodi Sweeney		603.07
116835	07/08/2022	General Fund	Tax Roll	Jeffrey Tetzlaff		15.09
116836	07/08/2022	General Fund	Maintenance - Automotive	Utility Sales & Service		941.88
116837	07/08/2022	General Fund	Contractual Services	Valley Corvette Realty Inc.		75.00
116838	07/08/2022	General Fund	Hydro Live Expenses	Dave VanDeHey		39.12
116839	07/08/2022	General Fund	Contractual Services	Walt's Petroleum Service		208.74
116840	07/08/2022	General Fund	Maintenance - Automotive	Wastebuilt Environmental Solutions		99.72
116841	07/08/2022	General Fund	Heating Fuels	We Energies		195.99
116841	07/08/2022	General Fund	Heating Fuels	We Energies		9,157.44
116841	07/08/2022	General Fund	Heating Fuels	We Energies		1,377.61
116841	07/08/2022	General Fund	Water Sewer & Electric	We Energies		10.89
116841	07/08/2022	Grignon Home	Heating Fuels	We Energies		12.26
116841	07/08/2022	1000 Islands	Heating Fuels	We Energies		11.22
116842	07/08/2022	Streets & Sidewalk Capital	Street Improvements	Westwood Infrastructure		468.49
116843	07/08/2022	General Fund	Contractual Services	Wis. Dept. of Justice		497.00
116844	07/08/2022	General Fund	Accrued 10% Fines	State of Wisconsin		2,166.96
116845	07/15/2022	General Fund	Contractual Services	Advanced Maintenance Solutions		2,070.99
116846	07/15/2022	General Fund	Concession Product	American Bottling Company		532.95
116846	07/15/2022	General Fund	Concession Product	American Bottling Company		520.50
116846	07/15/2022	General Fund	Concession Product	American Bottling Company		335.45
116847	07/15/2022	General Fund	Facilities Rental Non-Taxable	Mary Aschenbrener		200.00
116848	07/15/2022	General Fund	Aquatics Non-Taxable	Emmy August-Biselx		25.00
116849	07/15/2022	Park & Pool Capital	Buildings	Berglund Construction Co.		52,436.15
116850	07/15/2022	General Fund	Communications	Charter Communications		197.71
116850	07/15/2022	General Fund	Contractual Services	Charter Communications		1,100.78
116851	07/15/2022	1000 Islands	Contractual Services	Cintas		68.71
116851	07/15/2022	General Fund	Maintenance - Buildings	Cintas		291.50
116851	07/15/2022	General Fund	Maintenance - Buildings	Cintas		225.00
116851	07/15/2022	General Fund	Maintenance - Buildings	Cintas		263.05
116852	07/15/2022	1000 Islands	Contractual Services	Cleaning Solution Services, Inc.		625.00
116853	07/15/2022	General Fund	Due to VFW-Kaukauna Post	Creative Brick & Concrete		420.80
116854	07/15/2022	General Fund	Dog Park Supplies	Dean Enterprises, LLC		122.50
116854	07/15/2022	General Fund	Contractual Services	Dean Enterprises, LLC		122.50
116855	07/15/2022	Space Needs Fund	Office Equipment	Emmons Business Interiors		7,310.97
116856	07/15/2022	Space Needs Fund	Phase 4	Energy Control & Design, Inc.		13,875.00
116857	07/15/2022	General Fund	Hydro Live Expenses	General Beer Dist-NE		831.93
116857	07/15/2022	General Fund	Hydro Live Expenses	General Beer Dist-NE		403.36
116858	07/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		152.76

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
116858	07/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		20.26
116858	07/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		15.56
116858	07/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		45.63
116858	07/15/2022	General Fund	Bank and Credit Card Fees	Gila, LLC		5.94
116859	07/15/2022	General Fund	Contractual Services	Human Resources Consulting, LLC		3,060.00
116860	07/15/2022	General Fund	Facilities Rental Non-Taxable	Mamy Kampire		243.76
116861	07/15/2022	General Fund	Youth Programs Non-Taxable	Jill Kaufman		90.00
116862	07/15/2022	Storm Water Utility	Water Sewer & Electric	Kaukauna Utilities		1,899.12
116862	07/15/2022	General Fund	Advertising	Kaukauna Utilities		333.12
116863	07/15/2022	General Fund	Travel - City Business	Karen Koch		92.50
116864	07/15/2022	General Fund	Clothing Expense	The Lifeguard Store, Inc.		59.50
116865	07/15/2022	Storm Water Utility	Contractual Services	McMahon Associates Inc		356.00
116866	07/15/2022	General Fund	Library Materials	MicroMarketing LLC		40.00
116867	07/15/2022	General Fund	Library Materials	Midwest Tape		182.17
116867	07/15/2022	General Fund	Library Materials	Midwest Tape		55.97
116868	07/15/2022	General Fund	Concession Product	Modern Dairy		6,797.97
116869	07/15/2022	General Fund	Office Supplies	National Band And Tag Company		224.00
116870	07/15/2022	General Fund	Police Fees	Outagamie County Clerk of Circuit Court		200.00
116871	07/15/2022	General Fund	Postage	Quadient Finance USA, Inc.		2,000.00
116872	07/15/2022	General Fund	Concession Product	Sam's Club/Synchrony Bank		105.00
116873	07/15/2022	Park & Pool Capital	Trails and Bridges	Simplifile, LC		60.50
116873	07/15/2022	TID #8 Construction Fund	Marketing & Administration	Simplifile, LC		30.25
116874	07/15/2022	General Fund	Service Contracts	Sprint		346.48
116875	07/15/2022	Storm Water Utility	CIP - Infrastructure	Stantec Consulting Services Inc.		1,666.00
116875	07/15/2022	Storm Water Utility	CIP - Infrastructure	Stantec Consulting Services Inc.		3,247.00
116876	07/15/2022	General Fund	Contractual Services	von Briesen & Roper S.C.		535.50
116877	07/15/2022	General Fund	Contractual Services	Waste Management of WI		431.72
116878	07/15/2022	General Fund	Heating Fuels	We Energies		29.59
116878	07/15/2022	General Fund	Heating Fuels	We Energies		100.23
Report Total:						1,269,325.82



# MEMO

## Mayor's Office

To: Common Council  
 From: Mayor Penterman  
 Date: August 2, 2022  
 Re: Municipal Court Operations

There has been increase in complaints from the public around the lack of customer service the municipal court has been providing. With a gain in efficiency is a loss in office hours and availability. The current clerk of court has made significant improvements to the administrative processes. With this, there has been less time spent in the office and standard office hours have not been upheld.

Because of this, other staff has been fielding calls that they haven't been able to answer. Some of these calls have been bounced around to City staff and ended up in a voicemail box of many different departments. Some have been returned in a reasonable time while others haven't. Customers that come in can make payments, but other information has been limited if the clerk of courts isn't present.

This seems to have caused deterioration in trust and respect for law enforcement and the judiciary which is a big problem, and actions locally can either help or hinder, and they directly impact local attitudes toward police department and the Court. For obvious reasons the police department, the City Attorney and the Muni Court will always receive complaints from some unhappy defendants, so we must take many complaints with a grain of salt, but some are legitimate, and when the judiciary shows no respect to the people, the people will respond in kind.

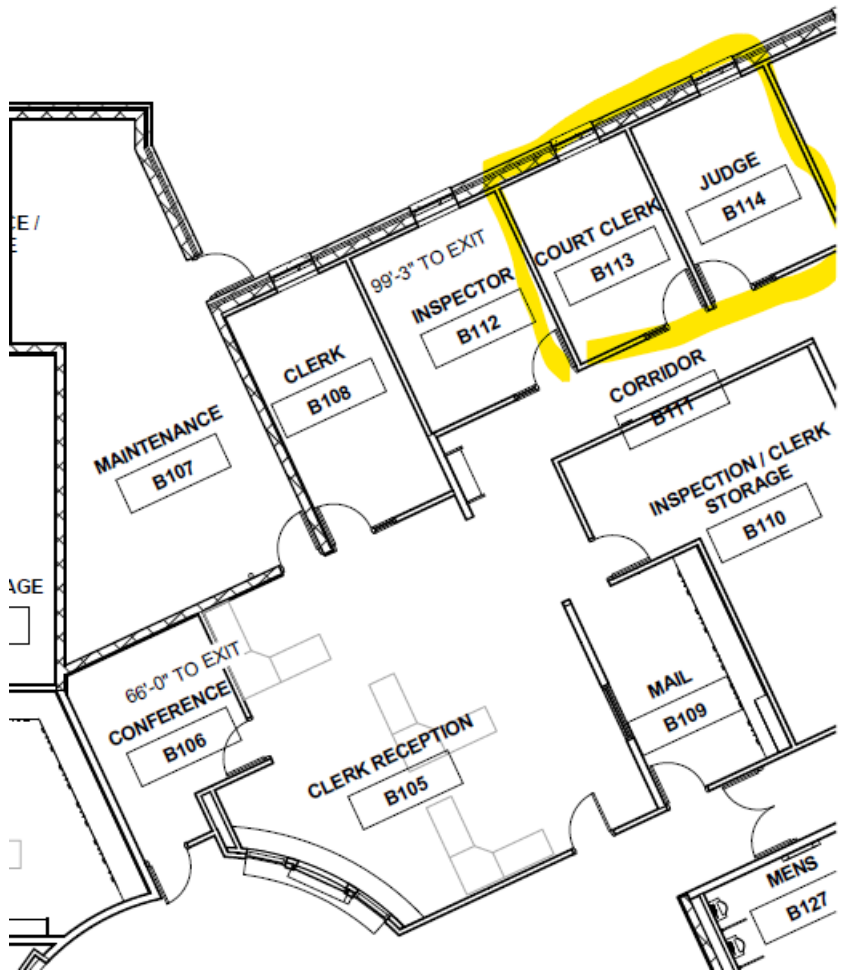
With the recent resignation of the current Clerk of Courts I would like to reestablish some standards that I believe will improve the operations of the judiciary. Below are the items I would like to address

- Established office hours regardless of workload. This will give customers a chance to speak with someone from the court regarding their questions.
- Appoint a deputy Clerk of Courts for the days the clerk of courts isn't scheduled to answer the questions of the customer that call or stopped in.



- Consistently adhere to the already established court room and trial hours until a case is made to change to something different

In addition to operating office hours, we are also running into office space shortages around inspections and clerk area. Right now, both clerk of courts and the Judge have an office space. (See image below).



Both roles spend limited time in the office leaving both these spaces vacant much of the week. I would like to consolidate the office space of both the Judge and Clerk of Court like how it was with Judge Schaffer in our old municipal building and how it is with our current City Attorney and Paralegal. This will free up an office for the Code Enforcement officer who has confidential and sometimes confrontational conversation that requires a closed door.

I have looked at other office space with the current Judge. These options will take away a conference room and net the same space for both of these roles. I would like to try this arrangement before making any more changes that will have a financial impact.

With that I would also recommend the below that is pursuant to state Statue 755.09.

- Consolidate office space of the Clerk of Court and Judge to better utilize the office space for our growing staff.

### Recommended Actions:

#### *Motion 1*

Approve standard office operation hours where clerk of courts will be available to answer calls, return voicemails and greet customers in person. The standard hours shall be:

Monday 8am – 2pm  
 Tuesday 8am – 5pm  
 Thursday 8am – 2pm

#### *Motion 2*

Approve the current standard court schedule that includes:

*Initials* - Tuesday – 9 am and 4 pm  
*Trial* - Tuesday 1pm-4pm  
 Juvenile Court - One Tuesday per month at the Kaukauna High School

#### Motion 3

Approve the consolidated office space of both the Judge and Clerk of Court to one office space of which is the current Judge Office space

#### *Motion 4*

Direct the Mayor to appoint a deputy clerk of courts that is a fulltime staff member

## Referendum Vote Coming November 8<sup>th</sup>, 2022. Be informed!

The City of Kaukauna has had an elected City Attorney position since spring of 1973. It is now one of the last municipalities in Wisconsin to have this position elected. Other communities have moved to an appointed position because of the professional experience required and how critical this position is for the City of Kaukauna operations.

The City Attorney plays a critical role that involves all departments and all functions of the City. The role of the City Attorney's Office has expanded in recent years, and legal expertise is required across more areas than it has in the past. The volume of data that the City Attorney office holds and processes is immense. With that comes institutional knowledge that an in-house attorney has, much of which is lost if a succession plan is not put in place before any transition. A planned transition becomes difficult with an elected position, as there is just a couple of weeks of overlap. Furthermore, two year's time is just a probationary period where even a seasoned attorney may be getting the basic work done, but still learning more about the layers and complexities of the municipality and how it is functioning.

As an elected position, there are only four selection criteria for the City Attorney: 1. Law degree. 2. Live within the City of Kaukauna. 3. File nomination papers. 4. Receive greater than 50% of the popular vote. Beyond those four requirements, there is nothing further that the public, the Council, the Mayor, or City staff can do to ensure that the City Attorney has appropriate professional qualifications and experience to effectively run the City Attorney's Office.

### Duties of Role

- Oversees all legal interests of the City of Kaukauna
- Drafts contracts and real estate conveyance documents, ordinances, resolutions, and Municipal Code revisions
- Reviews or drafts all contracts to which the City is a party
- Advises the Mayor's Office, Common Council, and all City department heads on legal matters across a broad spectrum of legal sub-categories from operations and procedure to liability and risk mitigation.
- Explains City laws and policies to the public and to civic groups
- Serves as General Counsel for Kaukauna Utilities and performs legal duties for the Kaukauna Utilities Commission as requested
- Oversees prosecution of City ordinance violations
- Drafts, reviews and advises on City Ordinances and Resolutions
- Ensures public meetings comply with state law and open records requirements
- Directly prosecutes some civil litigation on behalf of City
- Oversees and advises outside counsel on litigation in which the City is involved

### Appointed vs. Elected

#### **Changing to Appointed**

- Will allow the candidates to be screened and interviewed to ensure they meet the criteria deemed necessary to serve the legal needs of the City at a level of performance commensurate with the requirements of the office.
- Will make the position directly accountable to the mayor, Common Council and other City staff who work with and closely monitor the day-to-day activities.
- Will provide stability in the position and continuity with staff and the day-to-day legal matters that occur.
- Allow for the best succession plan for retaining internal legal knowledge without interruption in service when there is a replacement or retirement.
- Reduces the risk of something being missed during a transition.

#### **Leaving Elected**

- Gives the voters the choice of who they want to fill the position
- Allows candidates with limited experience and education to run for position
- Would require the person filling the role to live within the City
- The pool of candidates is limited
- Runs the risk of no one running and the position being contracted

Be Heard! Come out to vote **November 8<sup>th</sup>** for what you feel is the best structure for City Attorney position. **Referendum Question: *Shall the City of Kaukauna, Outagamie County, Wisconsin change the City Attorney position from elected to appointed?*** If you want additional information, there will be public forums on the following dates and times in the Council Chambers at City Hall 144 W Second Street, Kaukauna, WI.

September 14, 5:30pm

November 2, Noon

November 2, 5:30pm

## Referendum Polling Locations

Streets, Parks, and Recreation (SPAR)  
Community Room  
207 Reaume Avenue  
Kaukauna, WI 54130

Municipal Service Building  
Council Chambers  
144 W. Second Street  
Kaukauna, WI 54130

Polls open 7 a.m.-8 p.m.

## [MyVote.wi.gov](http://MyVote.wi.gov)

The above website allows you to keep your information up to date. It also provides additional information pertaining to upcoming elections.

### Visit the above site to do the following:

- Register to vote.
- Update your name and address.
- Your voting status and history.
- Request an Absentee Ballot.
- Find your polling location.
- What is on my ballot?

## Referendum Vote Coming November 8<sup>th</sup>. Be informed!

### Referendum Question:

*Shall the City of Kaukauna, Outagamie County, Wisconsin change the City Attorney position from elected to appointed?*

**BOARD OF PUBLIC WORKS**

A meeting of the Board of Public Works was called to order by Chairman Thiele on Monday, August 1, 2022 at 6:00 P.M.

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

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Vanden Heuvel, Police Chief Graff, Fire Chief Carrel, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Street Foreman Van Gompel, KU Gen. Mgr. Avanzi, KU Water Sup. Vanden Heuvel, Naturalist Nowak, and interested citizens.

**1. Correspondence – none.**

**2. Discussion Topics.**

**a. Retirement of Street Superintendent Patrick J. Vanden Heuvel.**

Street Superintendent Vanden Heuvel thanked city staff and his family for their support in his 16 years of service with the City of Kaukauna. Mayor Penterman and Alders thanked Vanden Heuvel for his service in the Street Department and wished him well in retirement.

**b. Authorization to seek bids for Project 11-22 – Jonen Park Pavilion.**

DPW/Eng. Neumeier provided background information on the project. City staff have been working with McMahon Associates to develop plans and specifications for the construction of a pavilion at Jonen Park. A draft rendering and floor plan were provided. There would be an anticipated September bid opening and construction schedule of late Fall 2022-Spring 2023. The pavilion could be ready for next spring/summer park use. Questions from the Board were answered.

Motion by Coenen, seconded by Schell to authorize the Engineering Department to seek bids for Project 11-22 – Jonen Park Pavilion.

All members voted aye.

Motion carried.

**c. Public Works update.**

DPW/Eng. Neumeier provided a list of projects currently, or soon to be, underway. These projects include the intersection of Island and Elm Streets with traffic light installation and Riverview Middle School moving it’s driveway; utility work being done between Kenneth and Crooks Avenue; curb patching for the two County paving projects (Lawe Street and Hillcrest Drive); alley paving project; and the Island Street Bridge behind Kaukauna Utilities will be starting on August 15 and will be closed for three months. Questions from the Board were answered.

**3. General Matters.**

Alder Eggleston requested a garbage receptacle be placed at Riverside Park at the top of the hill above the ball diamond.

**4. Adjourn.**

Motion made by DeCoster, seconded by Moore to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:15 p.m.

Sally Kenney  
Clerk

## FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, August 1, 2022, at 6:16 pm.

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

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Vanden Heuvel, Police Chief Graff, Fire Chief Carrel, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Street Foreman Van Gompel, KU Gen. Mgr. Avanzi, KU Water Sup. Vanden Heuvel, Naturalist Nowak, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

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

The ARPA Committee has narrowed the list of projects to the awarded \$1.7 million. Some projects were left as presented the first time, while others had funding reduced and some projects removed. A complete list of projects for ARPA funding was provided by Finance Director Van Rossum. Questions from the Alders were answered.

Motion by Moore, seconded by Coenen to use the standard revenue loss allowance for the ARPA funding.

All members voted aye.

Motion carried.

Motion by Moore, seconded by DeCoster to approve the fund allocation as shown in Table B of this document, supporting the ARPA projects from Table C.

All members voted aye.

Motion carried.

b. **Approval of 2022 Handbook updates.**

HR Swaney stated the City of Kaukauna employee handbook recently underwent a full legal and compliance review. The purpose of this review was to ensure the handbook accurately captured the City's policies, procedures and was in legal compliance with current state and federal law. As a result of this review changes were made to the handbook. Alder Moore feels some corrections and changes need to be made before the handbook updates can be approved.

c. **Compensation and classification study update.**

HR Director Swaney stated representatives from HR Consulting were unable to attend the meeting to provide information on the compensation and classification study. Swaney explained that all job descriptions have been reviewed and the consulting firm is working with Department Heads to get clarification on aspects of certain job descriptions and making necessary adjustments. A market study is on track and should be completed by the end of September.

d. **Notification of Jake Van Gompel accepting Street Superintendent position.**

HR Director Swaney informed the Council that Jake Van Gompel was offered and has accepted the position of Street Superintendent. His first day in this role is August 3, 2022. Jake provided some personal and career information to the Committee. He is excited to start his new role as Street Superintendent.

e. **Permission to fill Street Foreman position.**

Motion by Kilgas, seconded by Coenen to grant permission to fill the Street Foreman position.

All members voted aye.

Motion carried.

3. **General Matters** – none.

4. **Adjourn.**

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

Meeting adjourned at 6:47 pm.

Sally Kenney, Clerk

## HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, August 1, 2022 at 6:47 P.M.

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

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder Moore, Alder Schell, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Vanden Heuvel, Police Chief Graff, Fire Chief Carrel, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Street Foreman Van Gompel, and interested citizens.

### 1. Correspondence – None.

### 2. Discussion Topics.

#### a. Amplified music request to Annie Johnson, St. Paul Elder Services, 316 E. Fourteenth Street, Kaukauna on October 8, 2022 from 7:30 am to 12:00 pm.

Motion by DeCoster, seconded by Antoine to grant amplified music request to Annie Johnson, St. Paul Elder Services, 316 E. Fourteenth Street, Kaukauna on October 8, 2022 from 7:30 am to 12:00 pm.

All members voted aye.

Motion carried.

#### b. Request for amplified music to Esmeralda Mireles, 410 Foxshores Drive, Apt. 4, Kaukauna in the Community Room on Saturday, August 6, 2022.

Motion by DeCoster, seconded by Kilgas to grant the request for amplified music to Esmeralda Mireles, 410 Foxshores Drive, Apt. 4, Kaukauna in the Community Room on Saturday, August 6, 2022.

All members voted aye.

Motion carried.

### 3. General Matters.

### 4. Adjourn.

Motion made by Antoine, seconded by Kilgas to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:50 P.M.

Sally Kenney  
Clerk



## LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, August 1, 2022 at 6:51 P.M.

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

Also present: Mayor Penterman, Attorney Davidson, Alder DeCoster, Alder Eggleston, Alder Kilgas, Alder Schell, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Vanden Heuvel, Police Chief Graff, Fire Chief Carrel, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Street Foreman Van Gompel, and interested citizens.

### 1. Correspondence - None.

### 2. Discussion Topics.

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

Staff has checked in to other communities to see what term lengths for the Mayor position are. A table listing thirty-eight other communities with similar populations to Kaukauna was provided. Feedback from department heads was requested on their interactions with the Mayor position. The request asked to provide feedback on their preference on term length and why. Four responses were received and provided. The Mayor term is solidified by City Code 2011, § 1.04. Any change to the position term will have to come in the form of an ordinance change that is done at the council level. Alders asked to table this matter until additional information can be provided.

#### b. Outdoor Alcohol Beverage Area Ordinance Review.

This item was tabled until City staff is available to provide more information.

#### c. Recommended Ordinance Update 17.32(3)(c)(1) – Driveway Ordinance.

Section 17.32(3)(c)(1) commonly referred to as the driveway ordinance, was sent back to Plan Commission for review. Engineering Department outlined some changes and discussion was held. Plan Commission recommendations for updated language were provided. Discussion was held and questions answered.

Motion by Thiele, seconded by Moore to direct the City Attorney and staff to draft the ordinance amendment documents for Common Council and to schedule a public hearing for the same.

All members voted aye.

Motion carried.

### 3. General Matters – None.

### 4. Adjourn.

Motion by Coenen, seconded by Thiele to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:16 p.m.

Sally Kenney, Clerk

# GRIGNON MANSION BOARD MEETING MINUTES

Monday, June 27, 2022

The meeting was called to order by Pennie Thiele at 5:30 PM in the Municipal Services Building Council Chambers



## Roll Call

- Present – Bruce Werschem, Carol King, Patty DeGoey, Sandy Coenen, Gavin Schmitt, Shellee Jackels, Pennie Thiele
- Absent – Al Borchardt, Patty Brogan
- Others in Attendance – Cassidy Mickelson

## Review/Approve Minutes from May 23, 2022 Meeting

- Motion by Bruce Werschem to approve prior meeting minutes. Seconded by Sandy Coenen. Motion Unanimously Approved.

## Report from the City (Mickelson)

- Grignon Mansion Repairs
  - Mickelson has met with Berglund Construction and the project is currently in the discovery phase. Additional issues will need to be addressed. The pitch of the front porch will need to be fixed during the repair process. The foreman has been very knowledgeable and shows notable experience in restoration. A schedule of the construction/repair process has been provided to the Board.
  - How does this affect tours?
    - Tour availability will be played by ear and closing some weekends is possible.

## Report from Friends (DeGoey)

- Friends Finance Report
  - Grant Money Account - Beginning balance of \$20,015.74, and ending balance of \$20,015.74
  - Savings Account - Beginning balance of \$100.11, and ending balance of \$100.11
  - Original Checking Account - Beginning balance of \$50,688.23, ending balance of \$50,459.22, with \$1,046.30 in total deposits and \$1,275.31 in total withdrawals. Available non-designated funds \$37,167.66.
- Discussion regarding updating signage at the Mansion
  - There is \$2,000 designated to nicer open sign and a sign to show upcoming events
- Events
  - Firecracker 5K - July 3
  - Fall Fest will be in October & Native American Dance will be in September
  - Car Show - August 14
  - Civil War Living History Demonstration - August 20 & 21
- Road signage
  - There has been some miscommunication regarding the signage on the roads to direct visitors to the Mansion. Mickelson will check with the planning department to confirm where the signs are going to be located.

### **Report from the Chair (Thiele)**

- Update on at-grade crossing on Augustine St.
  - The work is in progress on the railroad crossing. The road will be closed to complete the repairs 6/27 - 7/1.
- Grignon Mansion Bylaws
  - Final draft in progress, Mickelson & Thiele will schedule a meeting for any final decisions needed.

### **Set Next Meeting Date and Location**

- Monday, July 25, 2022 at 5:30 PM in the Council Chambers at the Municipal Building.

### **Adjourn at 6:04 PM**

- Motion by Patty DeGoey. Seconded by Sandy Coenen. Motion Unanimously Approved.





# PLAN COMMISSION

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

Thursday, June 23, 2022 at 4:00 PM

## MINUTES

### 1. Roll Call.

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

Members Present: Ald. Moore, Ald. Thiele, Commissioner Feller, Commissioner Schoenike, DPW Neumeier, PCDD Stephenson, and AP Paul.

Member(s) Absent: Commissioner Avanzi.

A motion was made by Ald. Thiele to excuse the absent member(s). Ald. Moore seconded the motion. The motion passed.

### 2. Approval of Minutes.

#### a. Approve Minutes of June 16, 2022 Meeting

A motion was made by Ald. Thiele to approve the minutes. Ald. Moore seconded the motion. The motion passed.

### 3. Old Business.

*There was no old business.*

### 4. New Business.

#### a. Hurkman Heights Subdivision – Ben’s Way Extension

PCDD Stephenson is looking for direction on a temporary cul de sac request in the Hurkman Heights 4 Subdivision so they can start phase two. The updated subdivision ordinance does allow for temporary cul de sacs, but the land adjacent to the west of Hurkman heights is currently not part of the City of Kaukauna. Therefore, there is no clear future when Ben’s Way will be extended and the temporary cul de sac will be dissolved. Direction is to not allow a temporary cul de sac, but continue to the push to for Ben’s Way to be extended to Kay Drive.

*No action was taken.*

#### b. Park Donation Application Review

AP Paul provided overview for a park donation application from Kristy Stumpf to donate 3 garbage receptacles, 3 dog waste stations and 2 benches in memory of Les Stumpf and Bill Carnot. The proposed park for these donations will all be on the Nelson Family Heritage Trail. The city has been hoping to install this type of infrastructure on the trail and

this donation will help kick start that process. The Nelson Family Heritage Trail was a collaboration with the Village of Little Chute. In order to keep cohesion throughout both sides of the trail, the bench design will match what Little Chute already has installed. Same with the garbage receptacles and the dog waste stations. The City of Kaukauna Streets and Parks departments will be doing maintenance for the garbage cans and dog waste stations.

A motion was made by Commissioner Schoenike to approve the Park Donations and allow staff to work with the applicant to pin point specific locations in the general area. DPW Neumeier seconded the motion. The motion passed.

c. Petition for Unanimous Annexation

AP Paul presented an application for annexation of parcel 030067904 located on the north east corner of CTH CE and CTH HH. The parcel is currently in the Town of Buchanan and the owner is proposing to build a Two-Family dwelling on the parcel. There is a curb cut for a driveway only 75' from the roundabout. The parcel is ~1 acre but has a stream and Drainage easement that run through it. With the required stream setbacks, front yard, side yard, and county highway setbacks, it will not be possible to build a structure of magnitude for two-family. There is currently no water or sewer to the property and no plans to extend it that way. Any utilities to be run to the property would be at the owner's cost. The city has had ideas of purchasing and utilizing the property as greenspace – whether a small park or oasis right off of the CE Trail. Commissioners would like to see his plans for how the owner would configure a two-family structure on the lot and then may take action.

A motion was made by DPW Neumeier to table the item for a later date. The motion was seconded by Ald. Thiele. The motion passed.

4. Other Business.

*There was no other business.*

5. Adjourn.

A motion was made to adjourn the meeting at 4:25 PM by DWP Neumeier. The motion was seconded by Commissioner Schoenike. The motion carried.

## Minutes for 1000 Islands Environmental Center Committee Meeting on Thursday, June 16, 2022

**Members Present:** Breitzman, Carlson, Eggleston, Gertz, Manion, Pautz, Van Berkel and White

**Not Present:** Hietpas and Jakel

**Also Present:** Maureen Feldt

Chair, Manion called the June Committee Meeting to order at 6:31 PM. A quorum is present.

### **May 19, 2022 Committee Meeting Minutes**

Gertz made a motion to waive the reading of the minutes and approve the May 19, 2022 Committee Meeting minutes. Seconded by Van Berkel. Motion carried.

**Public Appearances:** None

### **May Financial Report**

Carlson made a motion to approve May's financial report. Seconded by Pautz. Motion carried.

### **Correspondence**

We received a memorial donation from the Pauline Krueger in memory of Maynard Krueger; Kris and Jim Serwe gave a memorial for Greg Deering; Richard and Karen Boyle donated in memory of Tom Zwicker. Karate America donated \$30 for bringing out a group of children; Jim Fuhrmann donated funds for snowshoes; Donna and Doug Langner donated \$70. We received 20# of bird seed from Roger Thompson.

### **Friends of 1000 Islands Report**

The Friends have not met since April and their next meeting is on June 20<sup>th</sup>.

### **Naturalist's Report**

Review of this year's Tree Seedling Sale numbers and how the sale went. We also shared with everyone that Lolita, our gecko and Hector, our snake recently passed. Before replacing these animals, Deb would like to evaluate our current live animal situation, spacing, overall care, budget, etc., before replacing Lolita and/or Hector.

Pautz made a motion to accept May's Naturalist Report and place it on file. Seconded by Gertz. Motion carried.

### **Admin and Finance Sub-Committee**

Van Berkel – Did not meet-nothing to report. Next meeting is Wednesday, June 29<sup>th</sup>.

### **Education Sub-Committee**

Pautz – Did not meet in May. Goats are on-site until tomorrow afternoon (Friday, June 17).

### **Buildings and Grounds Sub-Committee**

Van Berkel made a motion to receive and put on file the November 30, 2021 Building and Grounds Sub-Committee meeting minutes. Seconded by Gertz. Motion carried.

**Old Business**

Furnace/AC Unit: Bassett Mechanical was on-site today to look at our existing furnaces/AC units and will provide a quote for a new unit along with other modifications to make the building more efficient.

**New Business**

Level 2 EV Charging Station: Manion read information given to him from Deb regarding the grant the City received to install a Level 2 Charging Station at 1000 Islands Environmental Center. The grant will cover 80% of the expense to purchase and install the EV Charger. It is estimated that 1000 Islands will have an estimated cost of \$10,000 to complete this project. Gertz made a motion to approve the installation of a Level 2 EV Charging Station at 1000 Islands and pay the 20% (not to exceed \$10,000) necessary to complete the project. Pautz seconded. Motion carried.

**Good for the Center**

Nothing to report.

**Next Committee Meeting**

Next Committee Meeting will be on Thursday, July 21, 2022 at 6:30 PM.

**Adjournment**

There being no further business, Gertz moved to adjourn the meeting at 7:10 PM. Seconded by Carlson. Motion carried.

Maureen Feldt,  
Acting Secretary

August 2, 2022

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

Callaway	Corrine	M.	322 N. Nash St.	Hortonville
Coffey	Kevin	M.	115 E. 7 <sup>th</sup> St.	Kaukauna
Eierman	Sarah	R.	4416 Island View Dr.	Oshkosh
Granger	Michael	J.	400 Lemon Grass Way	Kaukauna
Kelly	Angela	A.	2349 Comet St.	Oshkosh
Krueger	Riley	J.	817 Augustine St.	Kaukauna
Terry	Rachel	A.	220 W. 12 <sup>th</sup> St. Apt. 4	Kaukauna
VandenHoogen	Brett	H.	2230 Imperial Ln. Apt. 7	Appleton
Wepfer	Christine	M.	100 E. Mitchell Ave. Apt. 7	Appleton
Zornow	Tania	A.	2101 Taylor St.	Little Chute



**CITY OF KAUKAUNA  
ORDINANCE 1865-2022**

**ORDINANCE AMENDING SECTIONS 12.01(2)(D) RESERVE CLASS B AND  
12.03(11) PERMIT FOR OUTDOOR ALCOHOLIC BEVERAGE AREA, OF THE  
MUNICIPAL CODE**

**WHEREAS**, sections of the current municipal code do not adequately address circumstances related to licenses and fees therefore; and,

**WHEREAS**, in 2016 the State of Wisconsin Amended Wis. Stat. 125.51(3)(e)2 eliminating the economic development grant for Reserved Class B Licenses; and

**WHEREAS**, since the commencement of the Covid-19 Pandemic, bars and restaurants have shown an increase in need for the permit for Outdoor Alcoholic Beverage Area; and

**WHEREAS**, Section 12.03(11) Permit for Outdoor Alcoholic Beverage Area does not adequately allow establishments within the City of Kaukauna to utilize said permit in a manner to accommodate customer's outdoor seating requests;

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

**SECTION 1:**        **AMENDMENT** “12.01 Licenses Required” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

**AMENDMENT**

**12.01 Licenses Required**

A license or permit shall be required for the sale of each of the following or the conduct of the business or activity, and the indicated license or permit application fee shall be paid to the city clerk. The license or permit application fees shall be for one year unless otherwise specified in this chapter.

- 1. *Fermented malt beverages.*
  - a. Class A. \$150.00.
  - b. Class B. \$100.00.
  - c. Picnic. \$10.00.
  - d. Wholesalers. \$25.00.
  - e. Operators. \$50.00 every two years.
  - f. Outdoor beverage area permit. \$200.00.
- 2. *Intoxicating liquor.*

- a. *Class A.* \$300.00.
- b. *Class B.* \$350.00.
- c. *Class C.* Wine \$100.00.
- d. *Reserve class B.* The fee for a reserve class B liquor license shall be \$10,000.00 for initial issuance, except that the fee for the initial issuance of a reserve class B license to a bona fide club or lodge situated and incorporated in the state for at least six years is \$200.00. The fee established in this section is in addition to any other fee required under this chapter, including, but not limited to, the fees for class B liquor and class B fermented malt beverage licenses. The annual fee for renewal of a reserve class B license is as specified in subsection (2)(b) of this section.

~~(1) The city finds that the \$10,000.00 fee mandated by the laws of the state exceeds the actual cost of licensing the activity, thereby generating additional revenue for the city, and it is in the interest of the public welfare to use the additional revenue to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.~~

~~(2) After the granting of any new reserve class B license and payment of the \$10,000.00 initial issuance fee, the applicant may file an application for an economic development grant of \$10,000.00 with the city clerk. The city clerk shall determine whether the licensee is operating in compliance with the approved license. If the city clerk determines that the licensee is so operating, the city clerk shall authorize the approval of a \$10,000.00 economic development grant. If the city clerk determines that the licensee is not in compliance with the approved license, no economic development grant may be authorized, and the city clerk shall make such finding in writing and cause to be delivered a copy of the findings to the licensee. If the licensee disagrees with the city clerk's determination, the licensee may file a written notice of appeal with the city clerk within ten calendar days of the delivery of the written notice of the city clerk's findings. Upon receiving such notice from the licensee, the city clerk shall relay the notice to the common council which shall hold a hearing through its health and recreation committee. The common council may affirm or reverse the city clerk's determination. If the city clerk's determination is upheld, appeal may be taken to circuit court pursuant to Wis. Stats. § 753.04. If the city clerk's determination is reversed, the city clerk shall authorize the payment of the economic development grant.~~

3. *Peddlers, canvassers, and transient merchants.* \$15.00 investigation fee.

4. *Carnivals and exhibitions.*

- a. Circus, caravan, menagerie, and carnival. \$20.00 per day.
- b. Other shows, exhibitions, entertainments. \$10.00 per day.

- 5. *Taxicabs*. \$25.00 for the first vehicle operated and \$25.00 for each additional vehicle operated by the same licensee.
- 6. *Dogs*. See section 12.10(2).
- 7. *Parades*. No fee.
- 8. *Blasting permit*. \$1.00.
- 9. *Junk dealers*. \$25.00.
- 10. *Mobile homes*.
  - a. Monthly parking fee. According to assessed value pursuant to Wis. Stats. § 66.0435.
  - b. Occupancy permit. Pursuant to Wis. Stats. § 66.0435.
- 11. *Mobile home parks*.
  - a. \$2.00 per space, but not less than \$25.00 nor more than \$100.00.
  - b. Developer's permit. \$50.00.
  - c. Transfer fee. \$10.00.
- 12. *Mechanical and electronic amusement devices*. \$10.00 for each mechanical and electronic amusement device.
- 13. *Cigarette license*. \$15.00.

(Ord. No. 1699, 9-2-2014)

**SECTION 2:            AMENDMENT** “12.03 Intoxicating Liquor And Fermented Malt Beverages” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

AMENDMENT

12.03 Intoxicating Liquor And Fermented Malt Beverages

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

be issued by the city clerk under the authority of the city council after payment of the application fee specified in section 12.01 of this chapter, which, when so issued, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28, and 125.51. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

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

permit shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

- (2) Permits valid for six months may be issued at any time. The fee for the permit shall be 50 percent of the annual permit application fee, as stated in section 12.01 of this chapter. The permit may not be renewed during the calendar year in which issued.

i. *Operators.* See Wis. Stats. § 125.17.

- (1) Operator licenses may be granted to individuals by the city council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).
- (2) Operator licenses may be issued only upon submission of a written application on forms provided by the city clerk. A color photograph of the applicant shall be submitted with the written application.
- (3) Operator licenses shall be valid for two years and shall expire on June 30 of the second year.

j. *Provisional operator's license.* The city clerk may issue a provisional operator's license to a person who has applied for an operator's license and provides proof of enrollment in a responsible beverage server training course required under Wis. Stats. § 125.17(6)(a), subject to the following:

- (1) A provisional license may not be issued to any person who has been denied an operator's license, or whose operator's license has been revoked or suspended within the preceding 12 months.
- (2) A provisional license may be issued only to persons eligible for operator's licenses under all of the provisions of this chapter, upon completion of a satisfactory background check by the Kaukauna Police Department, and under the requirements of Wis. Stats. § 125.04.
- (3) Any provisional license granted under this subparagraph shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
- (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material misleading omission on the application.
- (5) The city clerk shall revoke the provisional license if the applicant fails successfully to complete the responsible beverage server training course in which the applicant enrolls.
- (6) No more than one provisional license may be issued to an applicant during any 12-month period.
- (7) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional operator's license.

k. *Provisional retail license.* The city clerk may issue a provisional retail license to a person who has applied for a Class A, Class B, Class A, Class B, or Class C retail license and who provides proof of enrollment in, or the appointed agent of the entity applying provides proof of enrollment in, a responsible beverage server training course required under Wis. Stats. § 125.04(5)(a)5., or

any future amendment, revision, or modification of such statute.

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

#### 4. *License application.*

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

or attached to the application and based upon their respective investigations and/or inspections of the applicant and/or the premises as to the suitability and character of any applicants, as to any issues relevant to the safety, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and so as to determine whether the same are qualified and/or in compliance with those regulations, laws and ordinances, relative to their fields of enforcement, applicable and relevant to such licensing.

- d. *Denied applications.* Any person denied a license or permit applied for under this section 12.03 shall be ineligible to apply for another license or permit under this section 12.03 for a period of 12 months from the date of such denial by the council.

5. *License restrictions.*

- a. *Statutory requirements.* Licenses shall not be issued to any persons ineligible therefore under Wis. Stats. § 125.04. No license shall be issued under this section 12.03 less than 15 days from submission to the clerk of the application and required application fee.
- b. *Location.*
- (1) No retail Class A or Class B license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.
  - (2) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
- c. *Violators of liquor or beer laws or ordinances.* No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- d. *Health and sanitation requirements.* No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the state department of industry, labor, and human relations pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants, and to all such ordinances and regulations adopted by the city.
- e. *License quota.* The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stats. § 125.51(4).
- f. *Corporations.* No corporation organized under the laws of this state or any other state or foreign country may be issued any alcohol beverage license or

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



- d. *Safety and sanitation requirements.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
  - e. *Capacity limited.* All premises which have been issued a retail Class B license are subject to the capacity provisions of COMM 76.05(4), Wisconsin Administrative Code, which provisions are hereby adopted by reference and made a part hereof.
10. *Closing hours.*
- a. No premises for which a wholesale alcohol beverage license has been issued shall remain open for the sale thereof between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
  - b. No premises for which a retail Class A fermented malt beverage license or Class A liquor license has been issued shall remain open for the sale thereof between 9:00 p.m. and 6:00 a.m.
  - c. No premises for which a retail Class B fermented malt beverage or a retail Class B liquor license has been issued shall remain open for business for the sale thereof and shall be vacated, except as permitted under section 12.03(10) (d) and as expressly excepted pursuant to Wis. Stats. § 125.10(4), between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. Saturdays and Sundays. However, an employee of such a license holder may be present during non-business hours for maintenance and clean up duties. On January 1, premises operating under retail Class B liquor license are not required to close. No package, container, or bottle sales may be made after midnight and no person may carry out alcoholic beverages in an original unopened package, container, or bottle for consumption away from the premises after midnight.
  - d. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, gym and fitness centers, golf courses and golf clubhouses may remain open for the conduct of their regular business but no alcoholic beverages shall be sold, dispensed, or permitted to be consumed during prohibited hours.
  - e. No premises for which a retail Class B fermented malt beverage license has been issued and which premises is upon city-owned property shall sell any such beverages from one hour prior to the scheduled commencement of until one hour after the completion of any athletic activity conducted upon such property and in which event any participants are under the age of 18 years. However, such a license holder shall be allowed to sell fermented malt beverages until the end of an athletic event at said property not involving participants under 18 years of age which event ends less than one hour before the start of an athletic event involving participants under 18 years of age; and, such a license holder shall be allowed to sell fermented malt beverages at the start of an athletic event at said property not involving participants under 18 years of age, which event starts less than one hour after the end of an athletic event at said property involving participants under 18 years of age.

11. *Permit required for outdoor alcoholic beverage area.*

a. *Definition.* An outdoor alcoholic beverage area is defined as an open air, roofed or unroofed area adjacent to or accessory to a Class B intoxicating liquor and/or Class B fermented malt beverage and/or Class C licensed premises, where beer and other alcoholic beverages are consumed, which is not included within the licensed premises.

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

c. *Limitations on issuance of permit.*

(1) ~~No outdoor alcoholic beverage area permit shall be issued if the total outdoor entertaining area associated with the licensed premises is greater than 50 percent of the gross floor area of the licensed premises enclosed within the building.~~ Each applicant for an outdoor alcoholic beverage permit shall accurately describe the area ~~intended for use as an outdoor entertaining area~~ and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor alcoholic beverage area. Applicants shall submit a site plan professionally drawn to scale and an application for review by the city's zoning administrator. The zoning administrator will review all proposed outdoor alcoholic beverage area permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.

(2) Every outdoor beverage area shall be completely enclosed with a ~~solid~~ permanent barrier ~~or screen~~; not less than ~~six~~four feet in height ~~for those establishments in which the sale of alcoholic beverages accounts for more than 50 percent of gross receipts. For those establishments where alcoholic beverage sales do not account for 50 percent of gross receipts a permanent barrier is still required, but its structure may be less opaque and less than six feet in height, and will achieve not less than 50% screening. The barrier may consist of a vegetative screen, permanent fencing, or a combination of the two. The barrier shall be well kept and maintained in an orderly fashion. if~~

any portion of the barrier is comprised, in disrepair, or otherwise not functioning, the outdoor alcoholic beverage area permit shall be suspended until such steps are taken to restore the barrier to working order.

(3) Barriers adjacent to residential and institutional properties shall provide a six-foot tall 100% screened barrier along all sides directly abutting a residential and institutional property.

d. *Grant of permit.* The city clerk shall forward any outdoor beverage area permit application to the chief of the police and the fire departments of the city, to the building inspection department and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval of such permit. Their recommendation shall be based upon their respective investigations and/or inspections of the applicant and/or the premises and proposed outdoor alcoholic beverage area as to the suitability and character of any applicants, as to any issues relevant to the safety, traffic, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and as to whether any additional special conditions, restrictions, or limitations should apply to said permit.

e. *Restrictions.* All premises receiving outdoor alcoholic beverage area permits approved after the adoption date of this section will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes an outdoor alcoholic beverage area that was established, licensed, and authorized by the city prior to the adoption of this section, the restrictions under this subsection (e) do not apply, except as specified.

(1) Access to the outdoor entertaining area shall only be through the main entrance to the Class B intoxicating liquor, Class B fermented malt beverage; and Class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes. In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of the building, the Plan Commission may review the outdoor beverage area site plan and approve alternative entrances.

(2) No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor alcoholic beverage area. Any premises licensed prior to the adoption of this ordinance for which such premises includes areas not enclosed within the building of the premises shall be required to obtain approval from the city council for amplified sound or music.

(3) All sales of alcoholic beverages shall be restricted to the enclosed licensed premise.

(4) The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10:00 a.m. until 9:00 p.m., Sunday

through Thursday and from 10:00 a.m. until 10:00 p.m. Friday and Saturday.

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

- a. *Procedure.* Whenever the holder of any license under this section violates any portion of this section 12.03(12), or whenever any license has been issued in violation of any portion of section 12.03, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.
- b. *Effect of revocation.* See subsection (5)(h) of this section.
- c. *Cease doing business.* If any holder of a Class A or Class B fermented malt beverage license or a retail Class A or Class B liquor license shall suspend or cease doing business for 90 consecutive days or more, his license shall be subject to revocation by the city council after a public hearing.
- d. *Alcohol beverage demerit point system.*
  - (1) *Purpose.* The purpose of this paragraph is to establish an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension, revocation, or nonrenewal procedures.
  - (2) *Schedule of demerit points.* The schedule of demerit points as listed below is to be used to identify habitually troublesome license holders who have repeatedly violated state statutes or city ordinances for the purpose of determining suspension, revocation, or nonrenewal of their alcoholic beverage licenses:

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

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

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

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

In addition to the demerit points assessed as specified above, if an

owner or licensee is charged with selling controlled substance or charged with possession of controlled substance with intent to sell, the owner or licensee may be subject to revocation proceedings pursuant to Wis. Stats. § 125.12.

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

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

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

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

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

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Presiding Officer

Attest

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

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