

COMMON COUNCIL

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



Tuesday, September 17, 2024 at 7:00 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

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 September 3, 2024.](#)
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
 - a. [Bills Payable.](#)
4. Public appearances.
5. Business presented by Mayor.
 - a. Reappointment of Paul Van Berkel to the Utilities Commission (5-year term).
 - b. [Proclamation recognizing National Drive Electric Week September 27 to October 6, 2024.](#)
6. Reports of standing and special committees.
 - a. [Board of Public Works Meeting Minutes of September 16, 2024.](#)
 - b. [Finance and Personnel Committee Meeting Minutes of September 16, 2024.](#)
 - c. [Health and Recreation Committee Meeting Minutes of September 16, 2024.](#)
 - d. [Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 13, 2024.](#)
 - e. [Board of Appeals Meeting Minutes of September 11, 2024.](#)
 - f. [Operator \(Bartender\) Licenses.](#)
7. Reports of City officers.
 - a. [Fire Report.](#)
 - b. [Ambulance Report.](#)
 - c. [Police Report.](#)
 - d. [Code Enforcement Report.](#)
 - e. [Court Report.](#)
 - f. [Clerk-Treasurer's Report.](#)
 - g. [Building Inspection Report.](#)
8. Presentation of ordinances and resolutions.
9. Closed session.
 - a. [Adjourn to Closed Session Pursuant to 19.85\(1\)\(e\) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified](#)

public business, whenever competitive or bargaining reasons require a closed session – Amendment Offer to Purchase Out Lot 3 New Prosperity Center 2023-PL-11.

- b. Return to Open Session for possible action.
- [c.](#) Adjourn to Closed Session Pursuant to 19.85(1)(g) to confer with legal counsel with respect to litigation in which it is or is likely to become involved - HOVMSD-PSC.
- d. Return to Open Session for possible action.
- e. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) to confer with legal counsel with regard to litigation in which it is or is likely to become involved.
- f. Return to Open Session for possible action.

10. Adjourn.

NOTICES

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

MEETING ACCESS INFORMATION:

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

To access the meeting by telephone:

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

To access the meeting by computer:

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

To access the meeting by smartphone or tablet:

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

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



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – SEPTEMBER 3, 2024

Pursuant to adjournment on August 20, 2024 a meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, September 3, 2024.

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

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Com. Cord. Fencel, Fire Chief Carrel, Planning and Com. Dev. Dir. Kittel, Police Chief Graff, Naturalist Garrity, Com. Enrich. & Rec. Dir. Vosters and interested citizens.

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

Motion by Moore, seconded by Schell to suspend the rules and waive the reading of the minutes of the Common Council meeting of August 20, 2024.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt the Common Council meeting minutes of August 20, 2024.

All Ald. voted aye.

Motion carried.

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

Bills Payable

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

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

Chloe DeCoster, 157 Raught Street, Kaukauna spoke about a letter she wrote about three years ago regarding improvements to Strassburg Park.

BUSINESS PRESENTED BY THE MAYOR

Mayor announced that Pat Campbell passed away on August 31. Pat served as the Police Chief for many years. Deep condolences to the Campbell family.

Franny Garrow also passed away recently.

Appointment of Mike Coenen to the Merit Incentive Recommendations and Review Committee (1-year Term).

Motion by Thiele, seconded by Moore to appoint Mike Coenen to the Merit Incentive Recommendations and Review Committee (1-year Term).

All Ald. voted aye.

Motion carried.

Temporary allowance of goats to be used at 1000 Islands Conservancy Zone to control invasive species. (September 23-October 7).

Motion by Kilgas, seconded by Eggleston to allow the temporary use of goats at 1000 Islands Conservancy Zone to control invasive species. (September 23-October 7).

All Ald. voted aye.

Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of September 3, 2024.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Tuesday, September 3, 2024 at 6:00 P.M.

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

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Com. Cord. Fencil, Street Sup. Van Gompel, Fire Chief Carrel, Police Chief Graff, Com. Enrich & Rec. Mgr. Vosters, Proj. Eng. Conger, Planner Kittel, Naturalist Garrity, and interested citizens.

1. Correspondence – none.

2. Discussion Topics.

a. Interstate 41 Aesthetics Discussion and Recommendation.

DPW/Eng. Neumeier stated the Wisconsin Department of Transportation (WisDOT) has enacted a Community Sensitive Design (CSD) policy change - effective August 1. The new policy allows the I-41 project to rely on federal funds for aesthetic improvements. Outagamie County has gathered a group of regional stakeholders to come up with some regional design options. The new WisDOT policy will mean 80% of the cost for enhanced design features will be covered by Federal funds, 20% by local municipalities. Discussion held and questions answered.

Motion by Antoine, seconded by Schell to support the use of local funds to implement aesthetic enhancements to I-41 corridor bridges with design elements discussed.

All Ald. voted aye.

Motion carried.

b. Truck 208 Contract.

Street Superintendent Van Gompel stated the Board of Public Works approved the purchase of a replacement truck 208 from Packer City International Trucks in July of 2022 for a total package price of \$188,685. This truck's delivery date was postponed multiple times because of COVID 19 and the supply chain shortage. Because of the delayed delivery and inflation of material costs to complete this build Packer City International is seeking payment over the approved bid price. Over weeks of conversations between Packer City International and Kaukauna staff we have come to a compromise that both parties could agree on. Packer City is willing to give the City \$1,500 more in trade and extend the base chassis warranty by one year, from a three-year 100,000-mile warranty to a four-year 100,000-mile warranty. If the city pays surcharges of an extra \$694.50. This would bring the total package to \$189,379.50. Discussion held and questions answered.

Motion by DeCoster, seconded by Moore to approve the increase in contract of \$694.50 for replacement of truck 208 in exchange for the additional year of warranty on the chassis and an extra \$1,500 in trade from Packer City International.
All Ald. Voted aye.
Motion carried.

c. Focus on the Fox 2024.

DPW/Eng. Neumeier stated the annual event "Focus on the Fox" will be held on Saturday, September 21 at 1000 Islands Environmental Center from 10 am to 3 pm. The event is to celebrate the Fox River with fun and free activities for the whole family. This event helps to promote a healthy environment. Naturalist Garrity stated this is year 3 of the event and is meant to bring together many Stewarts of the river.

d. Nelson Grant Awarded for 1000 Islands Boardwalk.

DPW/Eng. Neumeier stated the Nelson Grant of \$240,000 has been awarded to the City for the 1000 Islands Boardwalk project. Many staff members were thanked for helping to make receiving this grant happen.

e. Public Works Update.

DPW/Eng. Neumeier provided information on the current projects happening. Concrete paving along Tenth Street is moving along. Concrete paving along the alley by Third Street is moving along. Street Superintendent Van Gompel thanked NDLC Second Grade Teacher and students for doing some painting in the parks.

3. Adjourn.

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

Meeting adjourned at 6:24 pm.

Sally Kenney
Clerk

Motion by Thiele, seconded by Kilgas to adopt the Board of Public Works Meeting Minutes of September 3, 2024 as read.
All Ald. voted aye.
Motion carried.

Finance and Personnel Committee Meeting Minutes of September 3, 2024.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Tuesday, September 3, 2024 at 6:26 pm.

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

Also present: Ald. Thiele, Ald. Antoine, Ald. Eggleston, Attorney Greenwood, DPW/Eng. Neumeier, Fire Chief Carrel, Police Chief Graff, Street Sup. Van Gompel, Com. Enrich Dir. Vosters, Naturalist Garrity, Com. Cord. Fencel, Planner Kittel, and interested citizens.

1. **Correspondence.**

None.

2. **Discussion Topics.**

a. **Memorandum of Agreement between the City of Appleton and the City of Kaukauna for Weights and Measures Services.**

Motion by Coenen, seconded by Moore to allow staff to enter into the Memorandum of Agreement between the City of Appleton and the City of Kaukauna for Weights and Measures Services.

All members voted aye.

Motion carried.

b. **ARPA Funding Request - Thermal Imaging Cameras.**

The fire department currently faces a need to replace two cameras purchased in 2007 and refurbished in 2014. Despite targeting a 20-year lifespan, they have reached the end of their operational life due to discontinued manufacturer-approved batteries. We've temporarily sourced unapproved aftermarket batteries, but this isn't a sustainable solution for critical life-safety equipment and should only be considered a stopgap measure. Discussion held and questions answered.

Motion by Moore, seconded by Kilgas to approve adding Thermal Imaging Cameras to the approved ARPA Project List.

All members voted aye.

Motion carried.

3. **Adjourn.**

Motion by Coenen, seconded DeCoster to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:37 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Antoine to adopt the Finance and Personnel Committee Meeting Minutes of September 3, 2024 as read.

All Ald. voted aye.

Motion carried.

Health and Recreation Committee Meeting Minutes of August 5, 2024.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Schell on Tuesday, September 3, 2024 at 6:38 P.M.

Members present: DeCoster, Eggleston, Schell, and Thiele.

Also present: Mayor Penterman, Ald. Coenen, Ald. Moore, Alder Antoine, Ald. Kilgas, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Com. Enrich. Rec. Dir. Vosters, Naturalist Garrity, Planner Kittel, Fire Chief Carrel, Police Chief Graff, and

interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Solicitors License to Quincy Armon, 209 E. 17th Street, Kaukauna for the sale of construction services.

Motion by Eggleston, seconded by DeCoster to approve the Solicitors License to Quincy Armon, 209 E. 17th Street, Kaukauna for the sale of construction services.

All members voted aye.

Motion carried.

b. Special Event Application to Brittany Simonson, Kaukauna Utilities for "Badger Birthday Bash" on Tuesday, October 1 from 4 to 6 pm at Hydro Park.

Motion by Thiele, seconded by DeCoster, to approve the Special Event Application to Brittany Simonson, Kaukauna Utilities for "Badger Birthday Bash" on Tuesday, October 1 from 4 to 6 pm at Hydro Park.

All members voted aye.

Motion carried.

3. Adjourn.

Motion made by Thiele, seconded by DeCoster to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:42 P.M.

Sally Kenney

Clerk

Motion by Schell, seconded by Moore to adopt the Health and Recreation Committee Meeting Minutes of September 3, 2024.

All Ald. voted aye.

Motion carried.

Board of Appeals Meeting Minutes of August 21, 2024.

Motion by Moore, seconded by Eggleston to receive and place on file the Board of Appeals Meeting Minutes of August 21, 2024.

All Ald. voted aye.

Motion carried.

Grignon Mansion Board Minutes of June 24, 2024.

Motion by Thiele, seconded by Schell to receive and place on file the Grignon Mansion Board Minutes of June 24, 2024.

All Ald. voted aye.

Motion carried.

Library Board Meeting Minutes of June 25, 2024.

Motion by Kilgas, seconded by Antoine to receive and place on file the Library Board Meeting Minutes of June 25, 2024.

All Ald. voted aye.

Motion carried.

Operator (Bartender) Licenses.

The following applicants have applied for an operator’s license for the license year 2024-2026 and have been recommended for approval based on their record check by the police department:

Aeby	Sarah	R.	1515 Vandebroek Rd. Lot 47	Little Chute
Chase	Jesse	A.	1225 E. Amelia St.	Appleton
Dudek	Elizabeth	M.	925 Northwood Dr.	Seymour
Hansen	Derek	L.	714 Meadow Ln.	Kaukauna
Jansen	Amanda	L.	621 Kaukauna St.	Kaukauna

Motion by Schell, seconded by Eggleston to approve the operator/bartender licenses.

All Ald. Voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Disallowance of Claim #WM000442410258 as Recommended by Statewide Services, Inc.

Motion by Moore, seconded by Coenen to disallow Claim WM000442410258 and direct City Staff to send Claimant a letter as directed by the Insurance company.

All Ald. Voted aye.

Motion carried.

City of Appleton | City of Kaukauna Memorandum of Agreement Weights and Measures Services.

Motion by Moore, seconded by Coenen to approve the City of Appleton/City of Kaukauna Memorandum of Agreement for Weights and Measures Services.

All Ald. Voted aye.

Motion carried.

Pigeon Request 108 w 7th Street.

Planner Kittel stated this request has come forward from a resident who has racing pigeons.

Discussion was held and questions answered.

Motion by DeCoster, seconded by Schell to allow resident to speak.

All Ald. Voted aye.

Motion carried.

Patricia Slempek, 110 Oakridge Court, Combined Locks spoke concerned about safety concerns in having pigeons.

This item will be brought back for consideration.

Lot 6 Park Place Buy Back Request.

The owners of Lot 6 Inside the Park Place have decided to no longer pursue building a home on the lot. This lot was sold on January 8th, 2024, for \$72,500. They are asking if the City would like to purchase the lot back before they look at trying to sell the lot themselves. At the time of the sale a development agreement was signed that has a timeline of three years to build a single-family dwelling. If it is not built on in that timeline the City has the option of buying the land back at the original sale price minus any closing costs. This agreement is designed to stay with the lot even if sold in that 3-year window. The City Council could purchase the lot back now if they wanted to or

wait. The main goal is to see a home built on this property, if the City buys the property back it will potentially delay the construction of a new home, it would be more advantageous to both parties to have the property sold by the existing owners knowing the existing agreement is still in effect.

Motion by Moore, seconded by Schell to allow property owner to speak.

All Ald. Voted aye.

Motion carried.

Property owner Patricia Slempek, 110 Oakridge Court, Combined Locks spoke about their desire to sell this lot.

Final Plat Blue Stem West.

Davel Engineering, agent for developer Tom Dercks, has submitted a final plat for review. Blue Stem West is a subdivision development adjacent to existing Blue Stem Meadows 3 and Wildlife Heights subdivisions. Blue Stem West adds 56 residential single-family lots to this area of the city. This development also features the completion of Red Fox Lane and White Dove Lane, which will provide adequate traffic flow for existing and future residents, and EMS. This subdivision will be developed over 17 acres, which has recently been annexed into the City of Kaukauna. The average lot size is about 10,500 square feet. There is a large range of lot sizes, from ~8,800 square feet to ~15,700 square feet. This range allows for a mix of single-family homes to be built. The smaller lots are intended for smaller cottage style homes that will attract retired persons, those that want to downsize, or young professionals. Lot widths range from 66 feet to 115.02 feet, which meets Zoning Code requirements. The Plat conforms to all provisions in Chapter 18 Subdivision and Platting Regulations of the City Ordinances. The Final Plat conforms substantially to the approved Preliminary Plat. The Plan Commission reviewed the Final plat and recommended approval of the Final Plat with the following changes: Adding 10ft drainage easement to the rear of southern lots #43 thru 56; Replace 12ft utility easement with a 10ft drainage easement in the rear of lots 1 thru 14.

Development Update.

Planning and Community Development Director Kittel provided an update of the developments happening in the City. Grand Stay Hotel in Commerce Crossing- Site plans have been approved with construction anticipated to start in the next week or two. Legacy Creekside Apartments- The western most building has occupancy and nearing completion with minor items remaining. The other apartment buildings are framed up with one foundation waiting for framing to start. TANN Corp- Manufacturing Facility at New Prosperity Industrial Park- Exterior work is finishing with interior work ongoing. Straight line-Manufacturer in New Prosperity Industrial Park- Construction is completed with some minor landscaping items and a fence to be installed. Klink Equipment- Framing is mostly completed with siding on most of the building. The Reserve- Site Plans are being finalized with construction anticipated to start this fall. Enterprise Electric- Site plans have been approved for a new 9,000 square foot facility off Driessen Drive. Construction underway with framing mostly completed. The downtown has also seen some smaller updates, with the Central Block project started at 106 W 2nd street and the completion of a mural on Heritage Mall.

City of Kaukauna feature in Livability Fox Cities Magazine.

Communications Coordinator Fencil stated this article has been released. It will be shared on social media tomorrow.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2024-5441 Resolution Authorizing the Issuance and Sale of up to \$26,556 Taxable Waterworks System Revenue Bonds, Series 2024B, and Providing for Other Details and Covenants with Respect Thereto.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2024-5441.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Resolution 2024-5441.

All Ald. voted aye.

Motion carried.

Resolution 2024-5442 Resolution Authorizing the Issuance and Sale of up to \$195,488 Taxable Waterworks System Revenue Bonds, Series 2024C, and Providing for Other Details and Covenants with Respect Thereto.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2024-5442.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2024-5442.

All Ald. voted aye.

Motion carried.

Resolution 2024-5443 Resolution to approve Blue Stem West Final Plat.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Resolution 2024-5443.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston to adopt Resolution 2024-5443.

All Ald. voted aye.

Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive bargaining reasons require a closed session - CBRF 2024-PL-08.

Item was pulled.

ADJOURN

Motion by Moore, seconded by Coenen to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 8:14 p.m.

Sally Kenney, Clerk

City - Bills Payable

Check #	Date	Class	Addressee	Absolute Value of Amount
00000248/1	8/16/2024	General Fund - 101	Diversified Benefit Services, Inc (DBS) (ACH)	2,989.63
00000248/2	8/16/2024	General Fund - 101	Fire Association Local 1594	595.28
00000248/3	8/16/2024	General Fund - 101	Police Association	696.00
00000248/4	8/16/2024	General Fund - 101	Fire House Fund	320.00
00000248/5	8/16/2024	General Fund - 101	Pelion Benefits, Inc (SSA)	5,289.69
122648	8/20/2024	Park & Pool Capital - 422	Unison Credit Union	1,554.98
122649	8/20/2024	General Fund - 101	Unison Credit Union	6,211.66
122650	8/23/2024	General Fund - 101	A T F Tires & Service Center Inc.	481.17
122651	8/23/2024	General Fund - 101	Aaron Duesterhoeft	4,600.00
122652	8/23/2024	General Fund - 101	Advanced Maintenance Solutions	1,687.85
122653	8/23/2024	General Fund - 101	Airgas USA, LLC	212.04
122654	8/23/2024	General Fund - 101	Amber Lewis	44.00
122655	8/23/2024	TID #5 Construction Fund - 465	Amundsen Davis, LLC	527.00
122656	8/23/2024	TID #11 Construction Fund - 471	Amundsen Davis, LLC	6,889.50
122657	8/23/2024	General Fund - 101	Applied Industrial Tech, Inc.	12.92
122658	8/23/2024	General Fund - 101	ARS Productions	4,000.00
122659	8/23/2024	General Fund - 101	Ascent Consulting, LLC	4,650.00
122660	8/23/2024	General Fund - 101	Automotive Supply Co	23.20
122661	8/23/2024	General Fund - 101	Bergstrom CDJR Fiat of Kaukauna	51.04
122662	8/23/2024	General Fund - 101	Bound Tree Medical, LLC.	1,245.81
122663	8/23/2024	General Fund - 101	Brian Lesinski	250.00
122664	8/23/2024	Storm Water Utility - 601	Brooks Tractor Inc.	459.30
122665	8/23/2024	Sanitary Sewer Utility - 602	Carl Bowers & Sons Construction Co, Inc	1,276,784.02
122666	8/23/2024	General Fund - 101	Carstens Ace Hardware	46.76
122667	8/23/2024	General Fund - 101	Cavendish Square	305.64
122668	8/23/2024	General Fund - 101	CDW Government	416.95
122669	8/23/2024	General Fund - 101	Charter Communications	1,443.39
122670	8/23/2024	General Fund - 101	City Of Appleton	805.00
122671	8/23/2024	Streets & Sidewalk Capital - 420	County Materials Corporation	1,595.12
122672	8/23/2024	General Fund - 101	Drexel Building Supply	176.88
122673	8/23/2024	General Fund - 101	Econoprint Powderkeg Web Design	4,800.00
122674	8/23/2024	Storm Water Utility - 601	Enterprise Electric Inc	23,000.00
122675	8/23/2024	General Fund - 101	Esmerelda Mireles	200.00
122677	8/23/2024	General Fund - 101	EZ Glide Garage Doors	110.00
122678	8/23/2024	Park & Pool Capital - 422	Finger Publishing, Inc.	317.68
122679	8/23/2024	General Fund - 101	Finger Publishing, Inc.	50.00
122680	8/23/2024	General Fund - 101	Fox Specialty Company LLC	85.49
122681	8/23/2024	General Fund - 101	Fox Valley Technical College	501.00
122682	8/23/2024	General Fund - 101	General Beer Dist-NE	1,027.08
122683	8/23/2024	General Fund - 101	Great Lakes Coca-Cola Distribution	1,043.82
122684	8/23/2024	General Fund - 101	Griesbach Diamond Water Inc.	612.71
122685	8/23/2024	General Fund - 101	Griesbach Ready-Mix, LLC	541.00
122686	8/23/2024	General Fund - 101	GrowCo	90.00
122687	8/23/2024	General Fund - 101	Haen Meat Packing	601.93
122688	8/23/2024	General Fund - 101	Holiday Wholesale, Inc.	488.60
122689	8/23/2024	General Fund - 101	Horst Distributing, Inc.	1,260.00
122690	8/23/2024	General Fund - 101	Human Resources Consulting, LLC	2,897.50

Check #	Date	Class	Addressee	Absolute Value of Amount
122691	8/23/2024	General Fund - 101	Ingram	325.70
122692	8/23/2024	General Fund - 101	Integrated Printing, Labels & Promotional Products	240.00
122693	8/23/2024	General Fund - 101	Intoximeters Inc.	58.00
122694	8/23/2024	General Fund - 101	Iron Mountain Inc.	11.95
122695	8/23/2024	General Fund - 101	James Imaging	62.94
122696	8/23/2024	General Fund - 101	John Fabick Tractor Company	199.13
122697	8/23/2024	TID #6 Construction Fund - 466	Journal Communications, Inc.	4,335.00
122698	8/23/2024	General Fund - 101	Kathleen Pynenberg	200.00
122699	8/23/2024	General Fund - 101	KidStage	1,120.00
122700	8/23/2024	General Fund - 101	Killian's Landscaping, Inc.	250.00
122701	8/23/2024	General Fund - 101	Klink Hydraulics, LLC	196.74
122702	8/23/2024	Sanitary Sewer Utility - 602	Lazer Utility Locating, LLC	248.75
122703	8/23/2024	American Rescue Plan Act Funds - 223	Lee Recreation, LLC	3,264.78
122704	8/23/2024	General Fund - 101	Marco	1,196.00
122705	8/23/2024	General Fund - 101	Marco Technologies LLC NW 7128	53.75
122706	8/23/2024	General Fund - 101	MCC Inc.	695.64
122707	8/23/2024	Rack - Commercial Revolving - 206	McCarty Law, LLP	3,244.00
122708	8/23/2024	Park & Pool Capital - 422	McMahon Associates Inc	1,614.75
122709	8/23/2024	General Fund - 101	Milton Propane	261.90
122710	8/23/2024	General Fund - 101	Modern Dairy	4,320.38
122711	8/23/2024	General Fund - 101	Neenah/Menasha Municipal Court	237.00
122712	8/23/2024	General Fund - 101	Office Enterprises, Inc.	33.00
122713	8/23/2024	General Fund - 101	ORKIN Pest Control	217.98
122714	8/23/2024	General Fund - 101	Outagamie Waupaca Library System	132.00
122715	8/23/2024	General Fund - 101	Pleshek's Outdoor Power	13.00
122716	8/23/2024	General Fund - 101	Quadient Finance USA, Inc.	1,000.00
122717	8/23/2024	General Fund - 101	Quality Truck Care Center	82.04
122718	8/23/2024	General Fund - 101	Rachelle Hansen	300.00
122719	8/23/2024	General Fund - 101	Reinders Inc.	105.46
122720	8/23/2024	Storm Water Utility - 601	Reinders Inc.	327.00
122721	8/23/2024	General Fund - 101	RG Inspections LLC	5,446.00
122722	8/23/2024	General Fund - 101	Riesterer & Schnell Inc	332.07
122723	8/23/2024	General Fund - 101	Rivistas Subscription Services	1,950.68
122724	8/23/2024	General Fund - 101	Sally Kenney	74.52
122725	8/23/2024	General Fund - 101	Schindler Elevator Corporation	5,423.00
122726	8/23/2024	General Fund - 101	Screening One, Inc.	71.20
122727	8/23/2024	General Fund - 101	Seagrave Fire Apparatus, LLC	1,357.00
122728	8/23/2024	General Fund - 101	Security Fence & Supply Co, Inc.	1,776.00
122729	8/23/2024	General Fund - 101	Sherwin Industries	621.81
122730	8/23/2024	General Fund - 101	Stoneridge Piggly Wiggly	639.50
122731	8/23/2024	General Fund - 101	T-Mobile	391.22
122732	8/23/2024	General Fund - 101	Terri Vosters	31.50
122733	8/23/2024	General Fund - 101	TheDACare Laboratories	85.00
122734	8/23/2024	General Fund - 101	Tim Greenwood	33.13
122735	8/23/2024	General Fund - 101	Truck Country Of Wisconsin	221.05
122736	8/23/2024	General Fund - 101	Van Abel's of Hollandtown	404.00
122737	8/23/2024	General Fund - 101	VESTIS	83.16
122738	8/23/2024	Streets & Sidewalk Capital - 420	Vinton Construction Co.	6,840.00
122739	8/23/2024	General Fund - 101	Warning Lites of Appleton, Inc.	2,650.00

Check #	Date	Class	Addressee	Absolute Value of Amount
122740	8/23/2024	General Fund - 101	Waste Management of WI	528.56
122741	8/23/2024	General Fund - 101	We Energies	2,217.51
122742	8/23/2024	General Fund - 101	West Bend Mutual Insurance Company	20.00
122743	8/23/2024	General Fund - 101	Weyers Equipment Inc	8,448.84
122744	8/23/2024	General Fund - 101	Wis. Dept. of Financial Institutions	20.00
122745	8/23/2024	General Fund - 101	Wisconsin Dept of Justice	7.00
122746	8/23/2024	General Fund - 101	Youth Enrichment League	2,518.00
122747	8/23/2024	Storm Water Utility - 601	Zignego Company, Inc.	30,829.68
122748	8/23/2024	Streets & Sidewalk Capital - 420	Zignego Company, Inc.	20,618.25
00000249/1	8/23/2024	Solid Waste - 220	Wis. Dept. of Revenue - ACH PAYMENT	207.24
00000250/1	8/23/2024	General Fund - 101	Wis. Dept. of Revenue - ACH PAYMENT	8,935.21
00000250/2	8/23/2024	General Fund - 101	Wisconsin Employee Trust Funds (ETF)	192,178.23
00000250/3	8/23/2024	General Fund - 101	MissionSquare Retirement	18,994.92
00000250/4	8/23/2024	General Fund - 101	Delta Dental of Wisconsin	4,236.04
00000251/1	8/23/2024	Industrial Park - 401	Kaukauna Utilities	47.65
00000252/1	8/23/2024	TID #5 Construction Fund - 465	Kaukauna Utilities	157.80
00000253/1	8/23/2024	Sanitary Sewer Utility - 602	Kaukauna Utilities	146.85
00000254/1	8/23/2024	Storm Water Utility - 601	Kaukauna Utilities	10.50
00000255/1	8/23/2024	General Fund - 101	Garrow Oil Corp.	21,368.46
00000255/2	8/23/2024	General Fund - 101	Kaukauna Utilities	28,322.16
00000255/3	8/23/2024	General Fund - 101	Midwest Tape	1,143.20
00000255/4	8/23/2024	General Fund - 101	Superior Chemical, LLC	1,232.98
122749	8/30/2024	General Fund - 101	Alberta Mess	110.00
122750	8/30/2024	General Fund - 101	Amy Stenz	110.00
122751	8/30/2024	General Fund - 101	Anthony Sonnleitner	120.00
122752	8/30/2024	Storm Water Utility - 601	AT&T Mobility	42.12
122753	8/30/2024	General Fund - 101	AT&T Mobility	134.14
122754	8/30/2024	General Fund - 101	Aubrey Norred	500.00
122755	8/30/2024	Sanitary Sewer Utility - 602	Automotive Supply Co	49.05
122756	8/30/2024	Sanitary Sewer Utility - 602	Batteries Plus, LLC.	39.50
122757	8/30/2024	General Fund - 101	Bound Tree Medical, LLC.	421.91
122758	8/30/2024	Park & Pool Capital - 422	Capital One Commercial	705.08
122759	8/30/2024	General Fund - 101	Capital One Commercial	342.82
122760	8/30/2024	Park & Pool Capital - 422	Carl Bowers & Sons Construction Co, Inc	12,680.00
122761	8/30/2024	General Fund - 101	Carmen Greenwood	110.00
122762	8/30/2024	Park & Pool Capital - 422	Carrico Aquatic Resources	2,205.50
122763	8/30/2024	General Fund - 101	Carrie Prellwitz	280.00
122764	8/30/2024	General Fund - 101	Carstens Ace Hardware	440.35
122765	8/30/2024	General Fund - 101	CDW Government	134.00
122766	8/30/2024	General Fund - 101	Cellcom	1,641.07
122767	8/30/2024	General Fund - 101	Charles West	110.00
122768	8/30/2024	General Fund - 101	Cheryl Owen	180.00
122769	8/30/2024	General Fund - 101	Cheryl Smith	225.00
122770	8/30/2024	General Fund - 101	Christina DiPiazza	225.00
122771	8/30/2024	General Fund - 101	Christine Gries	280.00
122772	8/30/2024	General Fund - 101	Christine Prinsen	120.00
122773	8/30/2024	General Fund - 101	Cintas Corp.	652.27
122774	8/30/2024	General Fund - 101	Complete Office of Wisconsin	426.56
122775	8/30/2024	General Fund - 101	DC Auto Repair, LLC	117.87

Check #	Date	Class	Addressee	Absolute Value of Amount
122776	8/30/2024	General Fund - 101	Dean Enterprises, LLC	122.50
122777	8/30/2024	General Fund - 101	Debbie Sonnleitner	110.00
122778	8/30/2024	Park & Pool Capital - 422	DGA	8,816.37
122779	8/30/2024	General Fund - 101	Donna Mael	110.00
122780	8/30/2024	General Fund - 101	Energy Control & Design, Inc.	2,173.00
122781	8/30/2024	General Fund - 101	Enterprise Electric Inc	1,910.00
122782	8/30/2024	General Fund - 101	Eunice Plutz	110.00
122783	8/30/2024	General Fund - 101	Faith Technologies, Inc.	2,264.59
122784	8/30/2024	General Fund - 101	Fox Crossing Police Department	374.50
122785	8/30/2024	General Fund - 101	Fox River Vending, Inc.	84.00
122786	8/30/2024	General Fund - 101	Fox Specialty Company LLC	223.48
122787	8/30/2024	General Fund - 101	GFL Green For Life Environmental	644.49
122788	8/30/2024	General Fund - 101	Haenco LLC	1,218.01
122789	8/30/2024	Park & Pool Capital - 422	HMF Innovations	7,843.00
122790	8/30/2024	General Fund - 101	Holiday Wholesale, Inc.	525.80
122791	8/30/2024	General Fund - 101	I/O Solutions, Inc.	96.00
122792	8/30/2024	General Fund - 101	Ingram	442.86
122793	8/30/2024	General Fund - 101	Janice Dunham	110.00
122794	8/30/2024	General Fund - 101	Jean Landreman	225.00
122795	8/30/2024	General Fund - 101	Jerrod Butteris	125.00
122796	8/30/2024	General Fund - 101	Jim Carr	110.00
122797	8/30/2024	General Fund - 101	Jonathon Gregory	38.19
122798	8/30/2024	General Fund - 101	Joyce Diedrich	110.00
122799	8/30/2024	General Fund - 101	JX Enterprises, Inc.	491.15
122800	8/30/2024	General Fund - 101	Karen Trom	225.00
122801	8/30/2024	General Fund - 101	Kathy Stoffel	110.00
122802	8/30/2024	General Fund - 101	Kaye Shukosky	68.00
122803	8/30/2024	General Fund - 101	Kitty Verhagen	180.00
122804	8/30/2024	General Fund - 101	Klink Hydraulics, LLC	165.40
122805	8/30/2024	General Fund - 101	Kuettel's Septic Service	225.00
122806	8/30/2024	General Fund - 101	LaForce	246.50
122807	8/30/2024	Park & Pool Capital - 422	Lappen Security Products, Inc.	4,745.76
122808	8/30/2024	General Fund - 101	Mackenzie Grondahl	120.00
122809	8/30/2024	General Fund - 101	Madelyn West	609.21
122810	8/30/2024	General Fund - 101	Marcia Weber	130.00
122811	8/30/2024	General Fund - 101	Marco	64.46
122812	8/30/2024	General Fund - 101	Mark Landreman	225.00
122813	8/30/2024	General Fund - 101	Mary Bloomer	110.00
122814	8/30/2024	General Fund - 101	Mary Frank	110.00
122815	8/30/2024	General Fund - 101	McMahon Associates Inc	772.40
122816	8/30/2024	General Fund - 101	Milton Propane	174.60
122817	8/30/2024	General Fund - 101	Modern Dairy	58.10
122818	8/30/2024	General Fund - 101	Nancy Zornow	110.00
122819	8/30/2024	General Fund - 101	Old Republic Surety Group	70.00
122820	8/30/2024	General Fund - 101	Pam VanDera	110.00
122821	8/30/2024	General Fund - 101	Patricia Baerenwald	110.00
122822	8/30/2024	General Fund - 101	Peggy Blenke	110.00
122823	8/30/2024	General Fund - 101	Penni Pautz	110.00
122824	8/30/2024	General Fund - 101	Plymouth Lubricants	4,163.50

Check #	Date	Class	Addressee	Absolute Value of Amount
122825	8/30/2024	General Fund - 101	Quality Truck Care Center	6.02
122826	8/30/2024	General Fund - 101	Richard Bloomer	120.00
122827	8/30/2024	General Fund - 101	Richard Steffens	110.00
122828	8/30/2024	General Fund - 101	Robert Smith	225.00
122829	8/30/2024	Storm Water Utility - 601	Roger Bowers Construction Co, Inc	8,102.95
122830	8/30/2024	General Fund - 101	Roger Holtz	225.00
122831	8/30/2024	General Fund - 101	Ryan Sprangers	125.00
122832	8/30/2024	General Fund - 101	S.I. Metals and Supply	144.00
122833	8/30/2024	General Fund - 101	Sally Feistel	110.00
122834	8/30/2024	General Fund - 101	Sandy Hayes	110.00
122836	8/30/2024	General Fund - 101	Sandy Wolfe	125.00
122837	8/30/2024	General Fund - 101	Sarah Landreman	110.00
122838	8/30/2024	General Fund - 101	Scott Hayes	110.00
122839	8/30/2024	General Fund - 101	Sherwin Industries	397.60
122840	8/30/2024	General Fund - 101	Showcases	270.00
122841	8/30/2024	General Fund - 101	Silver Squirrel Engraving & Gifts	14.00
122842	8/30/2024	General Fund - 101	Sue Kiser	245.00
122843	8/30/2024	General Fund - 101	T J'z Towing LLC	160.00
122844	8/30/2024	General Fund - 101	Teri Hietpas	280.00
122845	8/30/2024	General Fund - 101	Val Fischer	110.00
122846	8/30/2024	General Fund - 101	VandenPlas Portable Solutions, LLC	1,712.00
122847	8/30/2024	General Fund - 101	VESTIS	265.23
122848	8/30/2024	General Fund - 101	Virginia Schuller-Rach	225.00
00000256/1	8/30/2024	General Fund - 101	Superior Chemical, LLC	654.54
Total				1,834,717.90

**PROCLAMATION RECOGNIZING
NATIONAL DRIVE ELECTRIC WEEK**

September 27 to October 6, 2024

WHEREAS, petroleum-fueled vehicles are responsible for 30% of U.S. greenhouse gas emissions and are a contributing factor to air pollution and climate change, threatening the health of our citizens and the sustainability of our planet; and

WHEREAS, the transportation sector needs support to move toward adoption of clean energy technology, including plug-in electric vehicles, that reduces our dependence on foreign fuels and supports a healthy environment and economy; and


WHEREAS, Kaukauna is dedicated to being a leader in the use of clean energy, establishing policies and programs that conserve energy, and promote sustainability; and

WHEREAS, September 27 to October 6, 2024 has been designated as National Drive Electric Week throughout the United States to educate our citizens about the benefits of plug-in electric vehicles and to promote their adoption; and

WHEREAS, Kaukauna is hosting the annual Drive Electric Fox Cities EV car show on Saturday, October 5, 2024 at Hydro Park;

NOW, THEREFORE, I, Anthony J. Penterman, Mayor of the City of Kaukauna, do hereby proclaim September 27 to October 6, 2024 as "Drive Electric Week" in the City of Kaukauna, Wisconsin and call upon all residents of this great city to join me in supporting the aims and goals of this worldwide effort.

Dated this 17th day of September 2024.



Anthony J. Penterman, Mayor



BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Monday, September 16, 2024 at 6:00 P.M.

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

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Fire Chief Carrel, Police Chief Graff, Com. Enrich & Rec. Mgr. Vosters, and interested citizens.

1. Correspondence – none.

2. Discussion Topics.

a. Recommendation for award of Project 7-24 – Municipal Services Building Fence.

DPW/Eng. Neumeier stated the Engineering Department has reviewed and analyzed the single bid received from Milbach Construction Services Co, Kaukauna for Project #7-24 –Municipal Services Building Fence. Due to only receiving one bid, we have searched out similar projects in the area and adjusted for size, scope, and inflation. After meeting with the proposed subcontractors and comparing similar items and two similar projects in 2021 and 2022, we believe the pricing is competitive and we will recommend awarding the project. Discussion held and questions answered.

Motion by Moore, seconded by DeCoster to award Project #7-24 – Municipal Services Building Fence to Milbach Construction Services for the total bid price of \$77,796.81 and approve adding this project to the ARPA Project List to utilize any remaining unspent funds.

All Ald. voted aye.

Motion carried.

b. Recommendation for award for 2024 or newer Wheel Loader.

Street Superintendent Van Gompel the stated four bids were received and reviewed by staff. Airing Equipment with the Volvo L90 Loader was low bid. With a trade value at \$6000 from Airing Equipment staff believes it would be a better financial decision to sell the 1991 John Deere Grader rather than taking the trade. Monroe Equipment who will be building this plow package advised to upgrade the hydraulic cylinders on the front plow. Specifications called for 3" cylinders which could cause cylinders to fail under heavy load. The advised cylinders would be 4". Monroe Equipment and staff believe this is a necessary upgrade for the larger plow package. This option is \$587.00. Discussion held and questions answered.

Motion by Antoine, seconded by Eggleston to approve the Street Superintendent to award bid for new loader (Unit 21) to Airing Equipment plus all three options without trade for \$371,187.

All Ald. Voted aye.

Motion carried.

c. Notice of Non-Compliance for Closed CE Landfill.

DPW/Eng. Neumeier stated there are some items that the City can take care of, other items will need to be discussed further with DNR. Neumeier will provide an update and proposed correspondence at the next Board meeting. Discussion held and questions answered.

3. Adjourn.

Motion made by Schell, seconded by Eggleston to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:16 pm.

Sally Kenney
Clerk

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Monday, September 16, 2024 at 6:17 pm.

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

Also present: Ald. Thiele, Ald. Antoine, Ald. Eggleston, Attorney Greenwood, DPW/Eng. Neumeier, Fire Chief Carrel, Police Chief Graff, Street Sup. Van Gompel, Com. Enrich Dir. Vosters, HR Dir. Hodge (via ZOOM) and interested citizens.

1. Correspondence.

None.

2. Discussion Topics.

a. Donation request from Holy Cross Parish for Oktoberfest parish fundraiser.

Holy Cross Parish has requested a donation for their annual Oktoberfest on October 27, 2024. Vosters stated that the City receives several requests like this per year. She is looking for guidance from the Finance and Personnel Committee on supporting these requests. Discussion was held and questions answered.

b. Permission to fill Laborer position due to resignation.

Laborer, Ryan Sprangers, has submitted resignation from his position effective 9/20/2024.

Motion by Moore, seconded by Coenen to authorize staff to fill a laborer position due to resignation.

All members voted aye.

Motion carried.

c. Permission to fill Recreation Program Manager position due to resignation.

Recreation Program Manager, Carly Zimmer, has submitted resignation from her position effective 11/29/2024.

Motion by Schell, seconded by DeCoster to authorize staff to fill the Recreation Program Manager position due to resignation.

All members voted aye.

Motion carried.

d. Permission to fill Firefighter/Paramedic position due to resignation.

Firefighter/Paramedic, Stephan McEssey, has submitted resignation from his position effective 9/20/2024.

Motion by Moore, seconded by Coenen to authorize staff to fill the Firefighter/Paramedic position due to resignation.

All members voted aye.

Motion carried.

3. Adjourn.

Motion by Coenen, seconded DeCoster to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:33 pm.

Sally Kenney, Clerk

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Schell on Monday, September 16, 2024 at 6:34 P.M.

Members present: DeCoster, Eggleston, Schell, and Thiele.

Also present: Mayor Penterman, Ald. Coenen, Ald. Moore, Alder Antoine, Ald. Kilgas, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Com. Enrich. Rec. Dir. Vosters, Fire Chief Carrel, Police Chief Graff, and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Special Event Application to Iris Kriefall, Kaukauna Clinic on October 5, 2024 from 7:30 -11 am for Kaukauna Clinic Drive-Thru Flu Clinic.

Motion by DeCoster, seconded by Eggleston to approve the Special Event Application to Iris Kriefall, Kaukauna Clinic on October 5, 2024 from 7:30 -11 am for Kaukauna Clinic Drive-Thru Flu Clinic.

All members voted aye.

Motion carried.

b. Special Event Application to Dawn Gasparick on October 6, 2024 from 11 am to 2 pm for Halloween Dress Up at the Kaukauna Dog Park.

Motion by Eggleston, seconded by DeCoster to approve the Special Event Application to Dawn Gasparick on October 6, 2024 from 11 am to 2 pm for Halloween Dress Up at the Kaukauna Dog Park.

All members voted aye.

Motion carried.

c. Special Event Application and Amplified Music Request to Samantha Behnke, Girl Scout Troop 2284 on October 25, 2024 from 5-9 pm for Girl Scout Dance - Halloween.

Motion by Thiele, seconded by DeCoster to approve Special Event Application and Amplified Music Request to Samantha Behnke, Girl Scout Troop 2284 on October 25, 2024 from 5-9 pm for Girl Scout Dance - Halloween.

All members voted aye.

Motion carried.

d. Special Event Application and Amplified Music request to Officer Adam Vander Hyden, Kaukauna School District on October 2, 2024 from 5:45-6:46 pm for Homecoming Parade

Motion by DeCoster, seconded by Eggleston to approve the Special Event Application to Officer Adam Vander Hyden, Kaukauna School District on October 2, 2024 from 5:45-6:46 pm for Homecoming Parade.

All members voted aye.

Motion carried.

e. Special Event Application and Amplified Music request to Andrea Renkas, Motherhood Alliance, LLC on October 19, 2024 from 8:00 am -3:00 pm for Trunk or Treat Community Event.

Motion by DeCoster, seconded by Thiele to approve the Special Event Application to Andrea Renkas, Motherhood Alliance, LLC on October 19, 2024 from 8:00 am -3:00 pm for Trunk or Treat Community Event.

All members voted aye.

Motion carried.

f. Temporary Class B License to Holy Cross Church, 309 Denoyer Street on October 27, 2024 for Oktoberfest.

Motion by Eggleston, seconded by Thiele to approve the Temporary Class B License to Holy Cross Church, 309 Denoyer Street on October 27, 2024 for Oktoberfest.

All members voted aye.

Motion carried.

g. Live! from Hydro 2024 Recap.

This year we moved the Farmers Market on Wednesday nights with a similar time to the Live! Concerts looking to drive participation to both events. This was a success as both events saw crossover participation. Community Enrichment and Recreation Director Vosters thanked the artists, volunteers, and audience for making this concert series a success.

3. Adjourn.

Motion made by Thiele, seconded by DeCoster to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:41 P.M.

Sally Kenney
Clerk

MINUTES

**HEART OF THE VALLEY METROPOLITAN SEWERAGE DISTRICT
REGULAR MEETING HELD ON AUGUST 13, 2024 AT THE
HEART OF THE VALLEY MSD MEETING ROOM**

Members Present: David Casper - President (via phone)
Bruce Siebers - Vice President
Patrick Hennessey - Secretary
John Sundelius - Commissioner
Kevin Coffey - Commissioner

Absent: None

Also Present: Brian Helminger - District Director HOVMSD
Dawn Bartel - Office Manager HOVMSD
Chad Giackino - Regulatory Compliance Manager HOVMSD
Dustin Jerabek - Director of Operations & Maintenance HOVMSD
Scott Schramm - Strategic Municipal Services
John Neumeier - City of Kaukauna

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

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

2. Public Appearances

No appearances were made.

3. Approval of the Minutes of the July 9, 2024 Regular Meeting

The minutes of the July 9, 2024 Regular Meeting were presented to the Commission. A motion was made by Commissioner Coffey and seconded by Commissioner Sundelius to approve the minutes as written and presented. Motion carried unanimously. The minutes were reviewed by District Director Helminger and Commission Secretary Hennessey prior to the meeting.

4. Correspondence

The commission received a copy of a Times Villager article regarding the progress being made on the interceptor project, and another article regarding boating safety on the Fox River during construction.

5. General Discussion Items

A. Interceptor Rehab Project - Monthly Activity Report

Scott Schramm of Strategic Municipal Services provided a detailed activity/progress summary for July. Phase 1 of the project is nearing completion. Prepping efforts have begun for Phase 2 which will begin mid-September and continue through late November. Scott noted that he'll be presenting a slide show at the September commission meeting.

B. Effluent Filtration Project - Monthly Activity Report

Staff updated the Commission on the final stages of the effluent filtration project. Punchlist items are being addressed and Veolia will be working on-site for a continuous two weeks to fine tune chemical usage & effluent quality, and performance testing. The 30-day performance testing began yesterday. Veolia is also in the drawing stages of upgrading the pumps and polymer aging tank because of a design flaw, which Veolia will cover the associated costs. Staff is working with Leonard & Finco for preparations of an open house for later this fall.

C. FOG Program - Monthly Activity Report

John Stoeger of Stoeger & Associates provided a written fats, oil, and grease update by community, including a grease trap inspection report and site visit correspondence. The Commission also received an itemized copy of the July 2024 invoice.

D. Leonard & Finco - Monthly Activity Report

Leonard & Finco provided a written monthly update of projects completed in July as well as a list of ongoing and upcoming tasks for August and September which includes social media distribution to member communities, completion of a facility brochure, website updates, and initial plans for an effluent disc project open house.

E. Intermunicipal Cooperation Agreement with Outagamie County Land Conservation; Discussion & Possible Action

HOV issued a check to Kaukauna Utilities on 7/2/2024 in the amount of \$9,453 to install electric service at the District's agricultural runoff treatment system (ARTS). Outagamie County will reimburse the District for installation costs beyond the previously commission approved amount of \$4,000. An Intergovernmental Cooperation Agreement (ICA) will capture the history and intentions of both parties for now and the future. The Agreement also specifies that HOV agrees to pay up to \$1,000 per year for monthly power consumption. After a review of the ICA provided by the Outagamie County Land Conservation Department, the Commission asked District Director Helminger to contact the County and get clarification on Item #2 regarding site developments or improvements that exceed \$5,000.

6. Plant Reports for July 2024

A. Flows & Revenues Report

The Commission received a copy of the hydraulic & organic loadings data, along with flow & strength projections, which shows the year-to-date surplus/deficit in revenue for the month of July 2024. Revenue received from the WPS-Fox Energy Center for effluent purchased in

July = \$18,609.23; Revenue received to date for 2024 = \$113,354.65. WPS-Fox Energy purchased 35% of the effluent produced in July.

The average effluent concentrations for **July 2024** were as follows:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Permit Limit</i>
BOD-Biochemical Oxygen Demand	5.2 mg/L	30 mg/L
Suspended Solids	5.0 mg/L	30 mg/L
Suspended Solids	257 lbs.	801 lbs.
Phosphorus	.16 mg/L	1.0 mg/L
Ammonia	.21 mg/L	4.4 mg/L
Chlorides	522 mg/L	n/a

All permit values were met for July 2024.

B. Operations & Maintenance Report

Dustin Jerabek provided a written O&M report and noted that plant operations and treatment were good for July with the exception of a blending event from 10:15 PM on 7/13 to 2:11 AM on 7/14. The VFD on blower #2 was rebuilt and installed in May of 2024 but would not turn back on after being taken down for maintenance in July. The unit will be exchanged under warranty. Jerabek’s report also included an update of issues with Biostyr blower #1, #4, & #5. Blower #1 was sent to Aerzen to be inspected for a rebuild or full replacement. Blower #4 was replaced at a cost of \$8,500. Blower #5 had pulleys and belts replaced at a cost of \$1,818. A quote was received by Aerzen for a full preventative maintenance inspection on all biostyr blowers from Aerzen at a cost of \$5,642.

7. Financials

A. August 2024 Accounts Payable; Action for Approval

After a review of the bills payable, a motion was made by Commissioner Coffey and seconded by Commissioner Hennessey to approve payment of the bills in the amount of \$1,952,416.21. A roll call vote was taken: Commissioner Casper, yes; Commissioner Sundelius, yes; Commissioner Coffey, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously. The Commission signed the check voucher register which includes general, pre-paid, and petty cash checks.

B. Budget Comparison Report

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

8. General Old or New Business

- *Mechanic Vacancy:* The mechanic/PCT position remains vacant; recruitment efforts are continuing with interviews being held over the next couple weeks.

- *PSC Update:* The PSC has ruled in favor of HOVMSD but a formal written response has not yet been received.
- *2025 Budget:* There will be a budget workshop on the September 10th agenda, with approval at the October 8th commission meeting.
- *Carlson Dettmann Compensation Review:* Matt Shefchik of Carlson Dettmann will present findings and recommendations at the September commission meeting.
- *Biosolids Hauling:* Hauling began on 7/29/2024. Rain events have prevented hauling due to wet fields but emptying the tanks shouldn't be a problem because of the availability of additional fields.
- *Outagamie County Landfill:* The landfill reported that progress on the leachate tank and load facility is going well. A meeting is scheduled for 8/15 with the landfill, HOV, and the Village of Little Chute to discuss discharge options.

9. Adjournment

With no further business before the Commission, a motion was made by Commissioner Sundelius and seconded by Commissioner Coffey to adjourn the meeting. Motion carried unanimously. (Time: 5:53 PM)

SIGNED & APPROVED BY:  _____
Patrick E. Hennessey, Secretary

BOARD OF APPEALS

A Meeting of The Board of Appeals was called to order by Chair Kavanaugh at 4:00 P.M. on Wednesday, September 11, 2024.

Members present: Fallona, Nisler, Hennes, Kavanaugh.

Absent & Excused: Brandt, Vandeberg, Werschem.

Also Present: Planning/Eng. Tech. Holmes and Property Owner.

Motion by Hennes, seconded by Fallona to excuse the absent members.
All members present voted aye.
Motion carried.

Kenney read the official published ad relative to the appeal. Notice is hereby given that Marty and Jackie DeCoster, 157 Raught Street, Kaukauna, Wisconsin have applied for a variance to the Zoning Board of Appeals for a decision of the City Building Inspector as follows:

ADDRESS OF AFFECTED PARCEL: 157 Raught Street, Kaukauna, WI 54130

The applicant is requesting a variance to construct a utility storage structure. The proposed structure is 336 square feet, whereas Kaukauna Municipal Ordinance Section 17.16 (5). c. allows for a maximum square footage of 170 square feet.

Property owner Jackie DeCoster was sworn in.

Jackie gave background on the reasoning for the appeal request.

Planning/Eng. Tech. Holmes stated this property does have an unusual or unique characteristic which creates a hardship. This hardship is self-created. The applicant will not be able to construct the proposed storage structure without the granting of this variance. The variance that is being requested is the minimum amount needed to allow construction of the utility storage structure. The granting of this variance will not have a negative effect on the neighboring properties. The applicant combined the two lots they own to facilitate this project. The shed will be tucked into the back corner of the property.

Motion by Hennes, seconded by Fallona to approve the variance to Marty and Jackie DeCoster, 157 Raught Street, Kaukauna, WI 54130.
All members present voted aye.
Motion carried.

Motion by Hennes, seconded by Nisler to adjourn.
All members present voted aye.
Motion carried.

Meeting adjourned at 4:06 P.M.

Sally Kenney, Clerk

The following applicants have applied for an operator's license for the license year **2024-2026** and have been recommended for approval based on their record check by the police department:

Bowers	Alyssa	R.	W1792 Dragonfly Ct.	Kaukauna
Burns	Andrew	R.	141 Lamplighter Dr. Apt. 3	Kaukauna
Creapeau	Rose	G.	204 Depot St.	Kaukauna
Kasten	Elizabeth	D.	807 W. Wisconsin Ave.	Kaukauna
LaBrec	Amanda	K.	2219 E. John St.	Appleton
Lukasavage	Melissa	L.	604 W. 9th St.	Kaukauna
Miller	Hollan	B.	916 Denise Ct.	Kaukauna
O'Claire	James	K.	2200 Green Bay Rd. #202	Kaukauna
VanCamp	Peggy	J.	W2290 Dans Ct.	Kaukauna
Verstegen	Nicole	M.	3091 Green Meadow Dr. #5	Appleton

Kaukauna Fire Department

Fire Report - August 2024

Incident Type: Fire		
Code - Description	Number of Runs	Year to Date
111 - Building Fire	1	7
113 - Cooking Fire, Confined to Container	0	4
131 - Passenger Vehicle Fire	1	1
143 - Grass Fire	1	1
151 - Outside Rubbish, Trash, or Waste Fire	0	1
Total	3	14

Incident Type: Overpressure Rupture, Explosion, Overheat (No Fire)		
Code - Description	Number of Runs	Year to Date
240 - Explosion (no fire)	0	1
Total	0	1

Incident Type: Rescue & Emergency Medical Services		
Code - Description	Number of Runs	Year to Date
311 - Medical Assist, Assist EMS Crew	0	2
321 - EMS Call	161	974
322 - Motor Vehicle Accident With Injuries	3	22
323 - Motor Vehicle/Pedestrian Accident	1	2
324 - Motor Vehicle Accident With No Injuries	1	6
342 - Search for Person in Water	1	1
353 - Removal of Victim(s) from Stalled Elevator	0	1
360 - Water & Ice-Related Rescue, Other	0	1
381 - Rescue or EMS Standby	1	1
Total	168	1,010

Incident Type: Rescue & Emergency Medical Services		
Code - Description	Number of Runs	Year to Date
400 - Hazardous Condition, Other	0	1
410 - Combustible/Flammable Gas/Liquid Condition, Other	0	1
411 - Gasoline or Other Flammable Liquid Spill	2	4
412 - Gas Leak (natural gas or LPG)	2	8
413 - Oil or Other Combustible Liquid Spill	0	1
422 - Chemical Spill or Leak	0	1
424 - Carbon Monoxide Incident	2	5
440 - Electrical Wiring/Equipment Problem, Other	0	1
442 - Overheated Moter	1	1
444 - Power Line Down	3	7
460 - Accident, Potential Accident, Other	0	1
461 - Building or Structure Weakened or Collapsed	1	2
463 - Vehicle Accident, General Cleanup	1	6
Total	12	39

Incident Type: Service Call		
Code - Description	Number of Runs	Year to Date
500 - Service Call, Other	1	2

Kaukauna Fire Department

Fire Report - August 2024

511 - Lock-Out	1	7
512 - Ring or Jewelry Removal	0	1
520 - Water Problem, Other	2	6
540 - Animal Problem, Other	0	1
541 - Animal Problem	1	1
542 - Animal Rescue	0	2
550 - Public Service Assistance, Other	0	1
551 - Assist Police or Other Governmental Agency	0	2
561 - Unauthorized Burning	0	6
Total	5	29

Incident Type: Good Intent Call

Code - Description	Number of Runs	Year to Date
600 - Good Intent Call, Other	5	31
611 - Dispatched and Canceled Enroute	5	34
622 - No Incident Found on Arrival at Dipatch Address	0	1
650 - Steam, Other Gas Mistaken for Smoke	0	1
651 - Smoke Scare, Odor of Smoke	1	4
Total	11	71

Incident Type: False Alarm & False Call

Code - Description	Number of Runs	Year to Date
700 - False Alarm or False Call, Other	0	2
731 - Sprinkler Activation Due to Malfunction	1	1
733 - Smoke Detector Activation Due to Malfunction	2	4
734 - Heat Detector Activation Due to Malfunction	0	2
735 - Alarm System Sounded Due to Malfunction	5	11
736 - CO Detector Activation Due to Malfunction	0	4
741 - Sprinkler Activation, No Fire - Unintentional	0	1
743 - Smoke Detector Activation, No Fire - Unintentional	3	11
744 - Detector Activation, No Fire - Unintentional	1	1
745 - Alarm System Activation, No Fire - Unintentional	3	25
746 - Carbon Monoxide Detector Activation, No CO	0	12
Total	15	74

Incident Type: Severe Weather & Natural Disaster

Code - Description	Number of Runs	Year to Date
800 - Severe Weather or Natural Disaster, Other	0	33
813 - Wind Store, Tornado/Hurricane Assessment	0	1
Total	0	34

Incident Type: Special Incident Type

Code - Description	Number of Runs	Year to Date
911 - Citizen Complaint	0	5
Total	0	5
Grand Total	214	1,277

Kaukauna Fire Department
Fire Report - August 2024

Fire Inspection Summary		
	Completed This Month	Year to Date
Inspections Completed	86	804
Violations Found	6	88
Violations Corrected	7	35

Kaukauna Fire Department Ambulance Report - August 2024

Runs by Municipality		
City / Village / Town	Number of Runs	Year to Date
City of Kaukauna	146	914
Village of Combined Locks	20	97
Town of Holland	1	10
City of Appleton	1	3
Village of Wrightstown	0	2
Town of Grand Chute	2	3
Town of Buchanan	1	2
Village of Greenleaf	0	1
Village of Kimberly	0	1
Town of Freedom	1	1
Total	172	1,034

Runs by County		
County	Number of Runs	Year to Date
Outagamie	171	1,021
Brown	1	13
Total	172	1,034

Runs by Disposition		
Disposition	Number of Runs	Year to Date
Patient Treated, Transported by Kaukauna Fire	131	762
Patient Treated, Released	21	121
Patient Refused Evaluation/Care, No Transport	0	19
Patient Evaluated, No Treatment/Transport Required	11	71
Patient Dead at Scene - No Resuscitation Attempted, No Transport	1	15
Patient Dead at Scene - No Resuscitation Attempted, W/Transport	1	2
Canceled Prior to Arrival	5	26
Canceled Request Transferred to Another Provider	0	1
Canceled on Scene No Patient Contact	1	9
Patient Dead at Scene - Resuscitation Attempted, No Transport	0	4
Patient Refused Evaluation/Care, With Transport	0	2
Patient Treated, Transferred Care to Another EMS Unit	0	1
Standby-No Services or Support Provided	1	1
Total	172	1,034

Runs by Ambulance		
Primary Unit	Number of Runs	Year to Date
First Out Ambulance	136	903
Second Out Ambulance	34	121
Third Out Ambulance	2	8
Engine Company	0	2
Total	172	1,034

Mutual Aid		
	Number of Runs	Year to Date
Provided	6	13
Received	0	2

Police calls generated by:		YTD
911 call	255	1,693
Officer initiated	579	4,881
Called general phone number	384	2,614
TOTAL	1,218	9,188
Breakdown of calls:		
ABANDONED VEHICLE	5	21
ACCIDENT	29	250
ALARMS	17	96
ALCOHOL OFFENSE	1	2
ANIMAL	28	267
ARSON	0	0
ASSISTS	101	822
ASSAULT	0	1
BURGLARY	2	4
CIVIL	0	14
CRIME PREVENTION	110	1,071
DAMAGE TO PROPERTY	8	47
DISTURBANCES	27	185
DOMESTIC	2	24
DRUGS	12	62
FIRE CALLS	24	143
FIREWORKS	2	18
FRAUD	7	78
HARASSMENT	20	80
HAZARD	25	143
JUVENILE	14	138
LOCKOUT	19	93
LOST & FOUND	17	108
MEDICAL	127	761
MISSING PERSON	2	10
OPEN DOOR	0	31
OPERATING WHILE INTOXICATED	2	35
ORDINANCE VIOLATIONS	128	647
PARKING	28	156
RECKLESS DRIVE COMPLAINT	26	194
SCHOOL SAFETY	7	263
SEX OFFENSE	1	21
SUICIDE; ATTEMPT, THREAT, COMPLETED	0	11
SUSPICIOUS PERSON, VEHICLE , SITUATION	49	297
THEFT	12	100
TRAFFIC	162	1,566
TRAFFIC SAFETY	7	117
TRESPASS	3	27
TRUANCY	0	8
VIOLATE COURT ORDER	5	20
WANTED PERSON OR APPREHENSION	6	65
WARNINGS	120	1,177
WEAPON	0	7
WELFARE CHECK	64	410
911 HANGUP/ASSIST	63	418
total	1,282	10,008

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

**MUNICIPAL JUDGE
COURT REPORT**

Item 7.e.

	AUGUST			
	2023	2024	2023 CUMULATIVE	2024 CUMULATIVE
FORFEITURES/MUNICIPAL ORDINANCE VIOLATIONS	\$6,647.98	\$5,541.66	\$58,861.50	\$41,756.85
MUNICIPAL COURT COSTS	\$2,247.84	\$3,191.10	\$23,393.47	\$18,379.54
PENALTY SURCHARGES	\$1,823.20	\$1,434.52	\$15,210.29	\$11,654.78
COUNTY JAIL SURCHARGES	\$580.00	\$789.00	\$6,310.11	\$5,080.80
DRIVER IMPROVEMENT SURCHARGES	\$1,208.50	\$649.16	\$11,942.47	\$7,532.71
CRIME LAB/DRUG ENFORCEMENT SURCHARGES	\$763.84	\$1,018.11	\$7,680.94	\$6,584.36
IGNITION INTERLOCK DEVICE SURCHARGE	\$0.00	\$0.00	\$100.00	\$100.00
SAFE RIDE PROGRAM	\$100.00	\$150.00	\$1,183.00	\$900.00
TOTAL	\$13,371.36	\$12,773.55	\$124,681.78	\$91,989.04

Clerk-Treasurer Daily Deposit Report

Date	Deposit	Balance
8/1/2024	\$7,923.30	\$41,295.70
8/1/2024	\$1,188.75	\$33,372.40
8/1/2024	\$1,066.40	\$32,183.65
8/1/2024	\$376.25	\$31,117.25
8/1/2024	\$327.00	\$30,741.00
8/1/2024	\$304.00	\$30,414.00
8/1/2024	\$110.00	\$30,110.00
8/2/2024	\$4,720.00	\$37,079.17
8/2/2024	\$1,699.63	\$32,359.17
8/2/2024	\$292.79	\$30,659.54
8/2/2024	\$196.75	\$30,366.75
8/2/2024	\$170.00	\$30,170.00
8/5/2024	\$37,898.83	\$77,236.33
8/5/2024	\$1,835.50	\$39,337.50
8/5/2024	\$1,391.50	\$37,502.00
8/5/2024	\$1,311.25	\$36,110.50
8/5/2024	\$1,007.00	\$34,799.25
8/5/2024	\$899.00	\$33,792.25
8/5/2024	\$780.00	\$32,893.25
8/5/2024	\$637.00	\$32,113.25
8/5/2024	\$624.50	\$31,476.25
8/5/2024	\$540.75	\$30,851.75
8/5/2024	\$178.00	\$30,311.00
8/5/2024	\$82.00	\$30,133.00
8/5/2024	\$32.00	\$30,051.00
8/5/2024	\$10.00	\$30,019.00
8/5/2024	\$9.00	\$30,009.00
8/6/2024	\$6,063.00	\$36,458.50
8/6/2024	\$179.50	\$30,395.50
8/6/2024	\$119.00	\$30,216.00
8/6/2024	\$94.00	\$30,097.00
8/6/2024	\$3.00	\$30,003.00
8/7/2024	\$5,982.15	\$39,129.65
8/7/2024	\$1,563.00	\$33,147.50
8/7/2024	\$453.00	\$31,584.50
8/7/2024	\$390.00	\$31,131.50
8/7/2024	\$355.00	\$30,741.50
8/7/2024	\$300.00	\$30,386.50
8/7/2024	\$86.50	\$30,086.50
8/8/2024	\$609,973.18	\$644,065.68
8/8/2024	\$2,065.00	\$34,092.50
8/8/2024	\$609.00	\$32,027.50
8/8/2024	\$518.00	\$31,418.50

Month: August

8/8/2024	\$377.50	\$30,900.50
8/8/2024	\$344.00	\$30,523.00
8/8/2024	\$95.00	\$30,179.00
8/8/2024	\$84.00	\$30,084.00
8/9/2024	\$342.00	\$30,695.00
8/9/2024	\$331.25	\$30,353.00
8/9/2024	\$21.75	\$30,021.75
8/12/2024	\$13,216.00	\$56,029.90
8/12/2024	\$5,561.90	\$42,813.90
8/12/2024	\$5,272.00	\$37,252.00
8/12/2024	\$613.75	\$31,980.00
8/12/2024	\$537.00	\$31,366.25
8/12/2024	\$375.00	\$30,829.25
8/12/2024	\$115.75	\$30,454.25
8/12/2024	\$114.50	\$30,338.50
8/12/2024	\$108.00	\$30,224.00
8/12/2024	\$90.00	\$30,116.00
8/12/2024	\$26.00	\$30,026.00
8/13/2024	\$6,457.50	\$38,519.00
8/13/2024	\$743.50	\$32,061.50
8/13/2024	\$540.00	\$31,318.00
8/13/2024	\$325.00	\$30,778.00
8/13/2024	\$290.50	\$30,453.00
8/13/2024	\$145.50	\$30,162.50
8/13/2024	\$17.00	\$30,017.00
8/14/2024	\$2,985.45	\$36,385.45
8/14/2024	\$937.00	\$33,400.00
8/14/2024	\$905.00	\$32,463.00
8/14/2024	\$650.00	\$31,558.00
8/14/2024	\$452.50	\$30,908.00
8/14/2024	\$246.25	\$30,455.50
8/14/2024	\$106.00	\$30,209.25
8/14/2024	\$103.25	\$30,103.25
8/15/2024	\$28,820.76	\$67,581.76
8/15/2024	\$4,866.00	\$38,761.00
8/15/2024	\$1,767.25	\$33,895.00
8/15/2024	\$1,401.50	\$32,127.75
8/15/2024	\$375.00	\$30,726.25
8/15/2024	\$223.25	\$30,351.25
8/15/2024	\$128.00	\$30,128.00
8/16/2024	\$965.50	\$30,965.50
8/19/2024	\$19,864.37	\$53,652.72
8/19/2024	\$769.40	\$33,788.35
8/19/2024	\$662.00	\$33,018.95
8/19/2024	\$620.55	\$32,356.95
8/19/2024	\$464.40	\$31,736.40
8/19/2024	\$400.00	\$31,272.00

8/19/2024	\$337.50	\$30,872.00
8/19/2024	\$306.00	\$30,534.50
8/19/2024	\$100.00	\$30,228.50
8/19/2024	\$98.50	\$30,128.50
8/19/2024	\$30.00	\$30,030.00
8/20/2024	\$3,834.01	\$36,068.01
8/20/2024	\$855.00	\$32,234.00
8/20/2024	\$456.00	\$31,379.00
8/20/2024	\$341.00	\$30,923.00
8/20/2024	\$257.00	\$30,582.00
8/20/2024	\$240.00	\$30,325.00
8/20/2024	\$85.00	\$30,085.00
8/21/2024	\$3,526.13	\$34,581.47
8/21/2024	\$385.09	\$31,055.34
8/21/2024	\$368.25	\$30,670.25
8/21/2024	\$290.00	\$30,302.00
8/21/2024	\$12.00	\$30,012.00
8/22/2024	\$4,674.00	\$37,117.75
8/22/2024	\$1,078.50	\$32,443.75
8/22/2024	\$889.25	\$31,365.25
8/22/2024	\$248.00	\$30,476.00
8/22/2024	\$228.00	\$30,228.00
8/23/2024	\$1,189.00	\$32,603.25
8/23/2024	\$843.25	\$31,414.25
8/23/2024	\$232.75	\$30,571.00
8/23/2024	\$170.00	\$30,338.25
8/23/2024	\$168.25	\$30,168.25
8/26/2024	\$22,331.20	\$55,938.50
8/26/2024	\$1,231.75	\$33,607.30
8/26/2024	\$897.30	\$32,375.55
8/26/2024	\$852.00	\$31,478.25
8/26/2024	\$337.00	\$30,626.25
8/26/2024	\$239.25	\$30,289.25
8/26/2024	\$50.00	\$30,050.00
8/27/2024	\$3,368.80	\$34,004.30
8/27/2024	\$425.50	\$30,635.50
8/27/2024	\$210.00	\$30,210.00
8/29/2024	\$7,345.20	\$44,735.10
8/29/2024	\$6,804.40	\$37,389.90
8/29/2024	\$375.50	\$30,585.50
8/29/2024	\$210.00	\$30,210.00
8/30/2024	\$1,193.50	\$31,193.50

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

Permit number	Municipal address	Category	Work type	Applicant	Status	Issued date	Issued by
KU-2024-730	134 SARAH ST	Other structures	New	Ashley Jared	Permit issued	24-08-01	Dave Kittel
KU-2024-734	21 ASH GROVE PL	HVAC	New	Black-Haak Heating	Permit issued	24-08-02	Brett Jensen
KU-2024-736	2000 FIELDCREST DR	Plumbing	Remodel	Emily Kampmann	Permit issued	24-08-05	Brett Jensen
KU-2024-742	3541 SNOW GOOSE WAY	Electrical	New	Lisa Hidde	Construction started	24-08-05	Brett Jensen
KU-2024-741	2150 WHITE DOVE LA	Electrical	New	Lisa Hidde	Construction started	24-08-05	Brett Jensen
KU-2024-745	2150 WHITE DOVE LA	Plumbing	New	Derek Schaffer	Permit issued	24-08-05	Brett Jensen
KU-2024-744	3541 SNOW GOOSE WAY	Plumbing	New	Derek Schaffer	Permit issued	24-08-05	Brett Jensen
KU-2024-735	2000 FIELDCREST DR	Residential building	Remodel	Emily Kampmann	Permit issued	24-08-05	Brett Jensen
KU-2024-739	2150 WHITE DOVE LA	Storm Sewer/ Waters / Sanitary laterals	New	Andy Parker	Permit issued	24-08-05	Brett Jensen
KU-2024-737	137 E WISCONSIN AV	HVAC	Remodel	Black-Haak Heating	Permit issued	24-08-05	Brett Jensen
KU-2024-746	3540 SNOW GOOSE WAY	Plumbing	New	Derek Schaffer	Permit issued	24-08-05	Brett Jensen
KU-2024-740	1404 SULLIVAN AV	Driveway/Culvert	Improve existing	Nathan Kippley	Permit issued	24-08-05	Brett Jensen
KU-2024-711	1814 FLORENCE ST	Accessory structures	Remodel	Michael Jackman	Construction started	24-08-06	Brett Jensen
KU-2024-709	2300 TOWER DR	Electrical	New	James Eland II	Permit issued	24-08-06	Brett Jensen
KU-2024-748	2140 WHITE DOVE LANE	Electrical	New	Lisa Hidde	Construction started	24-08-06	Brett Jensen
KU-2024-749	2100 BADGER RD	Other structures	New	Dan Dickman	Permit issued	24-08-06	Brett Jensen
KU-2024-710	2300 TOWER DR	Electrical	New	James Eland II	Permit issued	24-08-06	Brett Jensen
KU-2024-713	2906 FIELDCREST DR	Electrical	Remodel	Jacob Lehmann	Permit issued	24-08-06	Brett Jensen
KU-2024-750	1215 E HYLAND AV	Plumbing	Replacement	Lisa Bierman	Permit issued	24-08-06	Brett Jensen
KU-2024-731	1900 WHITE DOVE LA	Residential building	Remodel	Caityn Welhouse	Permit issued	24-08-07	Brett Jensen
KU-2024-751	125 VAN DE HEY LA	Residential building	Remodel	Troy Mueller	Permit issued	24-08-08	Brett Jensen
KU-2024-752	204 DEPOT ST	Accessory structures	New	Ryan Wallander	Permit issued	24-08-08	Brett Jensen
KU-2024-743	1312 BUCHANAN CT	Other structures	New	TODD MILKEY	Permit issued	24-08-08	Dave Kittel
KU-2024-755	2800 CROOKS AV	Plumbing	Replacement	Scott Fields	Permit issued	24-08-09	Brett Jensen
KU-2024-758	1541 ARBOR WAY	Electrical	New	Megan Henkemeyer	Permit issued	24-08-09	Brett Jensen
KU-2024-756	702 LINCOLN AV	Accessory structures	Demolition	Ernesto Nunez	Permit issued	24-08-09	Brett Jensen
KU-2024-765	34 ASH GROVE PL	Other structures	New	Jim Senger	Permit issued	24-08-12	Dave Kittel
KU-2024-762	2150 WHITE DOVE LA	Storm Sewer/ Waters / Sanitary laterals	New	Andy Parker	Permit issued	24-08-12	Brett Jensen
KU-2024-759	216 NEWTON LE CT	Accessory structures	Addition	Brian Vanderloop	Permit issued	24-08-12	Brett Jensen
KU-2024-738	1333 WANN ST	Accessory structures	Remodel	Hayden Hoffmann	Construction started	24-08-12	Brett Jensen
KU-2024-760	3591 RIDGECREST LA	HVAC	New	John Kramer	Permit issued	24-08-12	Brett Jensen
KU-2024-766	1405 GREEN BAY RD	Pools	New	Zach VANDERVEST	Permit issued	24-08-13	Dave Kittel
KU-2024-763	411 E SEVENTH ST	Residential building	Repair	Emily Kampmann	Permit issued	24-08-14	Brett Jensen
KU-2024-764	116 W THIRD ST	Electrical	New	Tim Van Cuick	Finished	24-08-14	Brett Jensen
KU-2024-768	1275 BENS WAY	HVAC	New	Pat Randerson	Permit issued	24-08-14	Brett Jensen
KU-2024-761	2012 ANTELOPE TR	Accessory structures	New	Oliver Clare	Permit issued	24-08-14	Brett Jensen

KU-2024-772	1325 BENS WAY	Other structures	New	Joel Radke	Permit issued	24-08-15	Dave Kittel
KU-2024-770	2015 ANTELOPE TR	Other structures	New	Christopher Smith	Permit issued	24-08-15	Dave Kittel
KU-2024-771	710 OVIATT ST	Other structures	New	Michael and Silvia Keidel	Permit issued	24-08-15	Dave Kittel
KU-2024-769	641 BENEDICT DR	Other structures	New	Chris Lang	Permit issued	24-08-16	Dave Kittel
KU-2024-775	429 W SEVENTH ST	Residential building	Repair	Krissy Devine	Permit issued	24-08-16	Brett Jensen
KU-2024-774	3380 HAAS RD	Electrical	New	Lisa Hidde	Permit issued	24-08-16	Brett Jensen
KU-2024-773	3360 HAAS RD	Electrical	New	Lisa Hidde	Permit issued	24-08-16	Brett Jensen
KU-2024-784	2161 WHITE DOVE LA	Electrical	New	Riley Vander Woyt	Permit issued	24-08-20	Brett Jensen
KU-2024-785	2161 WHITE DOVE LA	HVAC	New	Riley Vander Woyt	Permit issued	24-08-20	Brett Jensen
KU-2024-781	304 E EIGHTH ST	Plumbing	Replacement	MATTHEW VANDENELZEN	Permit issued	24-08-20	Brett Jensen
KU-2024-777	3380 HAAS RD	Plumbing	New	Derek Schaffer	Permit issued	24-08-21	Brett Jensen
KU-2024-778	3360 HAAS RD	Plumbing	New	Derek Schaffer	Permit issued	24-08-21	Brett Jensen
KU-2024-767	112 GRANT ST	Accessory structures	New	Alexis Willey	Permit issued	24-08-21	Brett Jensen
KU-2024-780	3541 SNOW GOOSE WAY	Storm Sewer/ Waters / Sanitary laterals	New	Andy Parker	Permit issued	24-08-21	Brett Jensen
KU-2024-779	4401 SPRINGCREST DR	HVAC	Remodel	Black-Haak Heating	Permit issued	24-08-21	Brett Jensen
KU-2024-783	157 GRANT ST	Plumbing	Remodel	Ryan Petersen	Permit issued	24-08-21	Brett Jensen
KU-2024-787	1400 MAIN AV	Accessory structures	New	Roxann Bannach	Permit issued	24-08-21	Brett Jensen
KU-2024-789	416 DESNOYER ST	Plumbing	Replacement	TUREKS PLUMBING	Permit issued	24-08-21	Brett Jensen
KU-2024-782	101 W MORNINGSIDE DR	Other structures	New	Ashley Jared	Permit issued	24-08-22	Dave Kittel
KU-2024-792	3380 HAAS RD	Storm Sewer/ Waters / Sanitary laterals	New	Andy Parker	Permit issued	24-08-22	Brett Jensen
KU-2024-786	1201 DESNOYER ST	Other structures	New	Ashley Jared	Permit issued	24-08-22	Dave Kittel
KU-2024-791	3501-3503 RIDGECREST LA	Storm Sewer/ Waters / Sanitary laterals	New	Ryan Peterson	Permit issued	24-08-22	Brett Jensen
KU-2024-793	2108 PETERS RD	Residential building	Repair	Bob Brugger	Permit issued	24-08-22	Brett Jensen
KU-2024-797	320 E FIFTEENTH ST	Other structures	New	Mike Schmidt	Permit issued	24-08-26	Dave Kittel
KU-2024-702	1541 ARBOR WAY	Commercial building	New	Anthony Dingmann	Permit issued	24-08-27	Brett Jensen
KU-2024-796	1073 W WISCONSIN AV	Plumbing	Replacement	JASON QUANDT	Permit issued	24-08-27	Brett Jensen
KU-2024-733	157 GRANT ST	Residential building	Remodel	Thomas Schupp	Permit issued	24-08-28	Brett Jensen
KU-2024-663	311 TAYLOR ST	Accessory structures	New	Amanda Karnowski	Permit issued	24-08-28	Brett Jensen
KU-2024-639	1330 BUCHANAN RD	Accessory structures	New	Mary Smith	Permit issued	24-08-28	Brett Jensen
KU-2024-776	703 KENNETH AV	Other structures	New	Bryce Inman	Permit issued	24-08-28	Dave Kittel
KU-2024-807	2108 SULLIVAN AV	Residential building	Remodel	Jackson Melchert	Permit issued	24-08-29	Brett Jensen
KU-2024-806	3900 RIDGECREST LA	Plumbing	New	Timothy Rausch	Permit issued	24-08-30	Brett Jensen
KU-2024-804	1804 MAIN AV	Plumbing	Repair	Julie Dudek	Permit issued	24-08-30	Brett Jensen
KU-2024-794	263 W WISCONSIN AV	Residential building	Remodel	Brittany Wood	Permit issued	24-08-30	Brett Jensen
KU-2024-800	1621 PEACH TREE CT	HVAC	Remodel	Black-Haak Heating	Permit issued	24-08-30	Brett Jensen

SERVICE DATE
Sep 10, 2024

PUBLIC SERVICE COMMISSION OF WISCONSIN

Complaint of City of Kaukauna against Heart of the Valley
 Metropolitan Sewerage District Concerning Sewer Rates

9300-SI-126

FINAL DECISION

This is the Final Decision in the investigation to consider the April 4, 2023 sewer complaint (Complaint) by City of Kaukauna (Kaukauna or Complainant) filed with the Public Service Commission of Wisconsin (Commission) against Heart of the Valley Metropolitan Sewerage District (HOVMSD or Respondent) under Wis. Stat. § 66.0821(5). ([PSC REF#: 463518.](#))

The Commission finds that Kaukauna is a “user” of the sewerage services at issue in the complaint pursuant to Wis. Stat. § 66.0821(5)(a), and the Commission has jurisdiction to investigate the complaint. The Commission determines that HOVMSD’s volumetric rate is neither unreasonable nor unjustly discriminatory as evaluated with regard to the volume of Kaukauna’s wastewater that enters the interceptor.¹ The Commission also determines that the cost allocation methodology adopted by HOVMSD for its interceptor project is neither unreasonable nor unjustly discriminatory as evaluated with regard to the portion of HOVMSD’s interceptor used by Kaukauna. HOVMSD’s rates are neither unreasonable nor unjustly discriminatory as applied to Kaukauna with regard to the cost-of-service principles identified in Wis. Stat. § 200.13(3)(b). Finally, the Commission found it reasonable to assess HOVMSD for all Commission expenses associated with the proceeding in this docket.

¹ Commissioner Nieto dissents on this finding for the reasons set forth in the attached dissent.

Docket 9300-SI-126

Introduction

On April 4, 2023, Kaukauna filed a Complaint with the Commission against HOVMSD under Wis. Stat. § 66.0821(5)(a). The Complaint alleges that HOVMSD’s cost allocation method for a planned \$21.5 million interceptor improvement project is unreasonable and unjustly discriminatory. Claim One of the Complaint states that “HOVMSD’s volumetric rate is unreasonable and unjustly discriminatory as applied to Kaukauna because it fails to account for the fact that over 25 percent of Kaukauna’s wastewater does not enter HOVMSD’s interceptor.” Claim Two states that “HOVMSD’s adopted cost allocation methodology for its interceptor project is unreasonable and unjustly discriminatory as applied to Kaukauna because Kaukauna uses only a small portion of HOVMSD’s interceptor.” Claim Three states that “HOVMSD’s rates violate Wis. Stat. § 200.13(3)(b) as they are not based on the cost of service rendered.” Kaukauna requested that the Commission investigate HOVMSD’s rates, hold a hearing, find that HOVMSD’s rates are unreasonable in violation of Wis. Stat. § 66.0821, and fix reasonable, non-discriminatory rates. ([PSC REF#: 463518](#).)

HOVMSD filed a timely answer to the Complaint on May 8, 2023. HOVMSD’s answer to the Complaint denied the allegations made in Claim One, Claim Two, and Claim Three and asked the Commission to dismiss the complaint and bill Kaukauna for all the Commission’s expenses related to this proceeding. ([PSC REF#: 467472](#).) At its open meeting of June 1, 2023, the Commission directed Commission staff to open a docket and issue a Notice of Investigation. ([PSC REF#: 469504](#).) On July 12, 2023, Commission staff issued two data requests, one each to the Complainant and Respondent. ([PSC REF#: 472634](#), [PSC REF#: 472635](#).) The Complainant provided answers to the data requests from Commission staff on July 26, 2023

Docket 9300-SI-126

([PSC REF#: 473813](#), [PSC REF#: 473814](#)) and on August 1, 2023 ([PSC REF#: 474309](#)).

HOVMSD provided answers to a data request from Commission staff on July 26, 2023. ([PSC REF#: 473841](#).) Pursuant to due notice, the Commission held virtual public and technical

hearings on February 21, 2024, that included the opportunity to submit written comments

through the Commission’s web site or at the hearing, or to testify at the public hearing. The

Commission considered this matter at its open meeting of June 13, 2024. Appendix A lists the parties for purposes of review under Wis. Stat. §§ 227.47 and 227.53.

Background

HOVMSD was formed in 1974 and owns a regional wastewater system that includes approximately 5.5 miles of sewer interceptor and a wastewater treatment plant (WWTP).

HOVMSD constructed the sewer interceptor in the 1970s. HOVMSD provides wastewater treatment to five municipal wastewater utilities: Village of Kimberly (Kimberly), Darboy

Sanitary District (Darboy), Village of Little Chute (Little Chute), Village of Combined Locks (Combined Locks), and Kaukauna. Each of these five utilities bills its own customers and

owns its own wastewater collection system that discharges into HOVMSD’s sewer interceptor.

Figure 1 shows how sewage flows, from Kimberly in the west to Kaukauna in the east, through the 5.5-mile-long sewer interceptor, and into the WWTP. The Complaint separated the sewer

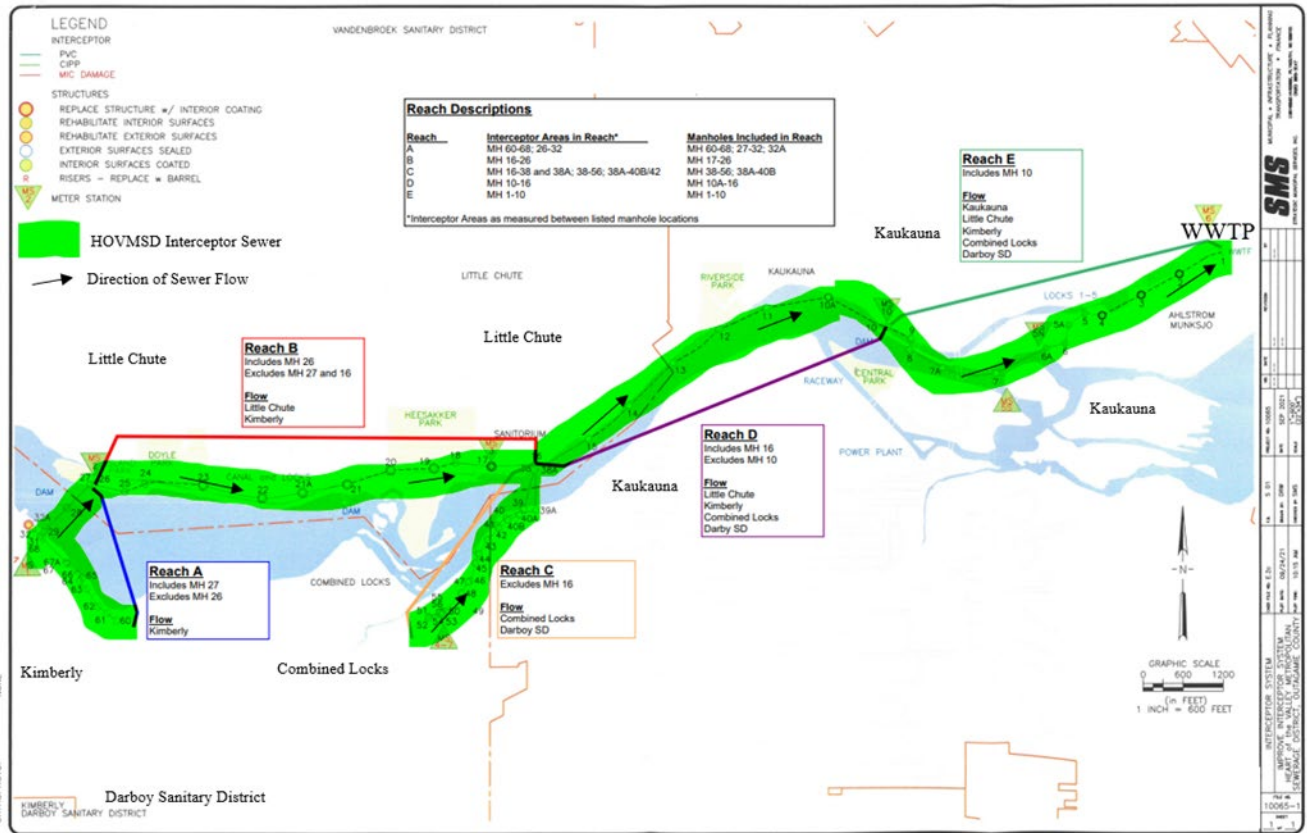
interceptor into five “reaches” (A, B, C, D, and E) based on the source of the wastewater flowing into that portion of the interceptor. Currently, Kaukauna’s wastewater flows only through Reach

E and then into the WWTP. It is worth noting that while Reach D does not currently receive sewerage from Kaukauna, much of it is located within the Kaukauna city limits and could be

modified to receive Kaukauna sewerage in the future. ([PSC REF#: 463518](#).)

Docket 9300-SI-126

Figure 1. HOVMSD Interceptor Reach Map



The initial construction of the 5.5-mile sewer interceptor cost approximately \$6.3 million, and HOVMSD allocated the costs to the member utilities using the “reach” method. The “reach” method allocated the interceptor costs to each member utility in proportion to the length of the interceptor that conveyed each member’s sewerage. Kaukauna was allocated 11.4 percent of the initial capital cost to construct the 5.5-mile sewer interceptor using the “reach” method. (The Darboy Sanitary District is not listed in the table because it was not a user of the interceptor at that time.) ([PSC REF#: 463518.](#)) Table 1 shows the percentage of the initial capital cost to construct the 5.5-mile sewer interceptor, allocated to each member utility using the “reach” method.

Docket 9300-SI-126

Table 1. HOVMSD 1979 Cost Allocation Method Based on the “Reach” Method

Member Utility	Share of Interceptor Capital Costs
Kaukauna	11.4 %
Combined Locks	14.3 %
Little Chute	31.6 %
Kimberly	42.6 %

In 1979, Combined Locks, Little Chute, and Kimberly filed a complaint with the Commission, in docket 9300-SR-3, stating that the “reach” method was unreasonable. They proposed allocating project costs based on the volume of flow generated by each member utility as measured at the WWTP. In 1980, the Commission denied the complaint and found the “reach” method to be reasonable with the exception that capital costs associated with excess capacity attributable to potential future customers must be allocated based on each member utility’s uniform flow volume as a percent of the total flow volume. ([PSC REF#: 475329.](#))

HOVMSD now plans to install a liner inside portions of the 5.5-mile interceptor and to make improvements to manholes in order to extend the interceptor’s useful life by another 50 years. HOVMSD’s design engineer estimated that this project will cost \$21.5 million. At its meeting on March 2, 2021, the HOVMSD Commission voted four to one to allocate the project cost to the five member utilities based on the volume of flow generated by each member utility as measured at the WWTP. Kaukauna was the only member to vote against allocating costs by member volume at the WWTP. Based on HOVMSD’s cost allocation method, the Complainant estimated that Kaukauna’s share of the project will be \$7.7 million, or 35.8 percent of the total cost, as shown in Table 2. ([PSC REF#: 463518.](#))

Docket 9300-SI-126

Table 2. HOVMSD 2021 Cost Allocation Method Based on Volume of Flow at the WWTP

Member Utility	Share of Interceptor Improvement Costs
Kaukauna	35.8 %
Combined Locks	5.9 %
Little Chute	35.0 %
Kimberly	8.9 %
Darboy	14.4 %

Kaukauna considered the proposed interceptor improvements as major capital investments which significantly extend the assets’ useful life. As such, Kaukauna asserted that the costs should be allocated using the “reach” method, like it was allocated for the initial construction. Kaukauna estimated that its share of the project based on the “reach” method would be \$1.9 million, or 9.2 percent of the total cost, as shown in Table 3. ([PSC REF#: 463518.](#))

Table 3. Kaukauna’s 2022 Cost Allocation Method Based on the “Reach” Method

Member Utility	Share of Interceptor Improvement Costs
Kaukauna	9.2 %
Combined Locks	6.7 %
Little Chute	52.3 %
Kimberly	15.4 %
Darboy	16.4 %

In response, HOVMSD claimed that the proposed interceptor work is a maintenance project, and as such, the cost should be allocated to the five member utilities based on the volume of flow generated by each member utility as measured at the WWTP. The Respondent’s consultant, Trilogy Consulting, LLC (Trilogy), determined that a volumetric cost allocation method was “a reasonable approach based on standard industry practice, past precedent for

Docket 9300-SI-126

interceptor maintenance costs, and the absence of an agreement among the municipal customers regarding cost sharing.” Trilogy stated that Wisconsin Statutes and Administrative Code do not specify how costs should be allocated. Trilogy also stated, “Absent an agreement that requires cost sharing for interceptor replacement or rehabilitation, which is unusual, such costs are typically recovered through uniform user charge rates.” ([PSC REF#: 467472.](#))

Findings of Fact

- 1. HOVMSD is a metropolitan sewerage district organized under Wis. Stat. ch. 200.
- 2. HOVMSD is a municipality pursuant to Wis. Stat. § 66.0821(1)(a).
- 3. Kaukauna, Kimberly, Little Chute, Combined Locks, and Darboy are municipalities as defined under Wis. Stat. § 66.0821(1)(a).
- 4. Kaukauna, Kimberly, Little Chute, Combined Locks, and Darboy are municipal members of HOVMSD.
- 5. Kaukauna, Kimberly, Little Chute, Combined Locks, and Darboy each own and operate a sewer collector system pursuant to Subchapter VIII of Wis. Stat. ch. 66; each collector system transports wastewater from homes, businesses, and industries in the respective municipality to HOVMSD’s interceptor and WWTP.
- 6. The project consists of installing a liner inside portions of the 5.5-mile interceptor and improvements to manholes at an estimated total cost \$21.5 million.
- 7. HOVMSD has allocated the costs of the project to its municipal members based on the volume of flow generated by each municipal member as measured at the WWTP.
- 8. HOVMSD’s volumetric rate is neither unreasonable nor unjustly discriminatory as evaluated with regards to the volume of Kaukauna’s wastewater that enters the interceptor.

Docket 9300-SI-126

9. HOVMSD’s volumetric rate is neither unreasonable nor unjustly discriminatory as evaluated with regards to the portion of HOVMSD’s interceptor used by Kaukauna.

10. HOVMSD’s volumetric rate does not violate Wis. Stat. § 200.13(3)(b).

Conclusions of Law

1. The Commission has jurisdiction under Wis. Stat. § 66.0821(5) to review the reasonableness of HOVMSD’s rates, rules and practices, and by order fix reasonable rates, rules and practices and make any other order respecting the complaint that is just and reasonable.

2. The Commission also has jurisdiction under Wis. Stat. §§ 196.02, 196.395 and 196.40 to impose any term, condition, or requirement necessary to protect the public interest.

3. Kaukauna is a user of the service provided by HOVMSD and is entitled to bring a complaint pursuant to Wis. Stat. § 66.0821(5)(a).

4. Pursuant to Wis. Stat. § 66.0821(5)(a) and Wis. Stat. § 196.85(1), it is appropriate to assess all Commission expenses attributable to this proceeding to HOVMSD.

Opinion

Kaukauna filed a complaint with the Commission, pursuant to Wis. Stat. § 66.0821(5)(a), arguing that specific rates, rules, and practices of HOVMSD are unreasonable. The Commission has authority under Wis. Stat. § 66.0821(5)(a) to review the reasonableness of a sewer utility’s rates, rules, and practices. Wisconsin Stat. § 66.0821(5)(a) provides:

(a) If a user of a service complains to the public service commission that rates, rules and practices are unreasonable or unjustly discriminatory, . . . the public service commission shall investigate the Complaint. If there appears to be sufficient cause for the complaint, the commission shall set the matter for a public hearing upon 10 days’ notice to the complainant and the town, village or city. After the hearing, if the public service commission determines that the rates, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable rates, rules and practices and may make

Docket 9300-SI-126

any other order respecting the complaint that is just and reasonable . . . The proceedings under this paragraph are governed, to the extent applicable, by ss. 196.26 to 196.40 . . . the commission shall bill any expense of the commission attributable to a proceeding under this paragraph to the town, village or city under s. 196.85 (1).

The threshold determination before the Commission is whether Kaukauna has demonstrated that HOVMSD’s rates, rules, and practices are unreasonable or unjustly discriminatory, as applied to Kaukauna. The Commission is charged with deciding whether a disputed rate, rule, or practice is unreasonable or unjustly discriminatory, not whether the method used is the best or the fairest method or whether the disputed rate is the same as the Commission would have established. *Brookfield v. Milwaukee Sewerage District*, 141 Wis. 2d 10, 14, 414 N.W.2d 308 (Ct. App. 1987). The standard of review in sewerage complaints pursuant to Wis. Stat. § 66.0821(5)(a) has been previously explained by the Commission, in recognition of the “legislature granting sewerage system ratemaking authority to the local municipality,” to consist of discretion and a degree of deference to the municipality. *See* Final Order, *In re American Mobile Home Communities*, docket 9300-SI-102 (Wis. PSC 2005) 2005 WL 589332; *see also* [PSC REF#: 200761](#). Under this standard of review, the Commission “does not choose or ascertain an ideal or even a preferred method of ratemaking, but rather makes an affirmative determination that the disputed rate is unreasonable.” ([PSC REF#: 200761](#).) This does not mean that the Commission automatically approves of any rate set by a municipality, including a metropolitan sewerage district, but that the reasonableness standard puts the responsibility on the complainant to clearly demonstrate the unreasonableness of the rate, rule or practice at issue. *See id.*

In determining whether a rate, rule, or practice is unreasonable or unjustly discriminatory

Docket 9300-SI-126

and determining a reasonable rate, the Commission uses its experience, technical competence, and specialized knowledge to determine the credibility of each witness and the persuasiveness of the highly technical evidence presented on each issue. “The determination of whether [] charges are unreasonable or unjustly discriminatory calls for a value judgment” and “rate setting is an area in which the commission has special expertise.” 141 Wis. 2d at 15.

The Complaint is separated into five issues that will be addressed separately.

Issue 1: Does the Commission have jurisdiction over the complaint pursuant to Wis. Stat. § 66.0821(5)(a)?

Wisconsin Stat. § 66.0821(5)(a) states, “If a user of a service complains to the public service commission that rates, rules and practices are unreasonable or unjustly discriminatory . . . complains that rates are inadequate, the public service commission shall investigate the complaint.” HOVMSD alleged that Kaukauna is not a “user” as used in Wis. Stat. § 66.0821(5)(a). HOVMSD stated that the term “user” is not defined in Wis. Stat. § 66.0821(5)(a), and that a “user” is the end user, namely the person or entity receiving sewerage service. ([PSC REF#: 493424](#).) HOVMSD further argues that, for metropolitan sewerage districts including first class cities, a “user” is defined as “any owner or occupant of a building or lot that is located within the sewerage service area and is furnished with sewerage service.” *See id.* (citing Wis. Stat. § 200.21(12)).² HOVMSD points out that Wis. Stat. § 66.0821(4)(a) states that “[s]ervice charges made by a metropolitan sewerage district to any town, village or city shall be levied by the town, village or city against the individual sewer system users within the corporate limits of the municipality, and the municipality shall collect the charges and promptly remit them to the metropolitan sewer district.” This, it argues, bolsters its position that City of Kaukauna is not a

² Notably, however, HOVMSD does not include a first class city. *See* Wis. Stat. § 62.05(1). Further, City of Kaukauna does present evidence that they do, in fact, own municipal buildings within the service area.

Docket 9300-SI-126

user pursuant to Wis. Stat. § 66.0821(5)(a)—that the users are City of Kaukauna’s sewer customers to whom costs from HOVMSD are passed onto through sewerage rates—and, thus, the Commission does not have jurisdiction over the complaint. *Id.* at 14-15. Kimberly and Little Chute joined the position of HOVMSD. ([PSC REF#: 504098.](#))

Wisconsin Stat. § 66.0821(4)(a), in the sentence before the one cited above by HOVMSD, states that a “municipality may establish sewerage service charges in an amount to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes” Wisconsin Stat. § 66.0821(1)(a) defines “municipality” as including a metropolitan sewerage district. Wisconsin Stat. § 66.0821(4)(b) states that “[f]or the purpose of making equitable charges for all services rendered by the sanitary sewerage system to the municipality or to citizens, corporations and other users, the property benefited by the system may be classified, taking into consideration the volume of water, including surface or drain waters, the character of the sewage or waste and the nature of the use made of the sewerage system” (emphasis added). Immediately following Wis. Stat. § 66.0821(4)’s mandates regarding equitable charges is the Commission’s authority to review complaints regarding “*a user of a service complain[ing] to the public service commission that rates, rules and practices are unreasonable or unjustly discriminatory.*” Here, notably, the “debt allocation” at issue appears to be a “sewerage service charge” under Wis. Stat. § 66.0821(4)(a), and, thus, there does not appear to be any dispute as to its classification as a “rate, rule, or practice.”³ Rates, rules, and practices include service charges. *Wm. H. Heineman Creameries,*

³ The parties do argue whether the “debt allocation” levied by HOVMSD, as assigned to City of Kaukauna, can be defined as a “rate,” with HOVMSD arguing that they are not setting rates—that the individual municipal members,

Docket 9300-SI-126

Inc. v. Vill. of Kewaskum, Washington Cty., 275 Wis. 636, 639, 82 N.W.2d 902 (1957). The only issue, then, in dispute is whether City of Kaukauna is a “user” of a “service” pursuant to Wis. Stat. § 66.0821(5)(a).

Kaukauna argues that it is a “user of the service” of HOVMSD and is entitled to bring a complaint pursuant to Wis. Stat. § 66.0821(5)(a), noting that HOVMSD’s Sewer Use and User Charge Ordinance recognizes each Municipal Customer as a “District Customer” and “User” of HOVMSD’s services. ([PSC REF#: 491926.](#)) Kaukauna alleged that “it has long been recognized that a municipality may be a “user of the service” of another municipality.” (citing *City of Kaukauna v. Public Service Commission*, 271 Wis. 516, 74 N.W.2d 335 (1956)). Kaukauna further alleged that “just as the Villages of Combined Locks, Little Chute, and Kimberly filed a complaint with the Commission in 1979 as customers of HOVMSD [], Kaukauna now files its complaint as a customer of HOVMSD.” ([PSC REF#: 493431.](#))

In *City of Kaukauna v. Public Service Commission*, a contractual dispute over sewerage rates between the city of Kaukauna and the village of Combined Locks came before the Commission under its complaint jurisdiction. 271 Wis. at 518. The city of Kaukauna alleged that the village of Combined Locks was not a “user of a service” provided by the city of Kaukauna pursuant to Wis. Stat. § 66.0821(5)(a).⁴ *See id.* The Supreme Court of Wisconsin found that:

such as City of Kaukauna, are the ones that set rates for their customers when such debt allocation costs are passed through to them. However, such an argument seems to ignore that “rules” and “practices” are still within the Commission’s complaint jurisdiction. The Commission has previously limited the definition of “practice” to include only such practices that are likely to impact rates in some way—however, in the present docket, no party disputes that such debt allocation is a sewerage service charge pursuant to Wis. Stat. § 66.0821(4)(a), nor do they dispute that such a service charge is passed through, in rates, to City of Kaukauna’s individual sewer customers. This means that such a service charge is still likely a “practice” under Wis. Stat. § 66.0821(5)(a).

⁴ The statute at issue in *City of Kaukauna v. Public Service Commission* was Wis. Stat. § 66.076(9), since renumbered to Wis. Stat. § 66.0821(5)(a).

Docket 9300-SI-126

It is our opinion that Combined Locks has been a user of the service if for no other reason than that, as the Commission found, the sewage from the public buildings of the village is delivered into the system. There is, however, a firmer basis for the conclusion. The inhabitants of the two municipalities are the members of and compose the corporations. In a sense, they are the principals who can act only by use of the respective municipalities and through their officers. When the municipality contracts, it contracts for them. The rights defined in the contract are the rights of the inhabitants of Combined Locks. The agreement is the result of negotiations between the people of the two municipalities represented by their respective officers and was made, not for the entity known as a municipality, but for them and, of course, they are the users of the service.

See id. Kaukauna’s ability to act on behalf of its customers, by maintaining an action in which those customers are surely defined as “users of a service,” is also, perhaps, the only way in which such a service charge as is at issue can be challenged at all. The Commission has previously relied on the *City of Kaukauna* case in interpreting whether an entity was a “user” of the services of a sewerage district previously—finding in docket number 9300-SI-115 that a metropolitan sewerage district is a municipality, and that a limited liability company that discharged wastewater into the sewerage district system was a “user” under the Supreme Court’s *City of Kaukauna* decision. ([PSC REF#: 200761.](#))

City of Brookfield v. Milwaukee Metropolitan Sewerage Dist. makes clear that the avenue by which such sewerage service charges must be challenged is filing a complaint with the Commission pursuant to Wis. Stat. § 66.0821(5)(a). *See* 171 Wis. 2d. 400, 417-419, 491 N.W.2d 484 (1992). The Supreme Court of Wisconsin explained in *City of Brookfield* that:

Giving effect to the statutes and the PSC's expertise in rate setting, our cases acknowledge that the PSC has “exclusive jurisdiction over complaints alleging unreasonable or discriminatory sewer rates.” *Kimberly–Clark Corp. v. Public Service Comm.*, 110 Wis.2d 455, 461, 329 N.W.2d 143 (1983) (“pursuant to [statute, the forerunner of sec. 66.912(5)], the PSC has exclusive jurisdiction over complaints alleging unreasonable or discriminatory sewerage charges.”); *Williams v. City of Madison*, 15 Wis.2d 430, 441, 442, 113 N.W.2d 395 (1962) (“jurisdiction to determine this issue of discriminatory charges is vested in

Docket 9300-SI-126

the public service commission, not this court.”); *W.H. Heinemann Creameries v. Kewaskum*, 275 Wis. 636, 640, 82 N.W.2d 902 (1956) (“we are not here concerned with the amount of the questioned assessment because the legislature has constituted the public service commission as the exclusive tribunal to pass on that issue.”).

171 Wis. 2d at 418-419. Notably, *City of Brookfield* involved a sewerage district changing how it would charge municipal members for capital costs it incurred, and the Court holding that the Commission had jurisdiction under Wis. Stat. § 66.0821(5)(a) implies that the City of Brookfield was a “user of a service” pursuant to Wis. Stat. § 66.0821(5)(a).

The Commission finds that Kaukauna is a “user” of the sewerage services at issue in the complaint pursuant to Wis. Stat. § 66.0821(5)(a), and the Commission has jurisdiction to investigate the complaint. ([PSC REF#: 506819.](#))

Issue 2: Pursuant to Wis. Stat. § 66.0821(5)(a), is HOVMSD’s volumetric rate unreasonable and unjustly discriminatory as applied to Kaukauna because Kaukauna alleges that HOVMSD’s rates fail to account for the fact that over 25 percent of Kaukauna’s wastewater does not enter the interceptor?

Kaukauna has five metering stations that measure its total wastewater flow. It stated that the wastewater entering Meter Stations 5N, 5S, and 10 flows through HOVMSD’s interceptor. It claimed that flows from Meter Stations 6 and 9 do not enter the interceptor but are conveyed through Kaukauna-owned force mains to the WWTP influent chamber by way of Special Manhole 1. Kaukauna claimed that this flow represents approximately 25 percent of Kaukauna’s annual wastewater discharge, which equates to approximately \$1.4 million in allocated project costs. Kaukauna claimed that this cost should not be billed to Kaukauna because the flows from Meter Stations 6 and 9 do not enter, nor benefit from, the interceptor project.

([PSC REF#: 491900.](#))

HOVMSD claimed that flows from Meter Station 6 and 9 enter Special Manhole 1,

Docket 9300-SI-126

which was built as part of the HOVMSD interceptor system and will be rehabilitated as part of the proposed interceptor project. Therefore, HOVMSD argued that all of Kaukauna’s annual wastewater flow enters the HOVMSD interceptor system and should be included when computing its share of the project cost. ([PSC REF#: 489442.](#)) Kimberly and Little Chute joined the position of HOVMSD. ([PSC REF#: 504098.](#))

The Commission, in evaluating this issue, finds that Special Manhole 1 is part of the interceptor system project scope and, thus, will be improved as part of this project. The Commission finds that the inceptor is a mutually dependent system and that all members rely on the system as a whole. As such, it is not unreasonable for the volume of flow entering the WWTP from Special Manhole 1 to be considered in HOVMSD’s volumetric rate.

The Commission determines that HOVMSD’s volumetric rate is neither unreasonable nor unjustly discriminatory as evaluated with regards to the volume of Kaukauna’s wastewater that enters the interceptor. ([PSC REF#: 506819.](#))

Commissioner Nieto dissents and writes separately (see attached).

Issue 3: Under Wis. Stat. § 66.0821(5)(a), is HOVMSD’s adopted cost allocation methodology for its interceptor project unreasonable and unjustly discriminatory as applied to Kaukauna because Kaukauna alleges that it uses only a small portion of HOVMSD’s interceptor?

HOVMSD’s interceptor serves five member utilities: Kimberly, Darboy, Little Chute, Combined Locks, and Kaukauna. HOVMSD utilized the “reach” method when it allocated the original cost of the interceptor to each member utility. The “reach” method allocated the interceptor costs in proportion to the length of the interceptor that conveyed each member’s sewerage to the WWTP. In its prior order dated October 2, 1980, responding to a past complaint, the Commission found that the “reach” method was a reasonable method for

Docket 9300-SI-126

allocating the interceptor’s capital costs.

Kaukauna claimed that the “reach” method is the best method to allocate the cost of the proposed \$21.5 million liner project because the liner project represents a major reconstruction that will extend the useful life of the interceptor by another 50 years. ([PSC REF#: 491902.](#))

Kaukauna claimed that it does not benefit from the upstream interceptor like other customers. It uses only approximately one mile of the 5.5-mile interceptor, while the other four municipal members rely on two to three times that amount of interceptor pipe. ([PSC REF#: 490645.](#))

Kaukauna claimed that it would be able to keep discharging sewerage into the WWTP even if the interceptor failed upstream of its five manholes. During such a pipe failure, Kaukauna claimed that it could plug the interceptor upstream of its five metering stations, thus facilitating repair work while Kaukauna continues to utilize the interceptor. ([PSC REF#: 490641.](#))

Kaukauna calculated that if the project were allocated based on the “reach” method, then its share of the project would be approximately \$1.9 million, or 9.2 percent of the total project cost. If the project cost is allocated to the five member utilities based on the “volume” method, then Kaukauna’s share of the project would be approximately \$7.7 million, or 35.8 percent of the total project cost. ([PSC REF#: 491923.](#)) Kaukauna claimed that HOVMSD’s volumetric method is unreasonable and unjustly discriminatory because Kaukauna’s share of interceptor project costs is 3.5 times more than it would be under a methodology based on cost-of-service principles. Kaukauna alleges that HOVMSD assigned a disproportionate amount of conveyance costs to Kaukauna compared to each municipality’s measured use of the interceptor.

HOVMSD claimed that if the interceptor failed upstream of Kaukauna’s five manholes, then it would fill with river water. The entire interceptor and WWTP would have to be taken

Docket 9300-SI-126

offline to prevent raw sewage from discharging into the Fox River. The system would fail, which would prevent Kaukauna’s wastewater from entering the HOVMSD interceptor system and being treated at the plant. Based on these assumptions, HOVMSD argued that the proposed liner project would directly benefit Kaukauna by preventing such a catastrophe from happening. (PSC REF#: 489442.) HOVMSD completed a review of the cost allocation methods used on pipeline projects in Wisconsin and found that it is more common to allocate such costs using the “volume” method than the “reach” method. (PSC REF#: 492040.) Kimberly and Little Chute joined the position of HOVMSD. (PSC REF#: 504098.)

In 1980, the Commission stated that HOVMSD’s decision to allocate debt for interceptor construction by reach was a reasonable method but not the only reasonable method. Volumetric debt allocation for projects like HOVMSD’s cured-in-place pipe (CIPP) rehabilitation is standard in Wisconsin. Kaukauna admitted that it benefits from upstream interceptor improvements, and Kaukauna can connect to the interceptor upstream. The Commission finds that the interceptor is one system and that all members rely on the system as a whole, it is a mutually dependent system.

The Commission finds that the cost allocation methodology adopted by HOVMSD for its interceptor project is neither unreasonable nor unjustly discriminatory as evaluated with regard to the portion of HOVMSD’s interceptor used by Kaukauna. (PSC REF#: 506819.)

Issue 4: Under Wis. Stat. § 66.0821(5)(a), are HOVMSD’s rates, rules, or practices unreasonable and unjustly discriminatory as applied to Kaukauna because HOVMSD’s rates violate Wis. Stat. § 200.13(3)(b)?

Wisconsin Stat. § 200.13(3)(b) states, “[t]he district may charge to the state, county or municipality the cost of service rendered to any state institution, county or municipality” where

Docket 9300-SI-126

“district” is defined in Wis. Stat. § 200.01(3) as a “metropolitan sewerage district,” and “municipality” is defined in Wis. Stat. § 200.01(4) as a “town, village, city or county.”

Kaukauna claimed that HOVMSD’s proposed cost allocation method to pay for the sewer interceptor relining project violates Wis. Stat. § 200.13(3)(b) because it charges all five member utilities based on volume of flow entering the WWTP, but the method does not consider the length of the interceptor that each utility uses. ([PSC REF#: 491923.](#)) Essentially, Kaukauna claimed that HOVMSD’s volumetric rate, as a means to recover the costs of the proposed interceptor improvements, does not accurately reflect the cost of service rendered to Kaukauna. ([PSC REF#: 463518.](#))

HOVMSD claimed that Kaukauna’s proximity to the WWTP does not mean that Kaukauna receives a different type, level, or class of service from HOVMSD’s interceptor than the other four municipal members. HOVMSD noted that Kaukauna uses this same volume-based cost allocation method to charge its retail sewer customers. ([PSC REF#: 493424.](#)) HOVMSD states that it has the authority to implement volumetric funding methodology for interceptor operation and maintenance costs pursuant to Wis. Stat. § 200.59. ([PSC REF#: 467472.](#)) HOVMSD states that all municipal members receive the same service: their wastewater systems discharge into HOVMSD’s interceptor, which transports wastewater to the WWTF for treatment and that Kaukauna does not receive a different level of service from HOVMSD’s interceptor because it is geographically closer to the WWTF than other municipalities. Kimberly and Little Chute joined the position of HOVMSD. ([PSC REF#: 504098.](#))

Docket 9300-SI-126

Wisconsin Stat. § 200.13(3)(b) does not itself create a cause of action by which the Commission has jurisdiction to open a docket. However, a complaint within the bounds of the Commission’s complaint jurisdiction under Wis. Stat. § 66.0821(5)(a) regarding rates, rules, and/or practices could be informed by or based upon the requirements of Wis. Stat. § 200.13(3)(b). Rates, rules, and practices include service charges, which Wis. Stat. § 200.13(3)(b) authorizes. *Wm. H. Heineman Creameries, Inc. v. Vill. of Kewaskum, Washington Cty.*, 275 Wis. 636, 639, 82 N.W.2d 902 (1957).

It should be noted, however, that Wis. Stat. §§ 200.01 through 200.15 are located in subchapter I, titled “Districts Generally,” and Wis. Stat. §§ 200.21 through 200.65 are located in subchapter II, titled “Districts Including 1st Class Cities.” Thus, references to Chapter 200.21 and above, such as HOVMSD’s reference to Wis. Stat. § 200.59, are inapplicable to this proceeding as HOVMSD does not contain a 1st class city. As Wis. Stat. § 66.0821(4) is also applicable to the present proceeding, and such definitions of permissible costs of service charges are outlined in that statute, the Commission finds that Wis. Stat. § 66.0821(4) informs its determinations as to the reasonableness of said service charges under Wis. Stat. § 200.13(3)(b) and, in turn, Wis. Stat. § 66.0821(5)(a).

The Commission finds that Wis. Stat. § 200.13(3)(b) does not create a separate cause of action in this proceeding and instead is simply informative to its overall reasonableness determinations regarding HOVMSD’s volumetric rate at issue. The Commission finds that HOVMSD’s rates are neither unreasonable nor unjustly discriminatory as applied to Kaukauna with regard to the cost-of-service principles identified in Wis. Stat. § 200.13(3)(b). ([PSC REF#: 506819.](#))

Docket 9300-SI-126

Issue 5: How should the Commission bill the Commission expenses attributable to this proceeding?

Wisconsin Stat. § 66.0821(5)(a) states that, “[e]xcept as provided in pars. (e) and (f), the [C]ommission shall bill any expense of the [C]ommission attributable to a proceeding under this paragraph to the town, village or city under s. 196.85(1).” In this instance, “town, village or city” refers to the Respondent to the filed complaint, or HOVMSD. However, Wis. Stat. § 66.0821(5)(f)(2)(a) states:

- 2. The public service commission may bill a complainant for any expense of the commission attributable to a proceeding under par. (a) as follows:
 - a. If the commission determines in the proceeding that the rates, rules, or practices that are the subject of the complaint are not unreasonable, unjustly discriminatory, or inadequate, the commission may require the complainant to pay all or a portion, as determined by the commission, of the expenses.

As the Commission has found that the rates, rules, or practices that were the subject fo the complaint were not unreasonable, unjustly discriminatory or inadequate, the Commission has the discretion to require the Complainant to pay all or a portion of the Commission’s expenses. As the complaint was brought in good faith and was not frivolous, the Commission declines to exercise this discretion and instead finds it reasonable to assess HOVMSD for all of the Commission expenses associated with the proceeding in this docket. ([PSC REF#: 506819.](#))

Order

1. The Commission finds that Kaukauna is a “user” of the sewerage services at issue in the complaint pursuant to Wis. Stat. § 66.0821(5)(a), and that the Commission has jurisdiction to investigate the complaint.

2. The cost allocation methodology adopted by HOVMSD for its interceptor project is neither unreasonable nor unjustly discriminatory.

Docket 9300-SI-126

- 3. It is reasonable to assess HOVMSD for all Commission expenses associated with the proceeding in this docket.
- 4. This Final Decision takes effect one day after the date of service.
- 5. Jurisdiction is retained.

Dissent

Commissioner Nieto dissents and writes separately.

Dated at Madison, Wisconsin, the 10th day of September, 2024.

By the Commission:



Cru Stublely
Secretary to the Commission

CS:SPK:kr1:kle DL:00941827

Attachments: Notice of Rights
Appendix A
Commissioner Nieto Dissent

PUBLIC SERVICE COMMISSION OF WISCONSIN
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission’s written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.⁵ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

⁵ See *Currier v. Wisconsin Dep’t of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

Docket 9300-SI-126

APPENDIX A

CONTACT LIST FOR SERVICE BY PARTIES

PUBLIC SERVICE COMMISSION OF WISCONSIN
(Not a party but must be served per Wis. Stats. § 227.53)
4822 MADISON YARDS WAY
PO BOX 7854
MADISON WI 53707

CITY OF KAUKAUNA
BOARDMAN AND CLARK LLP
1 SOUTH PINCKNEY STREET SUITE 410
PO BOX 927
MADISON, WI 53701
LKOBZA@BOARDMANCLARK.COM

HEART OF THE VALLEY METROPOLITAN SEWERAGE DISTRICT
AXLEY BRYNELSON, LLP
2 EAST MIFFLIN STREET SUITE 200
PO BOX 1767
MADISON, WI 53701-1767
WCOLE@AXLEY.COM

VILLAGE OF KIMBERLY, VILLAGE OF LITTLE CHUTE
HERRLING CLARK LAW FIRM LTD
800 NORTH LYNDAL DRIVE
APPLETON, WI 54914
CKOEHLER@HERRLINGCLARK.COM

PUBLIC SERVICE COMMISSION OF WISCONSIN
ZACHARY PETERS
4822 MADISON YARDS WAY P.O. BOX 7854
MADISON WI 53707
ZACHARY.PETERS1@WISCONSIN.GOV

PUBLIC SERVICE COMMISSION OF WISCONSIN
STEPHEN KEMNA
4822 MADISON YARDS WAY P.O. BOX 7854
MADISON WI 53707
STEPHEN.KEMNA@WISCONSIN.GOV

PUBLIC SERVICE COMMISSION OF WISCONSIN

Complaint of City of Kaukauna against Heart of the Valley Metropolitan
Sewerage District Concerning Sewer Rates

9300-SI-126

DISSENT OF COMMISSIONER KRISTY NIETO

I write separately to briefly explain my dissenting position from the Commission decision to dismiss the complaint of City of Kaukauna (Kaukauna) against Heart of the Valley Metropolitan Sewerage District (HOVMSD) concerning sewer rates.

I would have ordered this matter be set for hearing to determine reasonable rates, rules and practices for HOVMSD and its members pursuant to Wis. Stat. § 66.0821(5)(a).

Kaukauna provided substantial evidence that 25 percent of its wastewater enters directly into the influent chamber. Kaukauna showed that the influent chamber is not a part of HOVMSD’s conveyance facilities but rather part of HOVMSD’s Wastewater Treatment Plant (WWTP) facilities.¹ HOVMSD based its uniform volumetric cost allocation approach on an assertion that all five users receive the same service, *conveyance*,² then unreasonably included wastewater volumes that are *not conveyed* in calculating the proportionate share of responsibility for the Interceptor Project among the users.

HOVMSD used a uniform rate to allocate responsibility for the Interceptor Project costs on a volumetric basis, asserting that all five users receive conveyance and generally take part in the benefits of a shared, interdependent system. In allocating costs, HOVMSD did not rely upon:

- measured concentrations;
- distance, geography, or terrain;

¹ Direct-COK-Neumeier-r: 4-6 ([PSC REF#: 491900](#)); Ex.-COK-Neumeier-02r: III-12, diagram PFD1 ([PSC REF#: 491906](#))

² Direct-HOVMSD-DeMaster-r: p. 6-7 ([PSC REF#: 492040](#))

Docket 9300-SI-126

- measured volumes passing through specific segments of the interceptor; or
- measured volumes passing through the interceptor vs. entering the influent chamber.

I did not find substantial evidence that any one aspect of this approach was unreasonable *per se*. I can understand my colleagues’ views regarding this matter. I respect their analysis and the proper care they took to grant deference to HOVMSD.

In my view, Kaukauna’s proportion of the project costs under the uniform volumetric method already skewed towards the high end of the of the range of reasonableness, even if HOVMSD had *not* taken the volume entering the influent chamber into its calculation, and even *with* due deference granted. HOVMSD had a full range of options but did not rely upon readily available cost information at a number of key decision points in the rate setting process, to the cost of one customer. HOVMSD eschewed cost-based rate differentials in favor of a uniform rate for services it regarded as “the same,” based on a broad classification of a conveyance class. Again, this “rate uniformity beyond the limits justified by the advantages of simple rate structures”³ may or may not be unjustly discriminatory in and of itself.

I find substantial evidence, however, that the use of a uniform volumetric rate, when taken together with the decision to include in the allocation wastewater volumes not entering the interceptor, but directly entering only the influent chamber or WWTP, resulted in unreasonable and unjustly discriminatory rates, and respectfully dissent.

DL:02027592

³ See Bonbright, James C. Principles of Public Utility Rates, 1961, p. 125, cited in Ex.-COK-Stannard-02r:10.