

# COMMON COUNCIL

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



Tuesday, September 03, 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 August 20, 2024.](#)
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
  - a. [Bills Payable.](#)
4. Public appearances.
5. Business presented by Mayor.
  - a. Appointment of Mike Coenen to the Merit Incentive Recommendations and Review Committee (1-year Term).
  - b. Temporary allowance of goats to be used at 1000 Islands Conservancy Zone to control invasive species. (September 23-October 7)
6. Reports of standing and special committees.
  - a. [Board of Public Works Meeting Minutes of September 3, 2024.](#)
  - b. [Finance and Personnel Committee Meeting Minutes of September 3, 2024.](#)
  - c. [Health & Recreation Committee Meeting Minutes of September 3, 2024.](#)
  - d. [Board of Appeals Meeting Minutes of August 21, 2024.](#)
  - e. [Grignon Mansion Board Minutes of June 24, 2024.](#)
  - f. [Library Board Meeting Minutes of June 25, 2024.](#)
  - g. [Operator \(Bartender\) Licenses.](#)
7. Reports of City officers.
  - a. [Disallowance of Claim #WM000442410258 as Recommended by Statewide Services, Inc.](#)
  - b. [City of Appleton | City of Kaukauna Memorandum of Agreement Weights and Measures Services.](#)
  - c. [Pigeon Request 108 w 7th Street.](#)
  - d. [Lot 6 Park Place Buy Back Request.](#)
  - e. [Final Plat Blue Stem West.](#)
  - f. [Development Update.](#)
  - g. [City of Kaukauna feature in Livability Fox Cities Magazine.](#)
8. Presentation of ordinances and resolutions.

- [a.](#) 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.
  - [b.](#) 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.
  - [c.](#) Resolution 2024-5443 Resolution to approve Blue Stem West Final Plat.
- 9. Closed session.
  - a. 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 or bargaining reasons require a closed session - CBRF 2024-PL-08
  - b. 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 – AUGUST 20, 2024

Pursuant to adjournment on August 6, 2024 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, August 20, 2024.

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

Also present: Attorney Greenwood, DPW/Eng. Neumeier, Fire Chief Carrel, Planner Kittel, Com. Cord. FencI (via Zoom) and interested citizens.

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

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of the minutes of the Common Council meeting of August 6, 2024.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt the minutes of the Common Council meeting of August 6, 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**

None.

#### **BUSINESS PRESENTED BY THE MAYOR**

##### **Electric City River Jam 2025.**

Mayor Penterman announced Electric City River Jam is the new name of the annual music festival going forward and that a recap of the 2024 event will be on a future agenda.

##### **Appointment of Dale Eggert to the Industrial and Commercial Development Commission (3-year term).**

Motion by Kilgas, seconded by Schell to appoint Dale Eggert to the Industrial and Commercial Development Commission for a 3-year term.

All Ald. Voted aye.

Motion carried.



## REPORTS OF STANDING AND SPECIAL COMMITTEES

### Board of Public Works Meeting Minutes of August 19, 2024.

#### BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Monday, August 19, 2024 at 6:00 P.M.

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

Absent & Excused: DeCoster, Eggleston.

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Staff Acct. Roehl (via ZOOM), Fire Chief Carrel, Proj. Eng. Conger, Police Chief Graff, Com. Enrich & Rec. Mgr. Vosters, Naturalist Garrity, and interested citizens.

Motion by Coenen, seconded by Moore to excuse the absent member.

All Ald. Present voted aye.

Motion carried.

1. Correspondence – none.

2. Discussion Topics.

#### a. Recommendation for award of Project 6-24 - 1000 Islands Boardwalk Reconstruction.

The Engineering Department has compared the four received bids against the engineers estimate. The low bid was \$1,085.45 lower than the Engineer's estimate, which falls within budgeted costs. A bid tabulation file showing the pricing differences between the four received bids and between the engineer estimate and low bidder was provided. A Nelson Foundation Grant has been applied for to offset costs for this project. Staff will know soon if this grant is approved. Questions from the Board were answered.

Motion by Moore, seconded by Schell to award Project 6-24 – 1000 Islands Boardwalk Reconstruction to Radtke Contractors, Winneconne, WI for both units A and B, a total amount of \$399,819.55.

All Ald. present voted aye.

Motion carried.

#### b. Red Hills Landfill Update.

DPW/Eng. Neumeier introduced Ahlstrom representatives Aimee McClure, Environmental Manager and Eliza Brewer, Landfill and Wastewater Treatment Plant Manager. An overview with photos was given. They are trying to be more proactive to get leachate lines cleaned out and pumping off the surface. Ahlstrom continually monitors and reviews the program and parameters at the landfill to reduce odors. This area has received more precipitation during 2024 than 2023, especially during the months where we expect to be drier. Ahlstrom has been proactive on checking leachate lines by increasing the frequency of jetting to every other month, April, June, and August and has purchased a tanker to haul excess leachate back to the treatment plant. Discussion held and questions answered.

#### c. Interstate 41 Aesthetics Discussion.

DPW/Eng. Neumeier brought forth designs and will bring this matter back to the Board in September for approval and opinions on color and design. The Department of Transportation (DOT) is putting in sound barrier walls along portions of the highway at 100% DOT expense. DOT

is also installing retaining walls, bridges, and possibly decals on fences with a regional symbol. The DOT will cover eighty percent of the costs for staining these features, enhanced landscaping, or the fence decals. Discussion was held and questions answered.

**d. Public Works Update.**

DPW/Eng. Neumeier provided information on the current projects happening. Concrete paving has begun on Crooks Avenue in the Quinny/Metoxen area. Two utility projects by Park School and Kenneth and Arthur Streets are mostly complete. Cleanup in these areas will begin soon. The Street Department crew has been busy with extra community events. Street Superintendent Van Gompel thanked Street Foreman Pete Nelson and the entire street staff for the work efforts for the Kaukauna Music Festival. Thank you to Mike Knott from the Kaukauna Athletic Club for allowing the City borrow their refrigeration trailer and the use of their freezers. Thank you to Matt Binsfeld and the Kaukauna JV and Varsity Football Team players for coming out and helping with cleaning up. Thirty kids came and helped clean-up the streambank between Draper and Wisconsin Avenue. Sixty kids came to spread mulch by the upper disc golf area. Questions from the Board were answered.

**3. Adjourn.**

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

Meeting adjourned at 6:23 pm.

Sally Kenney  
Clerk

Motion by Thiele, seconded by Coenen to adopt the Board of Public Works Meeting Minutes of August 19, 2024.  
All Ald. voted aye.  
Motion carried.

**Finance and Personnel Committee Meeting Minutes of August 19, 2024.**  
**FINANCE AND PERSONNEL COMMITTEE**

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Monday, August 19, 2024 at 6:24 pm.

Members present: Mayor Penterman, Coenen, DeCoster (via phone), Kilgas, Moore, and Schell.

Also present: Ald. Thiele, Ald. Antoine, Attorney Greenwood, DPW/Eng. Neumeier, Proj. Eng. Conger, Staff Acct. Roehl (via Zoom), Fire Chief Carrel, Police Chief Graff, Street Sup. Van Gompel, and interested citizens.

**1. Correspondence.**

A retirement letter from Tracy Uitenbroek was read.

Motion by Kilgas, seconded by Moore to receive and place on file the retirement letter from Tracy Uitenbroek.

All members voted aye.  
Motion carried.

A retirement letter from Sally Kenney was read.

Motion by Coenen, seconded by Schell to receive and place on file the retirement letter from Sally Kenney.

All members voted aye.

Motion carried.

## 2. Discussion Topics.

### a. Permission to fill Accounting Specialist position due to retirement.

After 4.5 years of dedicated service as one of the public-facing representatives at the Clerk's window for the City of Kaukauna, Tracy Uitenbroek has announced her decision to retire on November 7, 2024.

Motion by Moore, seconded by Kilgas to fill the Accounting Specialist Role Position ahead of the Retirement of Tracy Uitenbroek.

All members voted aye.

Motion carried.

### b. Permission to fill City Clerk position due to retirement.

After 25 years of dedicated service to the City of Kaukauna, and nearly 7 years as City Clerk, Sally Kenney has decided to embark on her next chapter. Her intention is to retire on January 8, 2025.

Motion by Moore, seconded by Coenen to grant permission to fill the City Clerk Position ahead of the Retirement of Sally Kenney.

All members voted aye.

Motion carried.

## 3. Adjourn.

Motion by Coenen, seconded Moore to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 6:32 pm.

Sally Kenney, Clerk

Motion by Moore, seconded by Antoine to adopt the Finance and Personnel Meeting Minutes of August 19, 2024, as presented.

All Ald. voted aye.

Motion carried.

### Health and Recreation Committee Meeting Minutes of August 19, 2024.

#### HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Schell on Monday, August 19, 2024 at 6:33 P.M.

Members present: DeCoster (via phone), Schell, and Thiele.

Absent & Excused: Eggleston.

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

Motion by Thiele, seconded by Schell to excuse the absent member.

All members present voted aye.

Motion carried.

**1. Correspondence** – None.

**2. Discussion Topics.**

**a. Combination Class B License to Player's Pub, Tracy Blackwell Agent, 701 Dodge Street.**

Motion by Thiele, seconded by DeCoster to approve the Combination Class B License to Player's Pub, Tracy Blackwell Agent, 701 Dodge Street contingent upon Fire Inspection.

All members present voted aye.

Motion carried.

**b. Extension of Class B Liquor License premise for Pub 55 on September 21, 2024 for "23 Cleats Car Show Event".**

Motion by Thiele, seconded by DeCoster, to approve the Extension of Class B Liquor License premise for Pub 55 on September 21, 2024 for "23 Cleats Car Show Event".

All members present voted aye.

Motion carried.

**c. Special Event Application to Thomas McNeely, Electric Vehicle Association on October 5, 2024 at Hydro Park from 9am to 1pm for "National Drive Electric Week Fox Cities".**

Motion by Thiele, seconded by Schell to approve the Special Event Application to Thomas McNeely, Electric Vehicle Association on October 5, 2024 at Hydro Park from 9am to 1pm for "National Drive Electric Week Fox Cities" contingent upon clarifying if insurance is needed.

All members present 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 6:38 P.M.

Sally Kenney

Clerk

Motion by Schell, seconded by Eggleston to adopt the Health and Recreation Committee Meeting Minutes of August 19, 2024 as presented.

All Ald. voted aye.

Motion carried.

**Legislative Committee Meeting Minutes of August 19, 2024**

## LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chair Antoine on Monday, August 19, 2024 at 6:40 P.M.

Members present: Antoine, Coenen, and Thiele.

Absent & Excused: DeCoster.

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Proj. Eng. Conger, Fire Chief Carrel, Police Chief Graff, and interested citizens.

Motion by Thiele, seconded by Coenen to excuse the absent member.

All Ald. Present Voted aye.

Motion carried.

### 1. Correspondence.

An email from Pedro Barraza was read.

Motion by Thiele, seconded by Coenen to receive and place on file the email from Pedro Barraza.

All members present voted aye.

Motion carried.

### 2. Discussion Topics.

#### a. St. Mary's Place Parking Ordinance.

At the August 5, 2024, Public Protection and Safety Committee meeting the committee approved a "Proposed No-Parking on the northside of St. Mary's Place – Sullivan Ave to Hendricks Ave" and directed the City Attorney to draft an ordinance to restrict parking on the north side of St. Mary's Place between Sullivan Avenue and Hendricks Avenue. The Ordinance creates a no parking zone in that area between 7:00 am and 4:00 pm, except Saturdays, Sundays, and holidays. The proposed Ordinance also removes restricted parking for school bus loading and unloading zones from Sullivan Avenue directly in front of Electa Quinney Elementary School. Staff recommends changing the wording to remove Saturdays, Sundays, and holidays and replace it with "on school days."

Motion by Thiele, seconded by Coenen to recommend approval to the Common Council the proposed ordinance to repeal and replace Section 7.12 Parking Regulations within the municipal code with modifications striking words Saturdays, Sundays, and holidays and replacing with "on school days."

All members present voted aye.

Motion carried.

#### b. Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2024.

Fire Chief Carrel stated this is formalizing that there will be unified command center for this event and outlines the City's involvement. The City will provide one ambulance and two paramedics along the event route.

Motion by Coenen, seconded by Thiele to recommend approval and forward to the Common Council Resolution 2024-5440 Resolution Authorizing the Memorandum of Understanding (MOU)

Establishing Unified Command for Fox Cities Marathon 2024.  
 All members present voted aye.  
 Motion carried.

### 3. **Adjourn.**

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

Meeting adjourned at 6:50 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Moore to adopt the Legislative Committee Meeting Minutes of August 19, 2024.  
 All Ald. voted aye.  
 Motion carried.

### **Public Protection and Safety Committee Meeting Minutes of August 19, 2024.**

#### **PUBLIC PROTECTION AND SAFETY COMMITTEE**

A meeting of the Public Protection and Safety Committee was called to order by Vice-Chair Kilgas on Monday, August 19, 2024, at 6:51 P.M.

Members present: Antoine, Kilgas, and Moore.

Absent & Excused: Eggleston

Also present: Mayor Penterman, Ald. Coenen, Ald. Thiele, Ald. Schell, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Fire Chief Carrel, Police Chief Graff, and interested citizens.

Motion by Moore, seconded by Antoine to excuse the absent member.  
 All members present voted aye.  
 Motion carried.

#### 1. **Correspondence** - None.

#### 2. **Discussion Topics.**

- a. **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 or bargaining reasons require a closed session – Holland Township Ambulance Service.**

Motion by Moore, seconded by Antoine to 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 or bargaining reasons require a closed session – Holland Township Ambulance Service.

All members present voted aye.  
 Motion carried.

Moved to closed session at 6:53 p.m.

**b. Return to Open Session for possible action.**

Motion by Moore, seconded by Antoine to return to Open Session.  
All members present voted aye.  
Motion carried.

Returned to open Session at 7:17 p.m.

**3. Adjourn.**

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

Meeting adjourned at 7:17 p.m.

Sally Kenney, Clerk

Motion by Eggleston, seconded by Kilgas to adopt the Public Protection and Safety Committee Meeting Minutes of August 19, 2024.  
All Ald. voted aye.  
Motion carried.

**Board of Appeals Meeting Minutes of July 31, 2024.**

Motion by Moore, seconded by Eggleston to receive and place on file the Board of Appeals Meeting Minutes of July 31, 2024.  
All Ald. voted aye.  
Motion carried.

**Board of Appeals Meeting Minutes of August 7, 2024.**

Motion by Moore, seconded by Kilgas to receive and place on file the Board of Appeals Meeting Minutes of August 7, 2024.  
All Ald. voted aye.  
Motion carried.

**Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of July 9, 2024.**

Motion by Moore, seconded by Coenen to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of July 9, 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:

Reyes	Hope	M.	2200 Green Bay Rd.	Kaukauna
Robertson	Cassidy	K.	614 ½ W. Winnebago St.	Appleton
Sorge	Samantha	J.	W3127 Emons Rd.	Appleton
Vanderloop	Kelly	A.	N1835 Emery Ln.	Kaukauna

Motion by Schell, seconded by Moore to approve the operator’s licenses as listed.  
All Ald. voted aye.  
Motion carried.

The following applicant has applied for a **2024-2026** operator’s license and has been recommended for denial based on their record check by the police department:

Chase                      Jesse                      A.      1225 E. Amelia St.                      Appleton

Motion by Schell, seconded by Eggleston to deny the Operator (Bartender) License.  
All Ald. voted aye.  
Motion carried.

**REPORTS OF CITY OFFICERS**

**Fire Report**

Motion by Moore, seconded by Antoine to receive and place on file the July 2024 Fire Report.  
All Ald. voted aye.  
Motion carried.

**Ambulance Report**

Motion by Moore, seconded by Schell to receive and place on file the July 2024 Ambulance Report.  
All Ald. voted aye.  
Motion carried.

**Police Report**

Motion by Moore, seconded by Eggleston to receive and place on file the July 2024 Police Report.  
All Ald. voted aye.  
Motion carried.

**Code Enforcement Report**

Motion by Moore, seconded by Coenen to receive and place on file the July 2024 Code Enforcement Report.  
All Ald. voted aye.  
Motion carried.

**Municipal Court Report**

Motion by Moore, seconded by Kilgas to receive and place on file the July 2024 Municipal Court Report.  
All Ald. voted aye.  
Motion carried.

**Clerk-Treasurer’s Deposit Report**

Motion by Moore, seconded by Antoine to receive and place on file the July 2024 Clerk-Treasurer’s Deposit Report.  
All Ald. voted aye.  
Motion carried.

**Building Inspection Report.**

Motion by Moore, seconded by DeCoster to receive and place on file the July 2024 Building Inspection Report.



All Ald. voted aye.  
Motion carried.

**Special Exception 194 Plank Road Unit change.**

Director of Planning and Community Development Director Kittel explained the reason for the special exception. Changing the address for this unit will allow for a better flow of use. Plan Commission did review this request and is recommending to the Common Council this address change.

Motion by Moore, seconded by Schell to approve the address change from 194 Plank Road to 150 Plank Road.

All Ald. Voted aye.  
Motion carried.

**PRESENTATION OF ORDINANCES AND RESOLUTIONS**

**Ordinance 1912-2024 Ordinance Repealing and Replacing Section 7.12 Parking Regulations.**

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Ordinance 1912-2024.

All Ald. voted aye.  
Motion carried.

Motion by Moore, seconded by Antoine to adopt Ordinance 1912-2024.

All Ald. voted aye.  
Motion carried.

**Resolution 2024-5440 Resolution Authorizing the Memorandum of Understanding (MOU) Establishing Unified Command for Fox Cities Marathon 2024.**

Motion by Moore, seconded by Eggleston to suspend the rules and waive the reading of Resolution 2024-5440.

All Ald. voted aye.  
Motion carried.

Motion by Moore, seconded by Thiele to adopt Resolution 2024-5440.

All Ald. voted aye.  
Motion carried.

**CLOSED SESSION**

**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 – The Reserve.**

Motion by Coenen, seconded by DeCoster to adjourn to closed session.

All Ald. voted aye.  
Motion carried.

Adjourned to closed session at 7:32 pm.

**Return to open session for possible action.**

Motion by Moore, seconded by Coenen to return to open session.

All Ald. voted aye.

Motion carried.

Returned to open session at 7:54 p.m.

**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 or bargaining reasons require a closed session- CBRF 2024-PL-08.**

This item was pulled.

## ADJOURN

Motion by Eggleston, seconded by DeCoster to adjourn.

All Ald. Present voted aye.

Motion carried.

Meeting adjourned at 7:55 p.m.

Sally Kenney, Clerk



## City - Bills Payable

Check #	Date	Class	Addressee	Absolute Value of Amount
122514	8/2/2024	General Fund - 101	A T F Tires & Service Center Inc.	532.56
122515	8/2/2024	General Fund - 101	Amplitel Technologies LLC	12,009.96
122516	8/2/2024	General Fund - 101	Automotive Supply Co	359.95
122517	8/2/2024	American Rescue Plan Act Funds - 223	B Bowers Construction LLC	4,770.00
122518	8/2/2024	Park & Pool Capital - 422	B Bowers Construction LLC	4,430.00
122519	8/2/2024	General Fund - 101	Baycom Inc.	438.75
122520	8/2/2024	General Fund - 101	Bob & Dave's Lawn & Landscaping	198.00
122521	8/2/2024	General Fund - 101	Brett VanDrasek	500.00
122522	8/2/2024	American Rescue Plan Act Funds - 223	Capital One Commercial	46.68
122523	8/2/2024	General Fund - 101	Capital One Commercial	978.24
122524	8/2/2024	General Fund - 101	Carrico Aquatic Resources	464.70
122525	8/2/2024	General Fund - 101	Carstens Ace Hardware	531.08
122526	8/2/2024	General Fund - 101	Cash	3,000.00
122527	8/2/2024	General Fund - 101	Cellcom	1,868.81
122528	8/2/2024	General Fund - 101	Cintas Corp.	653.05
122529	8/2/2024	1000 Islands - 201	Community Foundation for Fox Valley Region	140.00
122530	8/2/2024	General Fund - 101	David Finch	200.00
122531	8/2/2024	General Fund - 101	DC Auto Repair, LLC	262.13
122532	8/2/2024	General Fund - 101	Dean Enterprises, LLC	295.00
122533	8/2/2024	General Fund - 101	Elan Financial Services	2,073.82
122534	8/2/2024	Library Special Use - 255	Elan Financial Services	300.00
122535	8/2/2024	General Fund - 101	Elmstar Electric Corp.	1,575.95
122536	8/2/2024	General Fund - 101	Energy Control & Design, Inc.	2,582.97
122537	8/2/2024	Streets & Sidewalk Capital - 420	Ferguson Waterworks #1476	1,400.84
122538	8/2/2024	General Fund - 101	Fly-Me-Flag Co. LLC	189.00
122539	8/2/2024	General Fund - 101	Friends of 1000 Islands	45.00
122540	8/2/2024	General Fund - 101	Great Lakes Coca-Cola Distribution	1,497.55
122541	8/2/2024	General Fund - 101	Greg Waters	1,500.00
122542	8/2/2024	General Fund - 101	Haen Meat Packing	156.82
122543	8/2/2024	General Fund - 101	Holiday Wholesale, Inc.	437.80
122544	8/2/2024	General Fund - 101	Home Team Sports & Apparel Inc	1,861.24
122545	8/2/2024	General Fund - 101	Horace Greene LLC	600.00
122546	8/2/2024	General Fund - 101	Horst Distributing, Inc.	1,240.00
122547	8/2/2024	General Fund - 101	Ingram	692.40
122548	8/2/2024	General Fund - 101	Kay VanDera	200.00
122549	8/2/2024	General Fund - 101	Kiesler Police Supply	122.00
122550	8/2/2024	General Fund - 101	Klink Hydraulics, LLC	233.00
122551	8/2/2024	General Fund - 101	Kyle Megna	1,000.00
122552	8/2/2024	General Fund - 101	MacQueen Equip Group	2,527.82
122553	8/2/2024	General Fund - 101	Managed Mischief, LLC	1,300.00
122554	8/2/2024	General Fund - 101	Marco	64.46
122555	8/2/2024	General Fund - 101	Marco Technologies LLC NW 7128	579.61
122556	8/2/2024	Park & Pool Capital - 422	McMahon Associates Inc	2,491.38
122557	8/2/2024	General Fund - 101	McMahon Associates Inc	202.89
122558	8/2/2024	General Fund - 101	Miles Nielsen Inc.	2,000.00
122559	8/2/2024	General Fund - 101	Milton Propane	100.55
122560	8/2/2024	Park & Pool Capital - 422	Miron Construction Co, Inc	1,210,336.85

Check #	Date	Class	Addressee	Absolute Value of Amount
122561	8/2/2024	General Fund - 101	MJB Industries	16,920.00
122562	8/2/2024	General Fund - 101	Modern Dairy	3,513.41
122563	8/2/2024	General Fund - 101	Outagamie County Treasurer	2,674.65
122564	8/2/2024	General Fund - 101	Pegasis Records LLC	1,000.00
122565	8/2/2024	General Fund - 101	Pleshek's Outdoor Power	529.00
122566	8/2/2024	General Fund - 101	Reinders Inc.	463.60
122567	8/2/2024	Storm Water Utility - 601	Service Motor Company, Inc.	54.08
122568	8/2/2024	General Fund - 101	Service Motor Company, Inc.	1,497.13
122569	8/2/2024	General Fund - 101	Sherwin Industries	690.58
122571	8/2/2024	General Fund - 101	The Sherwin Williams Co.	261.98
122572	8/2/2024	General Fund - 101	Truck Country Of Wisconsin	106.51
122573	8/2/2024	Streets & Sidewalk Capital - 420	Tundra Stone Precast	870.78
122574	8/2/2024	General Fund - 101	VESTIS	249.48
122575	8/2/2024	Streets & Sidewalk Capital - 420	Vinton Construction Co.	6,902.80
122576	8/2/2024	General Fund - 101	The Listening Party LLC	1,000.00
00000240/1	8/2/2024	General Fund - 101	MissionSquare Retirement	19,199.38
00000241/1	8/2/2024	Environmental Remediate TID - 450	Kaukauna Utilities	16.61
00000242/1	8/2/2024	Sanitary Sewer Utility - 602	Kaukauna Utilities	2,043.86
00000243/1	8/2/2024	General Fund - 101	Kaukauna Utilities	23,971.81
00000243/2	8/2/2024	General Fund - 101	Diversified Benefit Services, Inc (DBS) (ACH)	7,575.63
00000243/3	8/2/2024	General Fund - 101	Fire Association Local 1594	595.28
00000243/4	8/2/2024	General Fund - 101	Police Association	696.00
00000243/5	8/2/2024	General Fund - 101	Pelion Benefits, Inc (SSA)	6,179.27
122577	8/6/2024	General Fund - 101	Cash	1,000.00
00000246/1	8/8/2024	Storm Water Utility - 601	Kaukauna Utilities	3,930.22
122578	8/9/2024	General Fund - 101	A T F Tires & Service Center Inc.	316.32
122579	8/9/2024	General Fund - 101	Advanced Maintenance Solutions	3,965.25
122580	8/9/2024	Streets & Sidewalk Capital - 420	Al Dix Concrete Inc.	8,400.00
122581	8/9/2024	General Fund - 101	Aurora Health Care, Inc.	647.00
122582	8/9/2024	General Fund - 101	Automotive Supply Co	15.00
122583	8/9/2024	Park & Pool Capital - 422	Blue Print Service Company, Inc.	889.38
122584	8/9/2024	General Fund - 101	Brian Tuyls	50.00
122585	8/9/2024	General Fund - 101	Carrico Aquatic Resources	894.33
122586	8/9/2024	General Fund - 101	Carstens Ace Hardware	204.59
122587	8/9/2024	General Fund - 101	Cintas Corp.	60.04
122588	8/9/2024	General Fund - 101	Complete Office of Wisconsin	729.80
122589	8/9/2024	General Fund - 101	Dean Enterprises, LLC	500.00
122590	8/9/2024	General Fund - 101	Defense Technology, LLC	325.00
122591	8/9/2024	Sanitary Sewer Utility - 602	Diggers Hotline Inc.	575.96
122592	8/9/2024	General Fund - 101	Diversified Benefit Services, Inc.	717.86
122593	8/9/2024	General Fund - 101	Eagle Graphics LLC	415.00
122594	8/9/2024	General Fund - 101	Eagle Sign & Design LLC	906.00
122595	8/9/2024	General Fund - 101	Enterprise Electric Inc	440.00
122596	8/9/2024	General Fund - 101	Event Production Systems	1,855.00
122597	8/9/2024	General Fund - 101	Fast Four USA Inc.	175.10
122598	8/9/2024	General Fund - 101	Finger Publishing, Inc.	1,543.95
122599	8/9/2024	General Fund - 101	Fireline Sprinkler Corp	200.00
122600	8/9/2024	General Fund - 101	Fox Specialty Company LLC	74.44
122601	8/9/2024	General Fund - 101	GFL Green For Life Environmental	644.49

Check #	Date	Class	Addressee	Absolute Value of Amount
122602	8/9/2024	General Fund - 101	Great Lakes Coca-Cola Distribution	2,477.38
122603	8/9/2024	General Fund - 101	Haenco LLC	643.97
122604	8/9/2024	General Fund - 101	Heart of the Valley Metropolitan - New Connections	12,120.00
122605	8/9/2024	General Fund - 101	Heart of the Valley Metropolitan Sewerage District	220,255.55
122606	8/9/2024	General Fund - 101	Holiday Wholesale, Inc.	1,014.40
122607	8/9/2024	General Fund - 101	Ingram	707.27
122608	8/9/2024	General Fund - 101	James Imaging Systems, Inc.	128.57
122609	8/9/2024	General Fund - 101	Kaukauna Housing Authority	7,297.62
122610	8/9/2024	General Fund - 101	Ken's Sports Inc	108.57
122611	8/9/2024	General Fund - 101	Klink Hydraulics, LLC	1,232.17
122612	8/9/2024	General Fund - 101	Krista Alf	200.00
122613	8/9/2024	General Fund - 101	Kwik Trip, Inc.	703.30
122614	8/9/2024	General Fund - 101	Linde Gas & Equipment Inc.	46.70
122615	8/9/2024	Rack - Commercial Revolving - 206	McCarty Law, LLP	447.00
122616	8/9/2024	General Fund - 101	MGD Industrial Corp	499.15
122617	8/9/2024	Park & Pool Capital - 422	Milbach Construction Services, Co.	380,845.67
122618	8/9/2024	General Fund - 101	Modern Dairy	1,727.53
122619	8/9/2024	General Fund - 101	Monroe Truck Equip - Green Bay	374.64
122620	8/9/2024	General Fund - 101	Oracle NetSuite	7,748.85
122621	8/9/2024	General Fund - 101	ORKIN Pest Control	123.70
122622	8/9/2024	General Fund - 101	Packer City International Trucks, Inc.	886.15
122623	8/9/2024	General Fund - 101	Pitney Bowes Inc	367.17
122624	8/9/2024	General Fund - 101	Reinders Inc.	1,557.98
122625	8/9/2024	Environmental Remediate TID - 450	Robert E Lee & Assoc. Inc	4,385.65
122626	8/9/2024	General Fund - 101	Ryan Steffel	585.98
122627	8/9/2024	General Fund - 101	Sara Ebben	50.00
122629	8/9/2024	General Fund - 101	Service Motor Company, Inc.	3,872.58
122630	8/9/2024	General Fund - 101	Silver Squirrel Engraving & Gifts	14.00
122631	8/9/2024	General Fund - 101	Smith Pharmacy	30.00
122632	8/9/2024	General Fund - 101	Tann Corporation	280.31
122633	8/9/2024	General Fund - 101	The Sherwin Williams Co.	282.20
122634	8/9/2024	General Fund - 101	The W.O.R.C.S. Inc.	280.47
122635	8/9/2024	General Fund - 101	TransUnion Risk and Alternative Data Solutions Inc	75.00
122636	8/9/2024	General Fund - 101	Treetop Explorer, LLC	342.00
122637	8/9/2024	General Fund - 101	Tri City Glass & Door	547.00
122638	8/9/2024	General Fund - 101	Truck Country Of Wisconsin	540.15
122639	8/9/2024	Sanitary Sewer Utility - 602	Truck Country Of Wisconsin	1,282.57
122640	8/9/2024	General Fund - 101	Tyler Ault	200.00
122641	8/9/2024	General Fund - 101	US Lubricants, a division of US Venture Inc.	1,115.14
122642	8/9/2024	Storm Water Utility - 601	Vinton Construction Co.	577,075.54
122643	8/9/2024	Streets & Sidewalk Capital - 420	Vinton Construction Co.	180,533.06
122644	8/9/2024	General Fund - 101	von Briesen & Roper S.C.	1,621.50
122645	8/9/2024	General Fund - 101	We Energies	661.69
122646	8/9/2024	General Fund - 101	Weyers Equipment Inc	470.65
00000244/2	8/9/2024	General Fund - 101	Wisconsin Employee Trust Funds (ETF)	387,006.98
00000245/1	8/9/2024	General Fund - 101	Grand Kakalin LLC	20,676.00
00000245/2	8/9/2024	General Fund - 101	Garrow Oil Corp.	27,770.87
00000245/3	8/9/2024	General Fund - 101	Kaukauna Utilities	19.02
00000245/4	8/9/2024	General Fund - 101	Securian Financial Group, Inc.	2,653.27

Check #	Date	Class	Addressee	Absolute Value of Amount
00000245/5	8/9/2024	General Fund - 101	Superior Chemical, LLC	898.80
00000247/1	8/9/2024	General Fund - 101	Paycor, Inc.	4,442.30
122647	8/13/2024	General Fund - 101	Cash	1,350.00
<b>Total</b>				<b>3,256,053.50</b>

**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



## 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. Fencl, 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

**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

**BOARD OF APPEALS**

A Meeting of The Board of Appeals was called to order by Chair Kavanaugh at 4:00 P.M. on Wednesday, August 21, 2024.

Members present: Brandt, Nisler, Hennes, Kavanaugh, Vandenberg, and Werschem.

Absent & Excused: Fallona.

Also Present: Planning/Eng. Tech. Holmes, Planner Kittel, and Contractor.

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

Kenney read the official published ad relative to the appeal. Notice is hereby given that Greg and Carol Wochinski, 913 State 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: 913 State Street, Kaukauna WI 54130

The applicant is requesting a variance to construct a new attached garage. The proposed rear yard setback is 14 feet, whereas Kaukauna Municipal Ordinance Section 17.16 (4). (a) 1. e. requires twenty feet.

Contractor Paul Welhouse was sworn in.

Welhouse 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 garage without the granting of this variance. The variance that is being requested is the minimum amount needed to allow construction of the garage. The granting of this variance will not have a negative effect on the neighboring properties. Most of the properties in the neighborhood have several encroachments into the required yards.

Motion by Werschem, seconded by Brandt to approve the variance to Greg and Carol Wochinski, 913 State Street, Kaukauna, WI 54130.  
All members present voted aye.  
Motion carried.

Motion by Vandenberg, seconded by Brandt to adjourn.  
All members present voted aye.  
Motion carried.

Meeting adjourned at 4:08 P.M.

Sally Kenney, Clerk

**GRIGNON MANSION BOARD MEETING MINUTES**  
**Monday, June 24, 2024**

The meeting was called to order by Pennie Thiele at 5:00 PM in the Municipal Services Building, Hydro View Room.

**Roll Call**

Present – Al Borchardt, Sandy Coenen, Christina Crook, Gavin Schmitt, Brian Buechel, Pennie Thiele, Bruce Werschem

Absent – Patty Brogan

Others in Attendance – Cassidy Mickelson

**Review/Approve Minutes from May 28, 2024 Meeting**

Motion by Buechel to approve meeting minutes. Seconded by Coenen. Motion unanimously approved.

**Report from the City**

Board members were referred to Mickelson's staff report, attached to board packet, for overview of the past month.

In addition, Mickelson has been busy onboarding a staffer for Kaukauna Farm Market and working on the new Kaukauna Music Festival set to debut in August.

Board asked if Mickelson was still the mansion's "executive director" now her role has been shifted and expanded. She said she now refers to herself as the mansion's "site manager." (Despite the title change, it would appear Mickelson's role in relation to the board will remain unchanged.)

**Report from Friends**

Interest is building from the CD. Beyond that, no income or expenses out of the ordinary.

**Report from the Chair**

Thiele met with Yvonne DeGroot at Fox Valley Tech, following up from an earlier meeting on proposed strategic planning. Terri Vosters (superior of Mickelson) suggested that with the new hierarchy, it may no longer make sense to have a Grignon-specific plan, but rather include it as part of a wider plan that could include a unified vision with 1000 Islands, the Rec Department and other entities. Thiele concurred and strategic plan put on hold.

As a compromise, and to keep the board moving forward, it was decided to create an internal questionnaire of board goals and visions. This is not in place of the wider plan, but rather to unify the input of the board as a stakeholder in any future plan. Buechel raised the point that there is no clear mission statement, which could also be worked out internally.

Questionnaire was distributed to board members, with Schmitt offering to consolidate the results into a report before the August board meeting.

**Other Business**

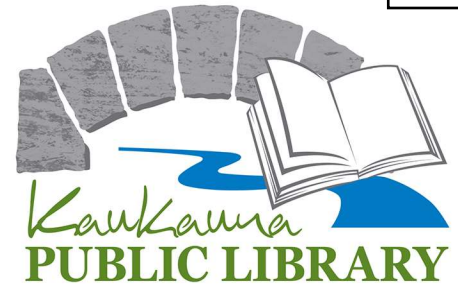
A grill was donated and installed by Mike Coenen (husband of board member Coenen). Mansion has had a perennial woodpecker problem. There is some evidence this persists.

**Set Next Meeting Date and Location**

Monday, July 22, 2024 at 5:00 PM in the Hydro View Room was set.

**Adjournment**

Motion by Werschem. Seconded by Coenen. Motion unanimously approved.



## LIBRARY BOARD MEETING MINUTES

City of Kaukauna

Kaukauna Public Library

207 Thilmany Rd STE 200, Kaukauna

Tuesday, June 25, 2024 at 5:30 PM

### Library Board Room In-Person & Zoom Teleconference Hybrid Meeting

1. Call meeting to order
  - a. The meeting was called to order by V.P. C. Fallona at 5:30p.
2. Roll call of membership
  - a. Present: C. Fallona, C. Van Boxtel, J. Lucas, J. Van De Hey, J. Vondracek, & A. Neumeier
  - b. Excused: M.J. Kilgas, A. Schneider & J. Sager
  - c. Also present: A. Thiem-Menning
3. Approval of minutes from previous meeting
  - a. Tuesday, May 28, 2024 Meeting Minutes
    - i. J. Vondracek made a motion to approve the May 28, 2024 Meeting Minutes with the grammatical change from teachers to teaches, seconded by A. Neumeier. Motion carries; all in favor.
4. Public Participation and Communications
  - a. None.
5. Action Items
  - a. Bill Register May 2024
    - i. A. Neumeier made a motion to approve the Bill Register May 2024, seconded by C. Van Boxtel. Motion carries; all in favor.
      1. A. Thiem-Menning noted that we now have a landscaping service caring for the garden.
      2. A. Thiem-Menning noted that one staff member is trying out a new credit card service the City is working with called Ramp. It will allow staff to directly upload receipts and assign them to the correct budget line.
      3. The Board also commented on the way that materials purchases display in the GL, with some individual item charges and some bulk item charges.

## 6. Information Items

### a. Directors Report

- i. A. Thiem-Menning noted that 18 volunteers from Associated Bank came to the Library in June to do community service. Volunteers helped to pack lunches, put together summer make and take projects, dusted, and cleaned for us. Big thanks to Associated Bank!
- ii. A discussion was held in regards to the report submitted on staffing. The Board was pleased with the thoroughness of the report and continues to be concerned with the staffing level of the Library. A. Thiem-Menning noted that youth summer programming was reduced this year due to staff burnout and fall youth programming has been further reduced.

### b. Adult Services Librarian Report

### c. Youth Services Librarian Report

### d. Local Historian Report

### e. Trustee Topic 17

- i. The topic this month was on being part of a library system.

### f. Statistics

- i. A. Thiem-Menning noted that the reduction in youth program attendance is due to the new age breakdowns in the annual DPI report, with the addition of the general interest programs, which are up 700% because they are a new statistic and represent intergenerational programming, which do we a fair amount of.
- ii. J. Vondracek made a motion to receive and place the reports on file. Seconded by A. Neumeier. Motion carries; all in favor.

## 7. Adjournment

- a. The meeting adjourned at 6:24p.

Join Zoom Meeting

<https://us06web.zoom.us/j/88900740902>

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 Vandenbroek 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



# MEMO

## Department

To: Common Council

From: Finance Director, William Van Rossum

Date: 09/03/2024

Re: Disallowance of claim #WM000442410258 as recommended by Statewide Services, Inc.

### Background information:

The City sends all claims against the city to the insurance company for review. The Insurance company investigates the claim and either covers the claim or disallows the claim based on what is found. Disallowance is done when there is no negligence on the City of Kaukauna. By disallowing, it formally notices the claimant that the claim won't be covered by the City policy. The City is still covered by the insurance policy in the event the claimant pursues the matter further.

The claimant indicated that the muffler of his vehicle pulled off from construction happening in the City. Statewide Services Inc. did the investigation that resulted in the decision to disallow the matter. The Insurance recommendation is on the following page.

### Strategic Plan:

Not related

### Budget:

None

### Staff Recommended Action:

Make a motion to disallow Claim WM000442410258 and direct City Staff to send Claimant a letter as directed by the Insurance company.



**Statewide Services, Inc.**

Claim Division

1241 John Q. Hammons Dr.  
P.O. Box 5555  
Madison, WI 53705-0555  
877-204-9712

August 28, 2024

City of Kaukauna  
201 W 2<sup>nd</sup> St  
PO Box 890  
Kaukauna WI 54130Program: League of Wisconsin Municipalities Mutual Insurance  
Our Insured: City of Kaukauna  
Date of loss: 07/27/2024  
Our Claim # WM000442410258  
Claimant: Ronald and Joanne Carlson  
209 E9th Street  
Kaukauna WI 54130

Dear Mr. VanRossum,

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which insures the City of Kaukauna. We are in receipt of the claim for damage to the Carlsons vehicle travelling through the road construction on July 27, 2024.

Based on our investigation, we have determined that there is no negligence on the City of Kaukauna. Therefore, in the absence of negligence on behalf of the City of Kaukauna, Statewide Services is advising the City to disallow this claim. We have also sent the Carlson's information to Vinton Construction for review and to submit a claim with their insurance company.

Please send the disallowance, on your letterhead, directly to the claimant at the above listed address. This should be sent certified or registered (restricted) mail and must be received by the claimant within 120 days after you received the claim. Please send me a copy of the Notice of Disallowance for our file.

Thank you,

Deb Ayres  
Statewide Services Inc.  
PO Box 5555  
Madison, WI 53705-0555  
608-828-5441 Phone  
[dayres@statewidesvcs.com](mailto:dayres@statewidesvcs.com)

CC: McClone

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

## I. THE PARTIES

- 1.01 The City of Appleton, is a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, Wisconsin (“Appleton”).
- 1.02 The City of Kaukauna, is a Wisconsin municipal corporation, doing business at 144 West Second Street, Kaukauna, Wisconsin (“Municipality”).

## II. THE RECITALS

**WHEREAS,**

- 2.01 Appleton employs staff that are trained and qualified to provide the services and perform the duties of sealers of weights and measures in accordance with §§ 98.04(1) and 98.05, Wis. Stats.
- 2.02 The Municipality does not have its own department of weights and measures and therefore is in need of such services in order to comply with § 98.04(1), Wis. Stats.
- 2.03 In the interest of intermunicipal cooperation, Appleton is interested in offering weights and measures services to various municipalities provided it is economically feasible to do so.
- 2.04 Appleton and the Municipality wish to enter into a mutually beneficial agreement, in accordance with § 66.0301, wherein Appleton provides weights and measures services to the Municipality.

## III. THE AGREEMENT

**NOW, THEREFORE,**

- 3.01 The recitals are hereby made a part of the Agreement.
- 3.02 Appleton agrees to furnish the Municipality with the services and perform duties of sealers of weights and measures pursuant to § 98.04, Wis. Stats. for the duration of this Agreement.
- 3.03.1 The Municipality agrees to compensate Appleton as follows:
- 3.03.2 The Municipality shall pay Appleton a fee of **\$12,075.00** and, in exchange, shall be provided up to **Twenty-one (21) days** of service. A day shall consist of 8 hours inclusive of travel to and from Appleton, inspections, paperwork, and reasonable personal breaks. Payment under this provision shall be non-refundable and non-proratable in the event that fewer days of service are actually required by the Municipality. The Municipality shall be billed 1/12 of the fee mentioned above per month. Invoices will be issued on the first day of the month. Payment of the invoices shall be due within thirty (30) days and shall accumulate interest at

1.5% per month for any unpaid balances. In the event the Municipality fails to pay the amount previously billed, in its entirety, within sixty (60) days of delinquency, Appleton may discontinue providing services under this Agreement until full payment of all amounts due is received. In addition, Appleton may require pre-payment of any remaining months, on a monthly basis, remaining under the contract.

3.03.3 In the event that the Municipality requires service in excess of the amount agreed to herein, the Municipality shall compensate Appleton at the rate of **\$575.00** per each additional day of service provided. The Municipality receiving the service under this paragraph, shall be billed in the same month that the service is provided. Payment of said invoice shall be due within thirty (30) days of issuance of the invoice. Terms as listed in Section 3.03.2 of this Agreement, relating to failure to pay invoices, shall apply to additional services provided pursuant to this paragraph.

3.04 [Reserved.]

3.05 Appleton is relying on several municipalities utilizing its weights and measures services in order to support the economic feasibility of this program and therefore reserves the right to cancel this Agreement if a sufficient number of municipalities fail to enter similar agreements with Appleton or withdraw from the program at some point in the future.

3.06 [Reserved.]

3.07 The Municipality agrees that the City of Appleton Sealer and Deputy Sealers of Weights and Measures shall have the full authority of, serve and act as agent of the Municipality to secure compliance with Ch. 98, Wis. Stats. and the Municipality’s weights and measures ordinances.

3.08 The Municipality shall provide security and approval seals, letterhead and such other materials that shall bear the Municipality’s name or location to be used in the course of the weights and measures services. Appleton shall provide equipment used in the course of testing.

3.09 The Municipality shall not withhold payments to Appleton for any reason provided City is in compliance with all terms of this Agreement.

3.10 This Agreement shall be valid for one (1) year commencing on date of execution.

3.11 Parties have the option to renew the agreement for additional one (1)-year periods upon mutual written agreement of the parties.

3.12 City of Appleton officers, officials, employees and agents shall have normally or regularly accepted insurance coverage provided by the City of Appleton and its insurance carrier(s).

3.13 This Agreement terminates and replaces any and all previous agreements between the Parties for furnishing the services and duties of sealers of weights and measures pursuant to § 98.04, Wis. Stats.

3.14 Nothing contained within this contract is intended to be a waiver or estoppel of the City or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin

law, including those contained within Wis. Stats. §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

- 3.15 This contract may be executed in several counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this contract are inserted for convenience of reference only and shall not constitute a part hereof.
- 3.16 Each of the Parties herein represents and warrants that the execution, delivery, and performance of this Contract has been duly authorized and signed by a person who meets statutory or other binding approval to sign on behalf that respective Party.

**IV. SEVERABILITY CLAUSE**

- 4.01 In the event that any part of this Agreement is found to be illegal, it shall be stricken from the Agreement and the Agreement interpreted as is that clause did not exist.

**V. INDEMNIFICATION CLAUSE**

- 5.01 **The Municipality agrees to indemnify, defend and hold harmless Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expense or costs (including attorney fees) arising out of this agreement, caused in whole or in part by the Municipality, its officers, officials, employees, agents or anyone for whose acts they may be liable, except where caused by the sole negligence or willful misconduct of Appleton.**

SIGNATURES BEGIN ON THE NEXT PAGE

**IN WITNESS WHEREOF**, the parties have caused this instrument to be executed on the day and year of the last signature below.

**City of Kaukauna**

By: \_\_\_\_\_  
Anthony J. Penterman, Mayor

By: \_\_\_\_\_  
Sally Kenney, City Clerk

Approved as to form:

Provision has been made to pay the liability that will accrue under this contract

\_\_\_\_\_  
Tim Greenwood, City Attorney

\_\_\_\_\_  
William Van Rossum  
Finance Director/Treasurer

**City of Appleton**

By: \_\_\_\_\_  
Jacob A. Woodford, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

Approved as to form:

Provision has been made to pay the liability that will accrue under this contract.

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
City Law: A22-0552 | 2024 Revisions dg

\_\_\_\_\_  
Jeri A. Ohman, Finance Director



# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council  
From: Dave Kittel, Director of Planning and Community Development  
Date: 8/23/2024  
Re: Pigeon Permit

A request to obtain a permit for pigeons has been received for 108 W. 7<sup>th</sup> street in the City of Kaukauna. Per Chapter [11.12 Keeping of Goats, Pigs, Rabbits, Fowl And Bees](#):

“No person shall keep or harbor any pigeons, doves, or game birds, or build, erect, or maintain and use on any lot or parcel of land within the city limits any building or yard for the purpose of keeping or housing pigeons, doves, or other fowl without first obtaining a written permit from the city board of health and payment of the fee of \$5.00 for a two-year period. The issuance of such written permit shall depend upon the compliance of the applicant with standards of health and sanitation as set down by the city board of health, and such premises shall be at all times open to inspection to representatives of such board.”

The City no longer has a board of health and falls under Outagamie County for most Health and sanitation items. Staff reached out to the County Health Department to inquire on this topic and this type of activity does not fall under the county health provisions of chapter 26 of the County codes. This places the decision back to the City and is why it is coming before the Common Council.

Currently there are a small number (5-6) of pigeons being kept at 108 W 7<sup>th</sup> street in an enclosure. The Pigeons are racing pigeons, and the owner trains them for competition/racing as a hobby. At various times of the day they are released from their enclosure for training and exercise.

Some concerns have been raised about the Pigeons form residents in part from droppings on property and concerns of harboring diseases.

**Recommendation:**

If the Council feels that Pigeons can be permitted in this situation specific items need to be addressed in regards to number of Pigeons, the enclosure, cleanliness, and when they can be released. Otherwise, Staff would not recommend approving this permit and request direction from the Council on updating the ordinance.







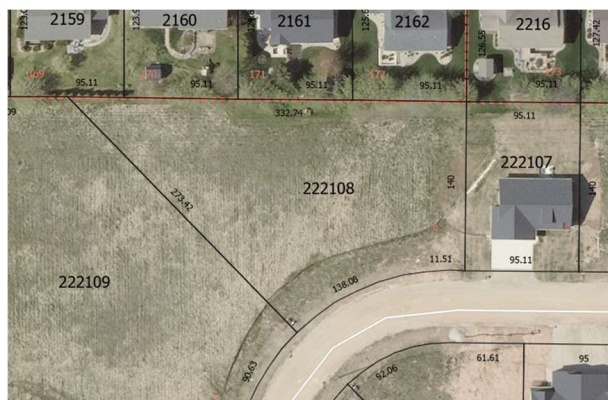


# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council  
 From: Dave Kittel, Director of Planning and Community Development  
 Date: 8/28/2024  
 Re: Lot 6 Inside the Park Place

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 8<sup>th</sup> 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. A map of the property is below, and a copy of the agreement is attached.



**Recommendation:**

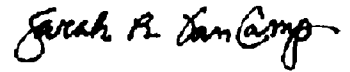
To not purchase the lot back at this time.



Document #: **2307832**  
Date: **01-31-2024** Time: **8:43 AM**  
Pages: **4** Fee: **\$30.00**  
County: **OUTAGAMIE COUNTY** State: **WI**

# DEVELOPER'S AGREEMENT

Document Name



**SARAH R VAN CAMP, REGISTER OF DEEDS**

This document has been electronically recorded

**Return to:**

**City of Kaukauna- Planning Department**

4 PAGES (INCLUDING COVER SHEET)

Recording Area

Name and Return Address:

City of Kaukauna  
Atty. Kevin W. Davidson  
144 W. Second Street  
Kaukauna, WI 54130

323222108

Parcel Identification Number

This instrument prepared by:  
City of Kaukauna  
Attorney Kevin Davidson  
City Attorney.  
144 W. Second Street  
Kaukauna, WI 54130  
(920) 766-6318

**THIS PAGE IS PART OF THIS LEGAL DOCUMENT - DO NOT REMOVE.**

This information must be completed by submitter: document title name & return address and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

WRDA Rev. 12/22/2010

**DEVELOPERS AGREEMENT**

This Agreement, entered into as of January 8, 2024 is by and between the City of Kaukauna (The "City"), and James E. Slempkes and Patricia M. Slempkes (The "Buyer").

**WITNESSETH**

WHEREAS, The Buyer, for the benefit of its affiliate, wishes to develop lot six (6) of Inside the Park Place (The "Property"), described as follows:

LOT SIX (6), OF INSIDE THE PARK PLACE, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN. ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY, RECORDED IN DOCUMENT # 2243700.

WHEREAS, the City and the Buyer have agreed to specific plans for the development of a single-family home consisting of not less than 1,650 square feet of livable area and having an improved assessed value of not less than \$300,000 (The "Project"), all in accordance with applicable State of Wisconsin and City building codes or other regulatory mandates; and,

WHEREAS, the Project shall be completed within three years of purchase date; and

WHEREAS, the City desires to encourage neighborhood development, expansion of its tax base, and creation of new housing units within the City. The City finds that the development of the Property and the fulfillment, generally, of the terms and conditions of this Agreement are in the vital and best interest of the City and its residents and serve a public purpose in accordance with state and local law; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and Buyer hereby agree as follows:

**1.0 Agreement**

**1.01 Purpose of Agreement.** The parties have agreed upon a plan for the development of a single-family home consisting of not less than 1,650 square feet of livable area and having an improved assessed value of not less than \$300,000, all in accordance with applicable State of Wisconsin and City of Kaukauna building codes or other regulatory mandates. The purpose of this Agreement is to formalize and record the understandings and undertakings of the parties and to provide a framework within which the redevelopment of the land within the Property will take place.

## **2.0 Undertakings of the Parties**

- 2.01 **Undertakings of Buyer.** The Buyer agrees that they shall:
- A. Purchase the Property from the City for an agreed upon price of \$72,500.00 (Seventy-two thousand five hundred dollars).
  - B. Construct of a single-family home consisting of not less than 1,650 livable square feet per lot, and with an improved Assessed Value of not less than \$300,000 (three hundred thousand dollars).
  - C. Commence construction in a timely fashion on or before three years from the date of this development agreement.
- 2.02 **Default.** In the event of default including the failure by the Buyer to construct the Project or breaching any provision of this Agreement or its obligations, the City shall have the option to suspend or terminate all obligations under this Agreement, pursue any legal or administration action including equitable remedy, or prior to the physical construction of the Project, the City shall have the option of right of reversion, to reacquire the Property transferred for the original sale price of the Property less the closing costs, brokerage commissions, or any other costs associated with the sale of the property.
- 2.03 **Selling of undeveloped parcel.** This Agreement shall be a covenant upon and run with the Property. In the event the Buyers decide to sell the property prior to being developed, Buyers shall inform future buyers of said developer's agreement.

~ SIGNATURE PAGES FOLLOW ~

**ACCEPTANCE OF BUYER**

IN WITNESS WHEREOF, The Buyer, has agreed to and executed this Contractual Agreement Jan 8<sup>th</sup>, 2024

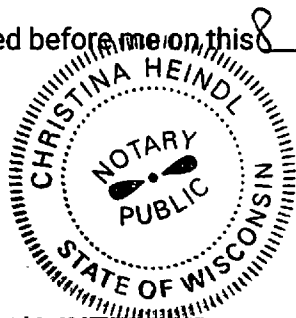
James E. Slempek  
By: James E. Slempek, Buyer

Patricia M. Slempek  
By: Patricia M. Slempek, Buyer

State of Wisconsin )  
  )ss.  
County of Outagamie )

This instrument was acknowledged before me on this 8 day in January 2024 by James E. Slempek and Patricia M. Slempek.

Christina Heindl  
(Signature of Notary)  
Expiration of Commission: 10/7/2024



**ACCEPTANCE OF CITY OF KAUKAUNA'S INTEREST**

The foregoing Contractual Agreement is hereby duly accepted by the City of Kaukauna January 8, 2024.

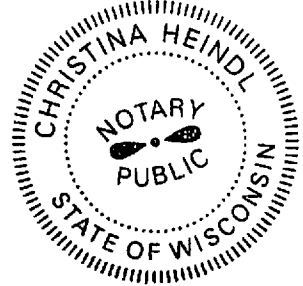
By: Anthony J. Penterman  
Anthony J. Penterman  
Mayor, City of Kaukauna

Attest:  
Sally A. Kenney  
Sally A. Kenney  
Clerk, City of Kaukauna

State of Wisconsin )  
  )ss.  
County of Outagamie )

This instrument was acknowledged before me on this 8 day in January 2024 by Anthony J. Penterman as Mayor and Sally A. Kenney as Clerk of the City of Kaukauna.

Christina Heindl  
(Signature of Notary)  
Expiration of Commission: 10/7/2024



**Inside the Park Place – Development Agreement**



# MEMO

## PLANNING & COMMUNITY DEVELOPMENT

To: Common Council  
 From: Dave Kittel Director of Planning and Community Development  
 Date: August 23, 2024  
 Re: Final Plat Review – 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:

1. Adding 10ft drainage easement to the rear of southern lots #43 thru 56
2. Replace 12ft utility easement with a 10ft drainage easement in the rear of lots 1 thru 14

A copy of the Final Plat with the above changes, application and resolution are attached to this memo.

**Staff Recommendation:**

**Approve the Resolution for the Final plat for Blue Stem West.**



## CITY OF KAUKAUNA PLAN COMMISSION APPLICATION FOR REVIEW

### I am requesting a:

Zoning Change

Special Exception Permit

Certified Survey Map Review

Subdivision Plat Review

### Petitioner Information:

Name: Davel Engineering & Environmental Inc.

Address: 1164 Province Terrace, Menasha WI 54952

Phone Number: 920-560-6569

Owner's Name (if not the petitioner): Dercks Builders & Masonry Inc

Owner's Address: W857 CTH ZZ

Address of Parcel in Question: 325-1181-65

Property Dimensions (in either SF or Acres): 744381 SF, 17.0886 Acres

Explain your proposed plans and what you are requesting the Plan Commission approve.

Please also note if there are existing structures on this property:

Blue Stem West Subdivision

**Additional Requirements:** For Certified Survey Map and Subdivision Plat Review, professionally drawn maps are required to be submitted. These maps must include all structures, lot lines and streets with distances to each. For Subdivision Plat Review, the proposed street system must be indicated on the face of the preliminary plat to indicate, within a 2,000 foot radius from the exterior border of the plat, how the proposed streets will tie into the existing street system. Maps should be drawn to a scale of not less than 1":1,000'. For Zoning Change requests that would result in split zoning (or two zoning classifications on one parcel), a professionally drawn map meeting the standards above is also required. Additional information may also be requested as may be appropriate per the proposal being made.

**Plan Commission Review Fee Schedule:**

Lot Division by Certified Survey Map (1-4 lots)	\$10/lot based on total lots
Subdivision Review (5+ lots)	\$200
Special Exception Permit	\$100
Rezoning/Zoning Change	\$100
Variance to Subdivision Ordinance	\$50
Planned Unit Subdivision Ordinance	\$200

**Please Note:** Changes to zoning ordinances, special exception permits and map/plat reviews often require action by multiple governmental bodies. Between multiple meetings and statutory requirements for public hearings and noticing of meetings, sometimes reviews and authorizations can take more than 30 days. Please let staff know of your request as early as possible if you have a specific deadline that you need Plan Commission authorization by.

**Signature of Petitioner:**

**Signature of Owner (if not Petitioner):**



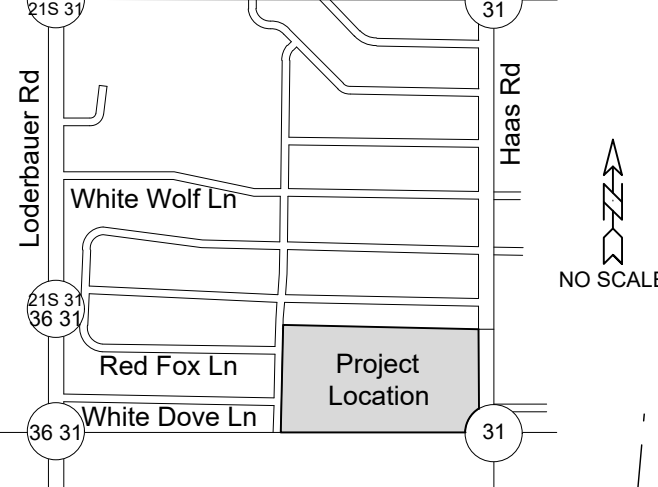
**Date Submitted to City of Kaukauna:** 8/19/24

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



### LOCATION MAP

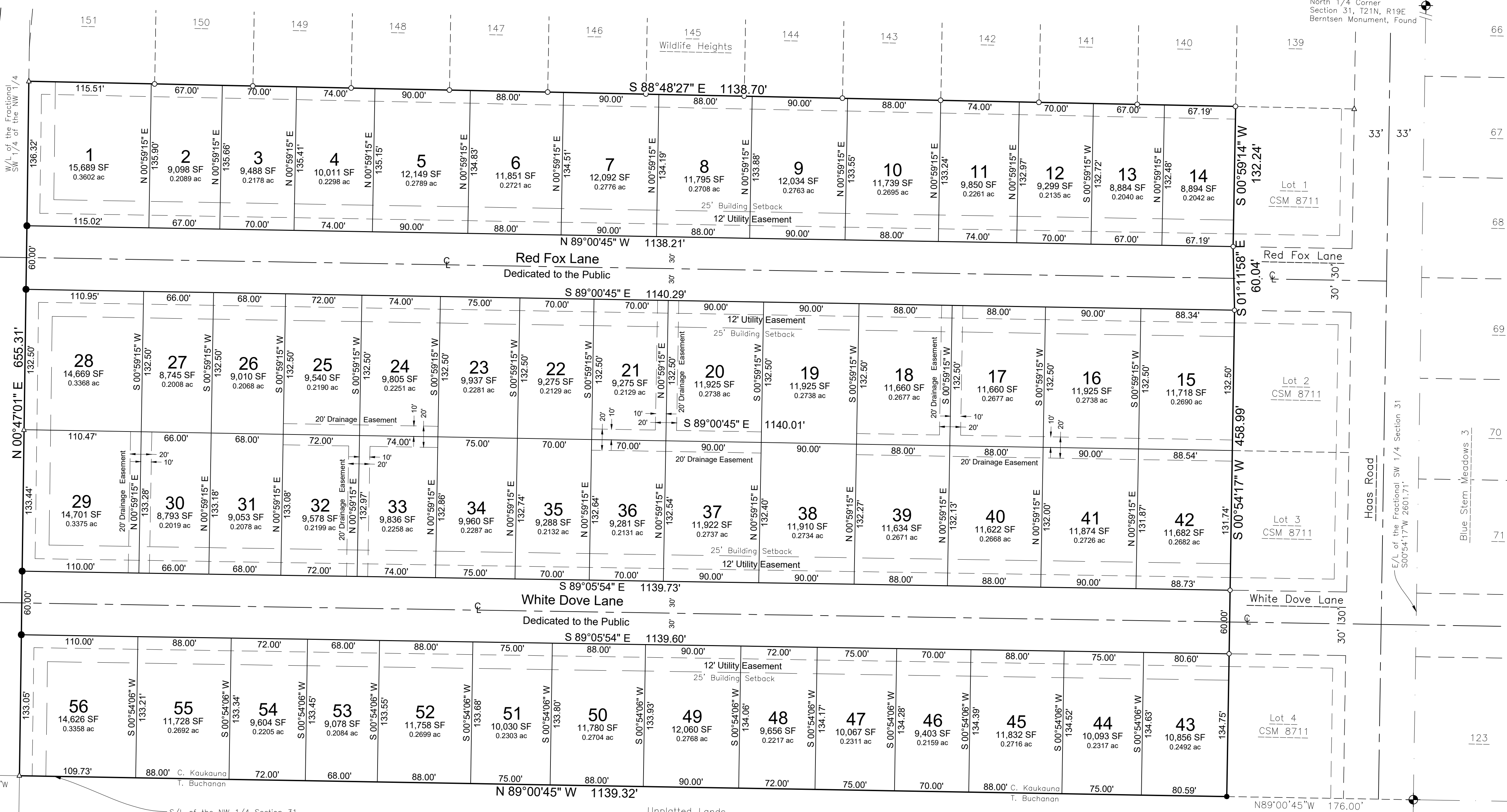
NW 1/4 SEC 31, T 21 N, R 19 E,  
CITY OF KAUKAUNA  
OUTAGAMIE COUNTY, WI



# Blue Stem West

All of Lot 1 of Certified Survey Map 8672 being located in part of the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 21 North, Range 19 East, City of Kaukauna, Outagamie County, Wisconsin.

North 1/4 Corner  
Section 31, T21N, R19E  
Berntsen Monument, Found



E/L of the Fractional SW 1/4 Section 31  
S00°54'17" W 2001.71'

Center of Section  
Section 31, T21N, R19E  
Chiseled X in 6" by 6" Stone, Found

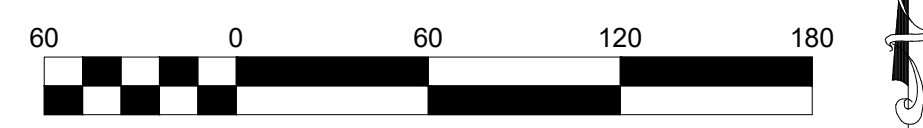
Unplatted Lands  
Mader Family Trust  
Karen D. Mader Revocable Living Trust

**NOTES**

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.

**LEGEND**

- 1 1/2" x 18" Steel Rebar @ 4.30lbs/LF SET
- All other corners
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- 3/4" Rebar Found
- 1" Iron Pipe Found
- △ 1 1/2" Rebar Found
- ⊙ Government Corner
- SF Lot Areas in Square Feet
- ac Lot Areas in Acres
- ( ) Recorded As



Bearings are referenced to the East line of the Northwest 1/4, Section 31, T20N, R19E, assumed to bear S00°54'17" W, base on the Outagamie County Coordinate System.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

Scott R. Andersen  
Professional Land Surveyor S-3169  
scott@davel.pro

Date \_\_\_\_\_

File: 8070Final.dwg  
Date: 08/09/2024  
Drafted By: scott  
Sheet: 1 of 2

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
Civil Engineers and Land Surveyors  
1164 Province Terrace, Menasha, WI 54952  
Ph: 920-991-1866 Fax: 920-441-0804  
www.davel.pro

Aug\_09\_2024--2:48pm J:\Projects\8070Final\dwg\Civil\_3D\8070Final.dwg Printed by: scott

# Blue Stem West

All of Lot 1 of Certified Survey Map 8672 being located in part of the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 21 North, Range 19 East, City of Kaukauna, Outagamie County, Wisconsin.

Surveyor's Certificate

I, Scott R. Andersen, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Kaukauna, and under the direction of Dercks Dewitt, LLC, owner of said land, I have surveyed divided and mapped Blue Stem West; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all All of Lot 1 of Certified Survey Map 8672, Document No. 2312399, being located in part of the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 21 North, Range 19 East, City of Kaukauna, Outagamie County, Wisconsin, containing 744,381 Square Feet (17.0886 Ac) of land. Described parcel is subject to all easements, and restrictions of record.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169

Owner's Certificate of Dedication

Dercks Dewitt, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Dercks Dewitt, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Kaukauna  
Department of Administration  
Outagamie County

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

In the presence of: Dercks Dewitt, LLC

\_\_\_\_\_  
Tom Dercks, Managing Member

State of Wisconsin)  
\_\_\_\_\_ County) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Wisconsin My Commission Expires \_\_\_\_\_

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by:

Dercks Dewitt, LLC, Grantor

to:

Kaukauna Utilities, Grantee,  
Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee,  
AT&T, Grantee,  
Spectrum, Grantee,  
TDS Metrocom, LLC, Grantee,

and

Any utility company with a current and approved Public Right-of-Way Registration in the City of Kaukauna, Grantees

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

\_\_\_\_\_  
Tom Dercks, Managing Member Date

Treasurers' Certificate

We, being the duly elected, qualified and acting Treasurers' of the City of Kaukauna and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

\_\_\_\_\_  
City Treasurer Date

\_\_\_\_\_  
County Treasurer Date

City of Kaukauna Common Council Approval Certificate

Resolved, that the plat of Blue Stem West in the City of Kaukauna, Dercks Dewitt, LLC, owner, is hereby approved by the Common Council.

\_\_\_\_\_  
Mayor Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Kaukauna.

\_\_\_\_\_  
City Clerk Date

City of Kaukauna Drainage Easement Restrictions:

The following uses and structures are prohibited within all Drainage Easements in the subdivision plat of Blue Stem West: filling, grading, and excavating except for construction of drainage ways and drainage facilities; the cultivation of crops, fruits, or vegetables; the dumping or depositing of ashes, waste, compost or material of any kind; the storage of vehicles, equipment, materials or personal property of any kind and constructing, erecting or moving any building or structure, including fences, within the drainage easement.

City of Kaukauna Drainage Easement Maintenance:

Maintenance of all drainage ways and associated drainage structures within the subdivision of Blue Stem West are the sole responsibility of the property owners in the subdivision, unless otherwise noted on the drainage plan which has been prepared for this subdivision and which has been approved by and is on file with the City of Kaukauna.

Upon failure of any property owner to perform maintenance, abide by restrictions, or follow grading requirements of the drainage ways and associated drainage structures, the City of Kaukauna retains the right to have maintenance or corrective measures performed. The cost of said maintenance or corrective measures on any given lot shall be a special charge to the non-complying lot.

Maintenance by the City to include, but not limited to, the removal of silt and decomposed vegetation that gradually accumulates in the bottom of a pond, a detention area, and/or accompanying ditch. Payment for city maintenance may be placed on the annual real estate tax bill from all contributing sources as a special assessment if not paid.

Grading and Grades

All grading and final grades for the construction of any public or private improvements, including landscaping, shall conform to the surface water drainage plan as approved and on file with the City of Kaukauna.

Sidewalks


All parts of a lot fronting a street, within the Blue Stem West, will have sidewalk.

This Final Plat is contained wholly within the property described in the following recorded instruments:

the property owner of record: Dercks Dewitt, LLC	Recording Information: Doc No. 2314412	Parcel Number(s): 325-1181-65
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There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_\_

Department of Administration 

File: 8070Final.dwg  
Date: 08/09/2024  
Drafted By: scott  
Sheet: 2 of 2



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
Civil Engineers and Land Surveyors  
1164 Province Terrace, Menasha, WI 54952  
Ph: 920-991-1866 Fax: 920-441-0804  
www.davel.pro

**RESOLUTION 2024-5443**

**RESOLUTION TO APPROVE THE BLUE STEM WEST FINAL PLAT**

**WHEREAS**, Dercks Dewitt LLC, as owners have presented a plat for a subdivision to the City of Kaukauna Common Council as prepared by Scott Andersen, a registered land surveyor of Davel Engineering and Environmental INC; and

**WHEREAS**, the final plat has been found to be in compliance with Chapter 18 of the City of Kaukauna’s Municipal Code; and

**WHEREAS**, on August 22<sup>nd</sup> 2024, the Plan Commission of the City of Kaukauna recommends to approve the Blue Stem West final plat; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kaukauna, Wisconsin, that the Blue Stem West final plat is hereby accepted and approved, there having been compliance with all local applicable provisions of law related thereto.

Introduced and adopted on this 3 day of September, 2024

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Sally A. Kenney, City Clerk



# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council  
From: Dave Kittel, Director of Planning and Community Development  
Date: 8/29/2024  
Re: Development Update

Currently there are numerous projects on going in the City. Below are updates on the larger developments currently under construction or about to begin:

1. Grand Stay Hotel in Commerce Crossing- Site plans have been approved with construction anticipated to start in the next week or two.





- 2. Legacy Creekside Apartments- The western most building has occupancy and nearing completion with minor items remaining. The other apartment buildings are framed up with and one foundation waiting for framing to start.



- 3. TANN Corp- Manufacturing Facility at New Prosperity Industrial Park- Exterior work is finishing with interior work ongoing.



- 4. Straight line-Manufacturer in New Prosperity Industrial Park- Construction is completed with some minor landscaping items and a fence to be installed





- 5. Klink Equipment- Framing is mostly completed with siding on most of the building.



- 6. The Reserve- Site Plans are being finalized with construction anticipated to start this fall.
- 7. 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 2<sup>nd</sup> street and the completion of a mural on Heritage Mall.

Home < [https://livability.com](https://livability.com/)> > Education, Careers & Opportunity < <https://livability.com/education-careers-opportunity/>> > Kaukauna, WI's Forward-Thinking Vision Spurs Growth, Investment

### Kaukauna, WI's Forward-Thinking Vision Spurs Growth, Investment

Kaukauna, WI, is focused on the future with a newly revitalized downtown, commercial opportunities and plenty of activities on the Fox River.

By Livability on August 21, 2024

Sponsored by: [Kaukauna < https://kaukauna.gov/>](https://kaukauna.gov/)



Located on the Fox River, Kaukauna, WI, offers all kinds of outdoor activities and the best of small town living.

Sure, you're captivated by the serenity and sparkle of the river, the occasional eagle cruising overhead, the quaint downtown and people who can always spare a smile. But don't be fooled by this seemingly sleepy city: there's a lot of excitement afoot in Kaukauna, [Wisconsin < https://livability.com/wi/>](https://livability.com/wi/), located in the [Fox Cities Region < https://livability.com/fox-cities/>](https://livability.com/fox-cities/).

"Kaukauna's 17,187 residents are looking ahead," says Kaukauna Mayor Tony Penterman. "We're a city with a rich history and tradition – and a progressive vision. We've got a lot to offer."

Among the city's exciting plans is a 140-acre expansion of the Commerce Crossing business park, focused on light industrial and commercial use. A new hotel will further enhance the site. Through a public-private partnership, the old Eagle Mill has been rehabbed, repurposed and now houses the North American headquarters of Ahlstrom, a Finnish company, and the Kaukauna Public Library.

The revitalization of downtown was amped up with a grant from the federal government that helped bring businesses — a candy and ice cream shop, a salon, an antique shop and a wedding cake bakery among them — to the district.

"We have several programs to help, like low-cost loans for façade renovation or downtown apartments," Penterman says. "If you want to open a restaurant, we have loans available for equipment. You can even get a loan to paint a mural on the side of your building."





Kaukauna, WI, is focused on the future with a newly revitalized downtown, commercial opportunities and plenty of activities on the Fox River.

**Fox River: A Center of Activity**

For up-close encounters with Mother Earth, little compares with the 1000 Islands Environmental Center, a 350-acre nature haven in Kaukauna WI.

The Fox River offers an unbeatable opportunity for all kinds of water activities, and for on-land water fun, the Aquatic Center just received a \$6 million spruce-up and expansion that includes a splash pad, additional water slide and an aqua climbing wall.

The Kaukauna Farmers Market is a weekly Wednesday highlight in summer, as is the Live From Hydro Park concert series.

Also in downtown Kaukauna WI, the city’s Alley Activation Project will turn two adjacent alleys and vacant lots into a community gathering spot, with landscaping, seating, and space for food trucks and live music.

“There are so many great things going on,” says Andrea Fencl, marketing and communications manager. “But the most important thing about Kaukauna, I think, is our people. This is a place where people care about each other, help each other and enjoy each other. It’s the kind of place that people want to live.”

*Learn more about Kaukauna WI at [kaukauna.gov](https://kaukauna.gov) < <https://kaukauna.gov/> > .*

RESOLUTION NO. 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

WHEREAS, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "Municipality") owns and operates a waterworks system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to Resolution No. 3000 adopted by the Governing Body on December 16, 1997 (the "Bond Resolution") and Resolution No. 4101 adopted by the Governing Body on September 19, 2017 (the "2017 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2017A, dated October 3, 2017 (the "2017 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to the Bond Resolution and Resolution No. 2020-5246 adopted by the Governing Body on November 17, 2020, as supplemented by a Certificate dated December 2, 2020 (collectively, the "2020 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2020, dated December 30, 2020 (the "2020 Bonds"), which are payable from the income and revenues of the System on a parity with the 2017 Bonds; and

WHEREAS, the 2017 Bonds and the 2020 Bonds shall collectively be referred to as the "Senior Bonds"; and

WHEREAS, the Bond Resolution, as supplemented by the 2017 Resolution and the 2020 Resolution (collectively, the "Supplementing Resolutions") shall collectively be referred to as the "Senior Resolutions"; and

WHEREAS, pursuant to Resolution No. 2023-5392 adopted by the Governing Body on June 20, 2023 (the "2023 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2023, dated July 12, 2023 (the "2023 Bonds"), which are payable from the income and revenues of the System on a basis junior and subordinate to the Senior Bonds; and

WHEREAS, pursuant to Resolution No. 2024-5429 adopted by the Governing Body on May 7, 2024 (the "2024 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2024, dated May 22, 2024 (the "2024 Bonds"), which are payable from the income and revenues of the System on a basis junior and subordinate to the Senior Bonds; and

WHEREAS, simultaneously with the issuance of the revenue bonds to be authorized pursuant to this Resolution (the "Bonds"), the Municipality proposes to issue its Taxable Waterworks System Revenue Bonds, Series 2024C (the "2024C Bonds") pursuant to a resolution to be adopted on the date hereof (the "2024C Resolution"), in the amount of up to \$195,488 for

the purposes of paying costs of a Safe Drinking Water Loan Program project, and which 2024C Bonds are intended to be issued on the same date as the Bonds; and

WHEREAS, the 2023 Bonds, the 2024 Bonds and the 2024C Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 2023 Resolution, the 2024 Resolution and the 2024C Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain improvements to the System, including the replacement of publicly-owned and private side lead service lines, are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 5120-14 by the Department of Natural Resources; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell waterworks system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, on a basis junior and subordinate to the Senior Bonds and on a parity with the Prior Bonds, to pay the cost of the Project; and

WHEREAS, the State of Wisconsin Safe Drinking Water Loan Program has determined to provide for the Bonds to be issued on a taxable basis; and

WHEREAS, the 2023 Resolution and the 2024 Resolution permit the issuance of additional bonds on a parity with the 2023 Bonds and the 2024 Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, the 2024C Resolution provides for the issuance of the Bonds on a parity with the 2024C Bonds; and

WHEREAS, other than the Senior Bonds and the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;

(c) "Bond Resolution" means Resolution No. 3000 adopted by the Governing Body on December 16, 1997;

(d) "Bonds" means the \$26,556 Taxable Waterworks System Revenue Bonds, Series 2024B, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;

(e) "Bond Year" means the twelve-month period ending on each May 1;

(f) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents, replacements and capital expenditures;

(g) "Debt Service Fund" means the Waterworks System Junior Lien Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;

(h) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

(i) "Fiscal Year" means the twelve-month period ending on each December 31;

(j) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;

(k) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from waterworks charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues appropriated by the Governing Body or other revenues of the Municipality appropriated by the Governing Body pursuant to Section 9 to the System, and any special assessments levied and collected in connection with the Project;

(l) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(m) "Municipality" means the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin;

(n) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(o) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11(c) of this Resolution;

(p) "Prior Bonds" means the 2023 Bonds, the 2024 Bonds and the 2024C Bonds, collectively;

(q) "Prior Resolutions" means the 2023 Resolution, the 2024 Resolution and the 2024C Resolution, collectively;

(r) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(s) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(t) "Senior Bonds" means the 2017 Bonds and the 2020 Bonds, and any other bonds issued on a parity with such bonds in the future pursuant to the restrictive provisions of Section 11(a) hereof, collectively;

(u) "Senior Resolutions" means the Bond Resolution, as supplemented by the 2017 Resolution, the 2020 Resolution and any future resolution authorizing the issuance of additional Senior Bonds, collectively;

(v) "Supplementing Resolutions" means the 2017 Resolution and 2020 Resolution, collectively;

(w) "System" means the entire waterworks system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the extraction, collection, treatment, storage and distribution of water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such waterworks system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(x) "2017 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2017A, dated October 3, 2017;

(y) "2017 Resolution" means Resolution No. 4101 adopted by the Governing Body on September 19, 2017 authorizing the issuance of the 2017 Bonds;

(z) "2020 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2020, dated December 30, 2020;

(aa) "2020 Resolution" means Resolution No. 2020-5246 adopted by the Governing Body on November 17, 2020 authorizing the issuance of the 2020 Bonds;

(bb) "2023 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2023, dated July 12, 2023;

(cc) "2023 Resolution" means Resolution No. 2023-5392 adopted by the Governing Body on June 20, 2023 authorizing the issuance of the 2023 Bonds;

(dd) "2024 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2024, dated May 22, 2024;

(ee) "2024 Resolution" means Resolution No. 2024-5429 adopted by the Governing Body on May 7, 2024 authorizing the issuance of the 2024 Bonds;

(ff) "2024C Bonds" means the Municipality's Taxable Waterworks System Revenue Bonds, Series 2024C, to be issued simultaneously with the Bonds; and

(gg) "2024C Resolution" means a resolution adopted by the Governing Body on the date hereof authorizing the issuance of the 2024C Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$26,556; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Taxable Waterworks System Revenue Bonds, Series 2024B" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 0.250% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2025 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by electronic transfer or by check or draft of the Municipality (as directed by the registered owner) and if by check or draft, mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter continued, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, junior and subordinate to the pledge granted to the holders of the Senior Bonds and on a parity with the pledge granted to the holders of the Prior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on first, the Senior Bonds in the event the funds on deposit in the Senior Lien Special Redemption Fund are insufficient and second, the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Senior Bonds, the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established pursuant to Section 6 of the Bond Resolution, as amended by the Supplementing Resolutions, the Prior Resolutions and this Resolution, which shall be used solely for the following respective purposes:

- (a) Waterworks System Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Senior Lien Special Redemption Fund, the Debt Service Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Waterworks System Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (c) Waterworks System Special Redemption Fund (the "Senior Lien Special Redemption Fund"), which shall be divided into two separate accounts to be known as the "Interest and Principal Account" and the "Reserve Account".
  - (i) There shall be deposited in the Interest and Principal Account in the manner specified in Section 7 of the Bond Resolution, as amended, an amount sufficient (after giving effect to

available amounts in said account from accrued interest, any premium, investment earnings and any other source) to pay the principal of and interest on the Senior Bonds as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Senior Bonds in accordance with the provisions of the Bond Resolution, as amended and supplemented by the Supplementing Resolutions.

(ii) The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Senior Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in the Bond Resolution, as amended and supplemented by the Supplementing Resolutions. The Reserve Account does not secure the Bonds or the Prior Bonds and monies on deposit in the Reserve Account shall under no circumstances be used to pay principal of or interest on the Bonds or the Prior Bonds.

(d) Waterworks System Junior Lien Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on first the Senior Bonds at any time the amount on deposit in the Senior Lien Redemption Fund is insufficient and second on the Bonds, the Prior Bonds and Parity Bonds, as the same becomes due, and which may contain a reserve account for future Parity Bonds.

(e) Waterworks System Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of or interest on, first, the Senior Bonds, and, second, the Prior Bonds, the Bonds and any Parity Bonds when the Senior Lien Special Redemption Fund or Debt Service Fund, as applicable, shall be insufficient for such purpose, and thereafter shall be disbursed as follows:

(i) at any time, to remedy any deficiency in any of the funds or accounts provided in Section 7 hereof; and,

(ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts continued herein, or to reimburse the general fund of Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

(a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);



- (b) to the Senior Lien Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Senior Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Senior Bonds coming due on the next succeeding principal payment date (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and for monthly transfer to the Reserve Account thereof, the amount required by the Senior Resolutions to fund the Reserve Account;
- (c) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Bonds, the Prior Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Bonds, the Prior Bonds and any Parity Bonds coming due on the next succeeding payment date (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by future resolutions authorizing the issuance of Parity Bonds to fund a reserve account established to secure such Parity Bonds; and
- (d) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Senior Lien Special Redemption Fund, the Debt Service Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to fund a reserve account for any future Parity Bonds secured thereby.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on, first, the Senior Bonds and, next, the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Waterworks System SDWLP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily

invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks services for public purposes shall be charged against the Municipality and shall be paid in quarterly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Senior Bonds, the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a basis junior and subordinate to the Senior Bonds and on a parity with the Prior Bonds as to the pledge of revenues of the System.

(a) Additional bonds may be issued on a basis senior to the Bonds provided that all the following conditions are met:

(1) Such additional bonds are issued on a parity with all then outstanding Senior Bonds pursuant to the restrictive provisions of the resolutions authorizing such then outstanding Senior Bonds;

(2) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all Senior Bonds then outstanding and any other bonds payable from revenues of the System then outstanding (including the Bonds and any Parity Bonds) and on the additional bonds then to be issued, times the greater of 1.10 or (ii) the highest debt service coverage ratio to be required with respect to any Senior Bonds, the additional bonds to be issued, or any other obligations payable from the revenues of the System then outstanding (including the Bonds or Parity Bonds). Should an increase in permanent rates and charges, including those made to the Municipality, be properly

ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(3) The additional obligations are rated by a nationally recognized bond rating agency in the "A" category or higher, either on an unenhanced basis or as a result of the purchase of bond insurance.

(b) Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds.

(c) Parity Bonds may be issued only under the following circumstances:

(1) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(2) Additional Parity Bonds may also be issued if all of the following conditions are met:

(i) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may calculate would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(ii) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(iii) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(iv) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$26,556 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Waterworks System SDWLP Project Fund." The Waterworks System SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Waterworks System SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds

sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 17. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Safe Drinking Water Loan Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Safe Drinking Water Loan Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 18. Conflicting Resolutions. All ordinances, resolutions (other than the Senior Resolutions, the 2023 Resolution and the 2024 Resolution), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Senior Resolutions, the 2023 Resolution or the 2024 Resolution, the Senior Resolutions, the 2023 Resolution and the 2024 Resolution shall control as long as any of the respective Senior Bonds, the 2023 Bonds or the 2024 Bonds are outstanding.

Passed: September 3, 2024

Approved: September 3, 2024

\_\_\_\_\_  
Anthony J. Penterman  
Mayor

Attest:

\_\_\_\_\_  
Sally A. Kenney  
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED  
NO. \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
OUTAGAMIE AND CALUMET COUNTIES  
CITY OF KAUKAUNA

REGISTERED  
\$ \_\_\_\_\_

TAXABLE WATERWORKS SYSTEM REVENUE BOND, SERIES 2024B

Final  
Maturity Date

May 1, 2044

Date of  
Original Issue

\_\_\_\_\_, 20\_\_

REGISTERED OWNER: STATE OF WISCONSIN SAFE DRINKING WATER LOAN PROGRAM

FOR VALUE RECEIVED the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2025 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 0.250% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on May 1, 2025.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2025 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at Zero and 250/1000ths percent (0.250%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date (as directed by the registered owner) and if by check or draft, mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

This Bond shall not be redeemable prior to its maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Waterworks System of the Municipality, including the replacement of publicly-owned and private side lead service lines, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted September 3, 2024, and entitled: "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" and is payable only from the income and revenues of the Waterworks System of the Municipality (the "Utility"). The Bonds are issued on a basis junior and subordinate to the Municipality's Waterworks System Revenue Bonds, Series 2017A, dated October 3, 2017 and Waterworks System Revenue Bonds, Series 2020, dated December 30, 2020 and on a parity with the Municipality's Waterworks System Revenue Bonds, Series 2023, dated July 12, 2023, Waterworks System Revenue Bonds, Series 2024, dated May 22, 2024 and Taxable Waterworks System Revenue Bonds, Series 2024C, dated September 25, 2024, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.



IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its Mayor and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF KAUKAUNA,  
WISCONSIN

(SEAL)

By: \_\_\_\_\_  
Anthony J. Penterman  
Mayor

By: \_\_\_\_\_  
Sally A. Kenney  
City Clerk

COPY

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

\_\_\_\_\_

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

\_\_\_\_\_

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

\_\_\_\_\_

SCHEDULE A

\$26,556

CITY OF KAUKAUNA, WISCONSIN  
TAXABLE WATERWORKS SYSTEM REVENUE BONDS, SERIES 2024B

<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



SCHEDULE A (continued)  
PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2025	\$1,296.54
May 1, 2026	1,299.78
May 1, 2027	1,303.03
May 1, 2028	1,306.29
May 1, 2029	1,309.55
May 1, 2030	1,312.83
May 1, 2031	1,316.11
May 1, 2032	1,319.40
May 1, 2033	1,322.70
May 1, 2034	1,326.01
May 1, 2035	1,329.32
May 1, 2036	1,332.64
May 1, 2037	1,335.98
May 1, 2038	1,339.32
May 1, 2039	1,342.66
May 1, 2040	1,346.02
May 1, 2041	1,349.39
May 1, 2042	1,352.76
May 1, 2043	1,356.14
May 1, 2044	1,359.53

RESOLUTION NO. 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

WHEREAS, the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "Municipality") owns and operates a waterworks system (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to Resolution No. 3000 adopted by the Governing Body on December 16, 1997 (the "Bond Resolution") and Resolution No. 4101 adopted by the Governing Body on September 19, 2017 (the "2017 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2017A, dated October 3, 2017 (the "2017 Bonds"), which are payable from the income and revenues of the System; and

WHEREAS, pursuant to the Bond Resolution and Resolution No. 2020-5246 adopted by the Governing Body on November 17, 2020, as supplemented by a Certificate dated December 2, 2020 (collectively, the "2020 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2020, dated December 30, 2020 (the "2020 Bonds"), which are payable from the income and revenues of the System on a parity with the 2017 Bonds; and

WHEREAS, the 2017 Bonds and the 2020 Bonds shall collectively be referred to as the "Senior Bonds"; and

WHEREAS, the Bond Resolution, as supplemented by the 2017 Resolution and the 2020 Resolution (collectively, the "Supplementing Resolutions") shall collectively be referred to as the "Senior Resolutions"; and

WHEREAS, pursuant to Resolution No. 2023-5392 adopted by the Governing Body on June 20, 2023 (the "2023 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2023, dated July 12, 2023 (the "2023 Bonds"), which are payable from the income and revenues of the System on a basis junior and subordinate to the Senior Bonds; and

WHEREAS, pursuant to Resolution No. 2024-5429 adopted by the Governing Body on May 7, 2024 (the "2024 Resolution"), the Municipality has heretofore issued its Waterworks System Revenue Bonds, Series 2024, dated May 22, 2024 (the "2024 Bonds"), which are payable from the income and revenues of the System on a basis junior and subordinate to the Senior Bonds; and

WHEREAS, simultaneously with the issuance of the revenue bonds to be authorized pursuant to this Resolution (the "Bonds"), the Municipality proposes to issue its Taxable Waterworks System Revenue Bonds, Series 2024B (the "2024B Bonds") pursuant to a resolution to be adopted on the date hereof (the "2024B Resolution"), in the amount of up to \$26,556 for the

purposes of paying costs of a Safe Drinking Water Loan Program project, and which 2024B Bonds are intended to be issued on the same date as the Bonds; and

WHEREAS, the 2023 Bonds, the 2024 Bonds and the 2024B Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 2023 Resolution, the 2024 Resolution and the 2024B Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain improvements to the System, including the replacement of publicly-owned and private side lead service lines, are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 5120-10 by the Department of Natural Resources; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell waterworks system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, on a basis junior and subordinate to the Senior Bonds and on a parity with the Prior Bonds, to pay the cost of the Project; and

WHEREAS, the State of Wisconsin Safe Drinking Water Loan Program has determined to provide for the Bonds to be issued on a taxable basis; and

WHEREAS, the 2023 Resolution and the 2024 Resolution permit the issuance of additional bonds on a parity with the 2023 Bonds and the 2024 Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, the 2024B Resolution provides for the issuance of the Bonds on a parity with the 2024B Bonds; and

WHEREAS, other than the Senior Bonds and the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;

(c) "Bond Resolution" means Resolution No. 3000 adopted by the Governing Body on December 16, 1997;

(d) "Bonds" means the \$195,488 Taxable Waterworks System Revenue Bonds, Series 2024C, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;

(e) "Bond Year" means the twelve-month period ending on each May 1;

(f) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents, replacements and capital expenditures;

(g) "Debt Service Fund" means the Waterworks System Junior Lien Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;

(h) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

(i) "Fiscal Year" means the twelve-month period ending on each December 31;

(j) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;

(k) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from waterworks charges imposed by the Municipality, all payments to the Municipality under any service agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees, any tax incremental district revenues appropriated by the Governing Body or other revenues of the Municipality appropriated by the Governing Body pursuant to Section 9 to the System, and any special assessments levied and collected in connection with the Project;

(l) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(m) "Municipality" means the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin;

(n) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(o) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11(c) of this Resolution;

(p) "Prior Bonds" means the 2023 Bonds, the 2024 Bonds and the 2024B Bonds, collectively;

(q) "Prior Resolutions" means the 2023 Resolution, the 2024 Resolution and the 2024B Resolution, collectively;

(r) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;

(s) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(t) "Senior Bonds" means the 2017 Bonds and the 2020 Bonds, and any other bonds issued on a parity with such bonds in the future pursuant to the restrictive provisions of Section 11(a) hereof, collectively;

(u) "Senior Resolutions" means the Bond Resolution, as supplemented by the 2017 Resolution, the 2020 Resolution and any future resolution authorizing the issuance of additional Senior Bonds, collectively;

(v) "Supplementing Resolutions" means the 2017 Resolution and 2020 Resolution, collectively;

(w) "System" means the entire waterworks system of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the extraction, collection, treatment, storage and distribution of water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such waterworks system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(x) "2017 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2017A, dated October 3, 2017;

(y) "2017 Resolution" means Resolution No. 4101 adopted by the Governing Body on September 19, 2017 authorizing the issuance of the 2017 Bonds;

(z) "2020 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2020, dated December 30, 2020;

(aa) "2020 Resolution" means Resolution No. 2020-5246 adopted by the Governing Body on November 17, 2020 authorizing the issuance of the 2020 Bonds;

(bb) "2023 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2023, dated July 12, 2023;



(cc) "2023 Resolution" means Resolution No. 2023-5392 adopted by the Governing Body on June 20, 2023 authorizing the issuance of the 2023 Bonds;

(dd) "2024 Bonds" means the Municipality's Waterworks System Revenue Bonds, Series 2024, dated May 22, 2024;

(ee) "2024 Resolution" means Resolution No. 2024-5429 adopted by the Governing Body on May 7, 2024 authorizing the issuance of the 2024 Bonds;

(ff) "2024B Bonds" means the Municipality's Taxable Waterworks System Revenue Bonds, Series 2024B, to be issued simultaneously with the Bonds; and

(gg) "2024B Resolution" means a resolution adopted by the Governing Body on the date hereof authorizing the issuance of the 2024B Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$195,488; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Taxable Waterworks System Revenue Bonds, Series 2024C" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 0.250% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2025 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by electronic transfer or by check or draft of the Municipality (as directed by the registered owner) and if by check or draft, mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter continued, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, junior and subordinate to the pledge granted to the holders of the Senior Bonds and on a parity with the pledge granted to the holders of the Prior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on first, the Senior Bonds in the event the funds on deposit in the Senior Lien Special Redemption Fund are insufficient and second, the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Senior Bonds, the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established pursuant to Section 6 of the Bond Resolution, as amended by the Supplementing Resolutions, the Prior Resolutions and this Resolution, which shall be used solely for the following respective purposes:

- (a) Waterworks System Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Senior Lien Special Redemption Fund, the Debt Service Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Waterworks System Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (c) Waterworks System Special Redemption Fund (the "Senior Lien Special Redemption Fund"), which shall be divided into two separate accounts to be known as the "Interest and Principal Account" and the "Reserve Account".
  - (i) There shall be deposited in the Interest and Principal Account in the manner specified in Section 7 of the Bond Resolution, as amended, an amount sufficient (after giving effect to

available amounts in said account from accrued interest, any premium, investment earnings and any other source) to pay the principal of and interest on the Senior Bonds as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Senior Bonds in accordance with the provisions of the Bond Resolution, as amended and supplemented by the Supplementing Resolutions.

(ii) The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Senior Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded and replenished in the manner specified in the Bond Resolution, as amended and supplemented by the Supplementing Resolutions. The Reserve Account does not secure the Bonds or the Prior Bonds and monies on deposit in the Reserve Account shall under no circumstances be used to pay principal of or interest on the Bonds or the Prior Bonds.

(d) Waterworks System Junior Lien Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on first, the Senior Bonds at any time the amount on deposit in the Senior Lien Special Redemption Fund is insufficient and second, on the Bonds, the Prior Bonds and Parity Bonds, as the same becomes due, and which may contain a reserve account for future Parity Bonds.

(e) Waterworks System Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of or interest on, first, the Senior Bonds, and, second, the Prior Bonds, the Bonds and any Parity Bonds when the Senior Lien Special Redemption Fund or Debt Service Fund, as applicable, shall be insufficient for such purpose, and thereafter shall be disbursed as follows:

(i) at any time, to remedy any deficiency in any of the funds or accounts provided in Section 7 hereof; and,

(ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts continued herein, or to reimburse the general fund of Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

(a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);

- (b) to the Senior Lien Special Redemption Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Senior Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Senior Bonds coming due on the next succeeding principal payment date (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and for monthly transfer to the Reserve Account thereof, the amount required by the Senior Resolutions to fund the Reserve Account;
- (c) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Bonds, the Prior Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Bonds, the Prior Bonds and any Parity Bonds coming due on the next succeeding payment date (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source), and any amount required by future resolutions authorizing the issuance of Parity Bonds to fund a reserve account established to secure such Parity Bonds; and
- (d) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Senior Lien Special Redemption Fund, the Debt Service Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to fund a reserve account for any future Parity Bonds secured thereby.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on, first, the Senior Bonds and, next, the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Waterworks System SDWLP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily

invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing waterworks services for public purposes shall be charged against the Municipality and shall be paid in quarterly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Senior Bonds, the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a basis junior and subordinate to the Senior Bonds and on a parity with the Prior Bonds as to the pledge of revenues of the System.

(a) Additional bonds may be issued on a basis senior to the Bonds provided that all the following conditions are met:

(1) Such additional bonds are issued on a parity with all then outstanding Senior Bonds pursuant to the restrictive provisions of the resolutions authorizing such then outstanding Senior Bonds;

(2) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all Senior Bonds then outstanding and any other bonds payable from revenues of the System then outstanding (including the Bonds and any Parity Bonds) and on the additional bonds then to be issued, times the greater of 1.10 or (ii) the highest debt service coverage ratio to be required with respect to any Senior Bonds, the additional bonds to be issued, or any other obligations payable from the revenues of the System then outstanding (including the Bonds or Parity Bonds). Should an increase in permanent rates and charges, including those made to the Municipality, be properly

ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(3) The additional obligations are rated by a nationally recognized bond rating agency in the "A" category or higher, either on an unenhanced basis or as a result of the purchase of bond insurance.

(b) Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds.

(c) Parity Bonds may be issued only under the following circumstances:

(1) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(2) Additional Parity Bonds may also be issued if all of the following conditions are met:

(i) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as a registered municipal advisor, an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may calculate would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(ii) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(iii) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(iv) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$195,488 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Waterworks System SDWLP Project Fund." The Waterworks System SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Waterworks System SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds

sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 17. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Safe Drinking Water Loan Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Safe Drinking Water Loan Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.



Section 18. Conflicting Resolutions. All ordinances, resolutions (other than the Senior Resolutions, the 2023 Resolution and the 2024 Resolution), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Senior Resolutions, the 2023 Resolution or the 2024 Resolution, the Senior Resolutions, the 2023 Resolution and the 2024 Resolution shall control as long as any of the respective Senior Bonds, 2023 Bonds or 2024 Bonds are outstanding.

Passed: September 3, 2024

Approved: September 3, 2024

\_\_\_\_\_  
Anthony J. Penterman  
Mayor

Attest:

\_\_\_\_\_  
Sally A. Kenney  
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED  
NO. \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
OUTAGAMIE AND CALUMET COUNTIES  
CITY OF KAUKAUNA

REGISTERED  
\$ \_\_\_\_\_

TAXABLE WATERWORKS SYSTEM REVENUE BOND, SERIES 2024C

Final  
Maturity Date

May 1, 2044

Date of  
Original Issue

\_\_\_\_\_, 20\_\_

REGISTERED OWNER: STATE OF WISCONSIN SAFE DRINKING WATER LOAN PROGRAM

FOR VALUE RECEIVED the City of Kaukauna, Outagamie and Calumet Counties, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2025 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 0.250% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on May 1, 2025.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2025 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at Zero and 250/1000ths percent (0.250%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date (as directed by the registered owner) and if by check or draft, mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

This Bond shall not be redeemable prior to its maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Waterworks System of the Municipality, including the replacement of publicly-owned and private side lead service lines, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted September 3, 2024, and entitled: "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" and is payable only from the income and revenues of the Waterworks System of the Municipality (the "Utility"). The Bonds are issued on a basis junior and subordinate to the Municipality's Waterworks System Revenue Bonds, Series 2017A, dated October 3, 2017 and Waterworks System Revenue Bonds, Series 2020, dated December 30, 2020 and on a parity with the Municipality's Waterworks System Revenue Bonds, Series 2023, dated July 12, 2023, Waterworks System Revenue Bonds, Series 2024, dated May 22, 2024 and Taxable Waterworks System Revenue Bonds, Series 2024B, dated September 25, 2024, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its Mayor and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF KAUKAUNA,  
WISCONSIN

(SEAL)

By: \_\_\_\_\_  
Anthony J. Penterman  
Mayor

By: \_\_\_\_\_  
Sally A. Kenney  
City Clerk

COPY

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

\_\_\_\_\_

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

\_\_\_\_\_

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

\_\_\_\_\_

SCHEDULE A

\$195,488

CITY OF KAUKAUNA, WISCONSIN  
TAXABLE WATERWORKS SYSTEM REVENUE BONDS, SERIES 2024C

<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

COPY

SCHEDULE A (continued)  
PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2025	\$ 9,544.29
May 1, 2026	9,568.15
May 1, 2027	9,592.07
May 1, 2028	9,616.05
May 1, 2029	9,640.09
May 1, 2030	9,664.19
May 1, 2031	9,688.35
May 1, 2032	9,712.57
May 1, 2033	9,736.85
May 1, 2034	9,761.19
May 1, 2035	9,785.59
May 1, 2036	9,810.06
May 1, 2037	9,834.58
May 1, 2038	9,859.17
May 1, 2039	9,883.82
May 1, 2040	9,908.53
May 1, 2041	9,933.30
May 1, 2042	9,958.13
May 1, 2043	9,983.03
May 1, 2044	10,007.99

**RESOLUTION 2024-5443**

**RESOLUTION TO APPROVE THE BLUE STEM WEST FINAL PLAT**

**WHEREAS**, Dercks Dewitt LLC, as owners have presented a plat for a subdivision to the City of Kaukauna Common Council as prepared by Scott Andersen, a registered land surveyor of Davel Engineering and Environmental INC; and

**WHEREAS**, the final plat has been found to be in compliance with Chapter 18 of the City of Kaukauna’s Municipal Code; and

**WHEREAS**, on August 22<sup>nd</sup> 2024, the Plan Commission of the City of Kaukauna recommends to approve the Blue Stem West final plat; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kaukauna, Wisconsin, that the Blue Stem West final plat is hereby accepted and approved, there having been compliance with all local applicable provisions of law related thereto.

Introduced and adopted on this 3 day of September, 2024

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Sally A. Kenney, City Clerk