

PLAN COMMISSION

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



Thursday, July 21, 2022 at 4:00 PM

AGENDA

1. Roll Call.
2. Approval of Minutes.
 - [a.](#) Approve Minutes of June 23, 2022 Meeting
3. New Business.
 - [a.](#) Park Donation Application Review
 - [b.](#) Outdoor Alcohol Beverage Area Ordinance Review
 - [c.](#) Driveway Width Ordinance Review
 - [d.](#) Lease Agreement Between the City of Kaukauna and Don Dix
4. Other Business.
5. Adjourn.

NOTICES

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



PLAN COMMISSION

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



Thursday, June 23, 2022 at 4:00 PM

MINUTES

1. Roll Call.

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

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

Member(s) Absent: Commissioner Avanzi.

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

2. Approval of Minutes.

a. Approve Minutes of June 16, 2022 Meeting

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

3. Old Business.

There was no old business.

4. New Business.

a. Hurkman Heights Subdivision – Ben's Way Extension

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

No action was taken.

b. Park Donation Application Review

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

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

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

c. Petition for Unanimous Annexation

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

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

4. Other Business.

There was no other business.

5. Adjourn.

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



MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Plan Commission
From: Lily Paul, Associate Planner
Date: July 15, 2022
Re: Park Donations

A Park Donation application has been submitted by Ellen Courtney and family to be installed on the Nelson Heritage Trail. The precise location would be across the river from their residence at 2307 Riverside Dr in the Village of Little Chute. Please see attached map for reference. The bench will include a memorial plaque:

"In Memory of John and Ann Courtney Family"

A Park Donation application has been submitted by Orlando and Janice Jansen to be installed on the Nelson Heritage Trail. The precise location would be at the east entrance. The bench will include a plaque:

"Orlando and Janice Jansen. Rest Relax Enjoy"

Staff has contacted the Village of Little Chute to inquire what benches they have used. Staff feels that this trail should remain consistent with what style of benches, receptacles and other items that have already been installed. The attached images show the dimensions and style of the bench proposed to be installed with Redwood Recycled Plastic. The price is \$1,367 per bench, \$315 for the memorial plaque, and freight is split between three donors making it \$88. There is an extra cost to be added for installation of concrete. The total donation for this bench, in these locations, would be ~\$1,870.

Staff Recommendation

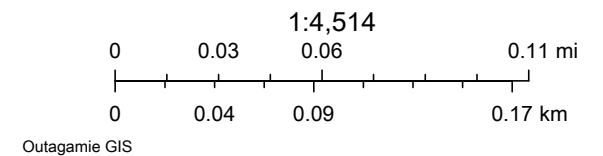
Staff recommends to approve the park bench donation for John and Ann Courtney Family and Orlando and Janice Jansen.

John & Ann Courtney Family Bench

Item 3.a.



7/15/2022, 12:18:34 PM





APPLICATION FOR PARK DONATION

Donor Name: Ellen Courtney & Family

Phone Number: 9207662886 - 9208098095

Address: 2307 Riverside Dr Kaukauna

Email Address: mecourtney2827@att.net

Park for Donation: Nelson Heritage Trail

Proposed Location: across from the address list Cost of Project (materials and installation)

Type of Donation:

*Please provide an estimate if you are not sure on exact cost

Bench ☒ Table ☐ Tree ☐

\$1,914

Other Item (Please Describe) ☐

Inscription Text (If Applicable)

In Memory of John and Ann Courtney Family

with a claddagh symbol

Please attach any necessary photos or documents with this form

Park Donations to the City of Kaukauna are considered outright and unrestricted donations. The City of Kaukauna does not guarantee the permanency of the accepted donation. If a memorial must be relocated, Department staff will attempt to notify the donor in writing at the address shown on this form. Donations may be tax deductible (please consult an accountant). The donor declares to have read the Parks Donation Policy and Guidelines. The donor understands and agrees with the conditions set forth in this policy and agrees to any conditions required by City staff or elected officials.

By signing below, I acknowledge that I have read and understand the Parks Donation Policy and Guidelines

7/15/2022



APPLICATION FOR PARK DONATION

Donor Name: Orlando + Janice Jansen

Phone Number: 920-766-5061

Address: 401 E 18th St

Email Address: ojansen401@gmail.com

Park for Donation: River Walk

Proposed Location: east end by parking lot.

Type of Donation:

Cost of Project (materials and installation)

*Please provide an estimate if you are not sure on exact cost

Bench ☒ Table ☐ Tree ☐

Other Item (Please Describe) ☐

Inscription Text (If Applicable)

Orlando and Janice Jansen
Rest Relax Enjoy

Please attach any necessary photos or documents with this form

Park Donations to the City of Kaukauna are considered outright and unrestricted donations. The City of Kaukauna does not guarantee the permanency of the accepted donation. If a memorial must be relocated, Department staff will attempt to notify the donor in writing at the address shown on this form. Donations may be tax deductible (please consult an accountant). The donor declares to have read the Parks Donation Policy and Guidelines. The donor understands and agrees with the conditions set forth in this policy and agrees to any conditions required by City staff or elected officials.

By signing below, I acknowledge that I have read and understand the Parks Donation Policy and Guidelines

Orlando Jansen Janice Jansen

11. Permit required for outdoor alcoholic beverage area.

1. *Definition.* An outdoor alcoholic beverage area is defined as an open air, roofed or unroofed area adjacent to or accessory to a Class B intoxicating liquor and/or Class B fermented malt beverage and/or Class C licensed premises, where beer and other alcoholic beverages are consumed, which is not included within the licensed premises.
2. *Required for outdoor consumption.* No licensee shall allow the consumption of alcoholic beverages on any part of the licensed premises property not enclosed within the licensed premises as described on the license, except under permit granted by the city council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the city council at its pleasure at any time or shall otherwise expire on June 30 of each year. An initial permit request may be applied for any time throughout the year, by completing a city outdoor alcoholic beverage area permit application, but after the initial request is approved any renewals shall accompany the regular license renewal application. No person shall consume or have in his or her possession alcoholic beverages on any unenclosed part of premises property not within a licensed premises as described on the license and which is not described in a valid outdoor alcoholic beverage area permit.
3. *Limitations on issuance of permit.*
 1. ~~No outdoor alcoholic beverage area permit shall be issued if the total outdoor entertaining area associated with the licensed premises is greater than 50 percent of the gross floor area of the licensed premises enclosed within the building.~~ Each applicant for an outdoor alcoholic beverage permit shall accurately describe the area ~~intended for use as an outdoor entertaining area~~ and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor alcoholic beverage area. Applicants shall submit a site plan professionally drawn to scale and an application for review by the city's zoning administrator. The zoning administrator will review all proposed outdoor alcoholic beverage area permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.
 2. Every outdoor beverage area shall be completely enclosed with a ~~solid~~ permanent barrier ~~or screen~~; not less than ~~six-four~~ feet in height ~~and will achieve not less than 50% screening. The barrier may consist of a vegetative screen, permanent fencing, or a combination of the two. The barrier shall be well kept and maintained in an orderly fashion. If any portion of the barrier is compromised, in disrepair, or otherwise not functioning, the outdoor alcoholic beverage area permit shall be suspended until such steps are taken to restore the barrier to working order. For those establishments in which the sale of alcoholic beverages accounts for more than 50 percent of gross receipts. For those establishments where alcoholic beverage sales do not account for 50 percent of gross receipts a permanent barrier is still required, but its structure may be less opaque and less than six feet in height.~~
 - 2.3. Barriers adjacent to residential properties shall provide a six-foot tall 100% screened barrier along all sides directly abutting a residential property.
4. *Grant of permit.* The city clerk shall forward any outdoor beverage area permit application to the chief of the police and the fire departments of the city, to the building ~~inspection~~ inspector department and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval of such permit. Their recommendation shall be based upon their respective

investigations and/or inspections of the applicant and/or the premises and proposed outdoor alcoholic beverage area as to the suitability and character of any applicants, as to any issues relevant to the safety, traffic, security, and well-being of the citizens and neighborhoods of the City of Kaukauna, and as to whether any additional special conditions, restrictions, or limitations should apply to said permit.

5. *Restrictions.* All premises receiving outdoor alcoholic beverage area permits approved after the adoption date of this section will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes an outdoor alcoholic beverage area that was established, licensed, and authorized by the city prior to the adoption of this section, the restrictions under this subsection (e) do not apply, except as specified.
 1. Access to the outdoor entertaining area shall only be through the main entrance to the Class B intoxicating liquor, Class B fermented malt beverage; and Class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes. In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of the building, the Plan Commission may review the outdoor beverage area site plan and approve alternative entrances.
 2. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor alcoholic beverage area. Any premises licensed prior to the adoption of this ordinance for which such premises includes areas not enclosed within the building of the premises shall be required to obtain approval from the city council for amplified sound or music.
 3. All sales of alcoholic beverages shall be restricted to the enclosed licensed premise.
 4. The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10:00 a.m. until 9:00 p.m., Sunday through Thursday and from 10:00 a.m. until 10:00 p.m. Friday and Saturday.
 5. No outdoor alcoholic beverage area which is less than 80 feet from any school ~~public school property, parochial school property, hospital property, or church property~~ shall be open for operation during school hours as specified on the outdoor alcoholic beverage area permit. Such distance shall be measured by the shortest route from the closest point of such school, ~~church, or hospital property~~ to the closest point of the outdoor alcoholic beverage area.
 6. A licensed bartender shall be present and actively monitoring the outdoor alcoholic beverage area at all times it is open for operation.
 7. The outdoor alcoholic beverage area shall be monitored at all times. If any area is required by the permit specification to be monitored by surveillance cameras such surveillance cameras and security recording system shall be maintained in good operating condition at all times. Upon request by the Kaukauna Police Department surveillance video shall be made available for review to aid in the investigation of any incident, altercation or crime under investigation.
 8. The capacity for the licensed premises' building shall remain the same even with the addition of an outdoor alcoholic beverage area permit.
 9. A licensee shall not permit any activities within the outdoor alcoholic beverage area that constitute a nuisance.
 10. A licensee shall comply with all other applicable state statutes and city ordinances.

6. *Adjoining property owners to be notified of pendency of applications.* All property owners within 150 feet of the proposed outdoor entertaining area measured from property line to property line shall be notified of the pendency of application for an outdoor alcoholic beverage area permit and notice of informational hearing to be held prior to city council approval. Such notice shall be made by the city clerk's office via first class mail.
7. *Authority of police to suspend outdoor alcoholic beverage area permit.* The shift commander or designee of the police department has the authority to order any outdoor alcoholic beverage area to be closed down at any time the shift commander/designee believes its continued operation is in violation of this section, any other applicable city ordinance or provisions of Wis. Stats. ch. 125.
8. *State statutes enforced within outdoor entertaining area.* Every licensee under this section shall comply with and enforce all provisions of Wis. Stats. ch. 125 applicable to Class B and/or Class C licensed premises, except insofar as such provisions are clearly renewal of the outdoor alcoholic beverage area permit by the city council.
9. *Fee required.* The city council shall approve the fee for outdoor alcoholic beverage area permits.

**City of Kaukauna
Plan Commission**

July 21, 2022

JWN/engr dept

Agenda Item

Review of Municipal Code 17.32(3)(c) Accessory parking and storage

Background

Legislative Committee has referred the noted ordinance back to Plan Commission for review and recommendation for changes to the driveway width language. Engineering Department has included some recommendations and discussion topics with this memo. Also included is the background listed below:

In 2021, the Planning Department and Plan Commission began discussion on driveway expansion/extensions in the City. This was in response to multiple code violations for paving of side and front yards for additional vehicle/trailer/wood/storage. The discussions grew to include maximum widths of driveways at the property line and maximum curb opening width. Enclosed you will find the current ordinance, Plan Commission meeting minutes, proposed ordinances and scenarios discussed, notices for the public hearing, and minutes from the public hearing and ordinance adoption at Common Council.

Recommended Actions

Review and discuss current ordinance and make any recommended changes to Legislative Committee.

ORDINANCE 2021-1833
ORDINANCE AMENDING CERTAIN ACCESSORY USES AND STRUCTURES; ACCESSORY
PARKING AND STORAGE IN CH. 17.32 OF THE MUNICIPAL CODE OF ORDINANCES.

WHEREAS, to protect and preserve future land use in the City of Kaukauna's various zoning districts, the Common Council amends Section 17.32(3)(c)(1-2); to further specify restrictions on accessory structures, parking and storage; and

WHEREAS, the matter was referred to, acted upon, and recommended for approval by the City Plan Commission on May 20, 2021; and

WHEREAS, after due notice as required by law, a public hearing was held before the Common Council on July 6, 2021, at 7:00 p.m.

NOW, THEREFORE, the Common Council of the City of Kaukauna do ordain that Section 17.32(3)(c)(1-2) of the Kaukauna Municipal Code shall be stricken and shall be replaced with the following:

17.32 – Supplementary district regulations

3. Accessory uses and structures.


c. Accessory parking and storage.

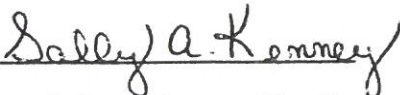
1. In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. In RSF, driveways shall not exceed 25' maximum width at the property line and shall not exceed 35' maximum width at the curb. Expansions of driveways after construction require a permit from the Building Inspection department.

Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum of two feet off of a property line.

2. Persons who shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-driven camper, or any like business or recreational vehicle in the required front yard of any residential district, shall store such vehicles on the driveway emplaced to provide access to the garage. Such vehicles may be stored on driveway expansions in the side yard setback that extend beyond the width of the garage provided that the storage is in the side yard only – behind the garage opening, but not in the rear yard behind the garage or house. Any of the vehicles in this subsection parked within the front or side yards on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface.

This ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED: 
Anthony J. Penterman, Mayor

ATTEST: 
Sally A. Kenney, City Clerk

Adopted: 07-06-2021

Published: 07-14-2021

Draft Driveway Width Recommendations – JWN 7/15/2022

Maximum driveway width at the curb will be the width at the right of way plus flared driving area as determined by the City Engineer or designee, in no case shall driveway width at curb exceed 35-37'.

Driveway width at the right of way in RSF zoning shall not exceed the least of the following:

- a) Attached and Front Yard Garages
 - 1) 30 to 34' maximum at walk
 - 2) Outer-most to Inner-most garage door opening width plus 4'
 - 3) 40% of the lot frontage
- b) Rear Yard Garage (Access from Street)
 - 1) 12' maximum at walk
- c) Rear Yard Garage (Access from Alley)
 - 1) Width of the garage frontage + 12'
 - 2) 40% of the lot frontage on the alley

Alternate/Additional Considerations

- 1) To help compensate for additional driveway impervious surface, change new subdivisions to 31' wide streets (b/b), restrict parking on one side.
- 2) Implement a total lot coverage maximum percentage (40%?) – to include all impervious surfaces (include but not limited to: roof, sheds, walks, driveway, patio, porches) To be part of a site plan submittal for all permits.

Driveway Width Comparison 2022

Little Chute	Width of the garage or 40 feet whichever is less at sidewalk 3 foot flare allowed on both sides of the apron at the curb
Appleton	40 percent of the lot width or 40 foot max at the sidewalk 3 foot flare allowed on both sides of the apron at the curb
Green Bay	25 feet at the sidewalk 30 feet at the curb
De Pere	25 feet at the sidewalk 35 feet at the curb
New London	25 feet at the sidewalk 31 feet at the curb
Kimberly	24 feet at the sidewalk 27 feet at the curb *working on 38 feet or width of garage at the sidewalk and a standard flare,



CITY OF KAUKAUNA PLAN COMMISSION

Thursday, May 6, 2021

4:00 p.m.

HYBRID MEETING (May attend in-person or via Zoom)

In-Person in Common Council Chambers, City of Kaukauna

Remote attendance option available via Zoom

AGENDA

Roll Call.

Approval of Minutes of April 22, 2021, meeting.

Public Hearing on Request for a Special Exception for a Professional Office Use at 500 Hendricks Avenue

New Business.

1. Review 2-Lot Certified Survey Map at 1213 Crooks Avenue, submitted by Lorri Kavanaugh.
2. Request for special exception for the placement and operation of a 67-room hotel at 222 Lawe Street, submitted by Jim Walter of Harvest Development, LLC.
3. Memorandum on Driveway Ordinance in City of Kaukauna.
4. Memorandum on Request from Modern Dairy to move detached garage from Town of Buchanan to 2201 Badger Road, City of Kaukauna.

Other Business.

Adjourn.

TELECONFERENCE ACCESS INFORMATION	
Telephone:	<ul style="list-style-type: none"> Dial 1-312-626-6799 When prompted, enter Meeting ID 841 5300 4630 followed by # When prompted, enter Password 990655 followed by #
Computer:	<ul style="list-style-type: none"> Go to https://us02web.zoom.us/j/84153004630?pwd=b0dhNiZvc1VENmZheUxmRkZySS9lUT09 Click the blue link in the upper right hand side that says Join a Meeting Enter Meeting ID 841 5300 4630 Enter Password 990655 Allow access to microphone or camera if you wish to speak during the meeting
Smart phone or Tablet:	<ul style="list-style-type: none"> Download the free Zoom app to your device Click the blue button that says Join a Meeting Enter Meeting ID 841 5300 4630 Enter Password 990655 Allow access to microphone or camera to 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.	

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

MASKS ARE REQUIRED TO ENTER THE MUNICIPAL SERVICES BUILDING.

PLAN COMMISSION

A meeting of the City of Kaukauna Plan Commission was called to order at 4:00 p.m. on Thursday, May 6, 2021, by Chairman Penterman.

Members Present: Feldt, Feller, Moore, Penterman, Schoenike, Sundelius, Thiele.

Also Present: Principal Planner Brunette, Engineering Technician Holmes, Project Engineer Neumeier, Dustin Wolff, Tim Eichstaedt, Gail Popp.

Members Absent: None

1. **Absent Members**. A motion to excuse the absent member was made by Moore, seconded by Schoenike. All members voted aye. Motion carried.
2. **Minutes**. A motion to approve the minutes of the April 22, 2021 meeting was made by Moore, seconded by Feldt. All members voted aye, motion carried.
3. **Public Hearing – Special Exception for Professional Office use at 500 Hendricks Avenue**. Chairman Penterman declared the public hearing open at 4:02 p.m. and asked three times if anyone present wanted to speak in favor of or in opposition to the Special Exception permitting the placement and operation of a Professional Office use at 500 Hendricks Avenue. No one appeared. Chairman Penterman declared the public hearing closed at 4:03 p.m. Following the open session, discussion was had about the meeting on April 6th, when the special exception was first proposed. Issues were presented regarding parking implications regarding current staff and any potential growth. The process of special exception was readdressed and a list of questions for the proposed new occupant were compiled. A motion was made to allow the prospective owners of 500 Hendricks Ave to address the commissioners by Moore, seconded by Schoenike. All members voted aye. Motion carried. Mr. Eichstaedt addressed the parking concerns brought up by commissioners along with a plan to renovate the current garage on site for additional space. Other concerns such as customer traffic and signage were questioned with plans by the prospective owner to address. A motion was made to approve the proposed special exception use at 500 Hendricks Ave, and recommend the same to the City Council, with the following conditions:
 - a. Sign dimension is not to exceed size of existing dimensions.
 - b. Employee parking to remain on site only.
 by Sundelius, seconded by Feller. All members voted aye. Motion carried.
4. **Review 2-Lot Certified Survey Map at 1213 Crooks Avenue, submitted by Lorri Kavanaugh**. Mrs. Brunette explained the situation where the lot combination is required in order for expansion by the owners. Mrs. Kavanaugh already own both lots, and this procedure will not result in creating any new lots. No questions from the commissioners. A motion was made to approve the proposed retracement (2) lot Certified Survey Map, and recommend the same to the City Council, without conditions by Feldt, seconded by Thiele. All members voted aye. Motion carried.
5. **Request for special exception for the placement and operation of a 67-room hotel at 222 Lawe Street, submitted by Jim Walter of Harvest Development, LLC**. Mrs. Brunette presented the request to the commissioners regarding plans that have already been presented to staff. Comments about precedence for this type of exception were made as well as questions regarding parking requirements and timeframe. It was also made of note that this new proposed use would not have the condition of ingress/egress through the neighboring Kwik Trip. A motion was made to forward the proposed special exception to for the placement and operation of a 67-room hotel at 222 Law Street to the City Council, without conditions by Feldt, seconded by Thiele. All members voted aye. Motion carried.

6. **Memorandum on Driveway Ordinance in City of Kaukauna.**

Mr. Holmes addressed residential concerns and inquiries about driveway and concrete extensions. Examples of neighboring practices and precautions taken were reported to explain the proposal to be more in line with local ordinances. Commissioner Sundelius addressed concerns with examples of current implementations that violate the proposed ordinance. Various situations were discussed that need to be accounted for before approval, and Mr. Wolff addressed the importance of community feedback and consideration for addressing commonly questioned zoning questions. A motion was made to direct staff to review and bring forward a recommended ordinance to propose to Plan Commission by Sundelius, seconded by Moore. All members voted aye. Motion carried.

7. **Memorandum on Request from Modern Dairy to move detached garage from Town of Buchanan to 2201 Badger Road, City of Kaukauna.** Discussion was had about moving forward with the process of this request and all subsequent steps necessary to proceed. Modern Dairy is requesting to move a garage into the city for storage of general equipment and storage on site. A motion was made to approve the request of Modern Dairy to move detached garage from Town of Buchanan to 2201 Badger Road, City of Kaukauna assuming the subsequent steps are approved by Schoenike, seconded by Moore. All members voted aye. Motion carried.

There being no further business to be brought before the Commission, a motion to adjourn the meeting at 4:57 p.m. was made by Feldt, seconded by Sundelius. All members voted aye, motion carried.

Martin West
Planning and Community Development Coordinator

Driveway Ordinance City of Kaukauna

The current Ordinance requires driveways in the front yard to be no wider than the width of the garage. Resident of the City have been installing a side yard parking area along the garage for storage of recreational and other vehicles. The standard response from City staff was the side parking area is not allowed per code but it is a low enforcement priority for the Inspection Department. There are numerous examples of side yard driveways throughout the community where the resident chose to construct the driveway without a permit.

With the frequency of requests for a side yard parking area increasing City staff contacted the neighboring municipalities regarding how they handle the side yard parking issue. Below is a summary of the findings from the Building Inspection Departments who responded.

City of Neenah – No restrictions

City of De Pere – 2 feet from the lot line and a \$50 driveway permit

City of Menasha – 2 feet from the lot line

City of Appleton – 12 foot max width or the lot line to the rear of the garage, 4 feet to the interior of the lot from the edge of the garage and a \$40 driveway permit

City staff feels it would be better to permit the construction of side parking areas and driveway expansions with some limitations than to continue the current process as outlined above.

The recommendation is to allow a driveway to be expanded into the side yard remaining 1 foot from the lot line to the rear of the garage. Create a driveway permit similar in cost to the above for all drive way expansions but not the construction of a new drive way for a new home as that can be covered by the home permit.

(c) Accessory parking and storage.

1. In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within one foot of a property line.

Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall not be greater than the width of such garage or carport.

2. No person shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-drawn camper, or any like business or recreational vehicle in the required front yard of any residential district, except upon the customary driveway emplaced to provide access to a garage attached or adjacent to the principal building, carport, or a rear parking area. Any of the vehicles in this subsection parked within the front yard on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface. For the purposes of this subsection, the term "store" means leaving any such vehicle unattended for more than four hours.
3. No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the city except for those places where the common council has authorized the removal of a terrace for the purpose of parking.
4. The parking and storage of unregistered or inoperable vehicles shall be as governed under [section 10.07](#).
5. No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Plan Commissioners
From: Allyson Watson Brunette
Date: May 11, 2021
Re: Driveway Ordinance Update

Based on the discussion at the May 6, 2021 Plan Commission meeting, the following proposed ordinance verbiage has been drafted for Commission review.

Accompanying this verbiage are three sample scenarios demonstrating maximum widths and storage areas on three types of residential lots.

Staff seeks a motion directing staff to advance the proposed ordinance change to Common Council and to create a permit for driveway expansions to ensure staff review of all new proposals of this type.

City of Kaukauna Municipal Code of Ordinances

Ch. 17.32

(3) Accessory uses and structures.

(c) Accessory parking and storage.

1. In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. In RSF, driveways shall not exceed 25' maximum width at the property line and shall not exceed 35' maximum width at the curb. Expansions of driveways after construction require a permit from the Building Inspection department.

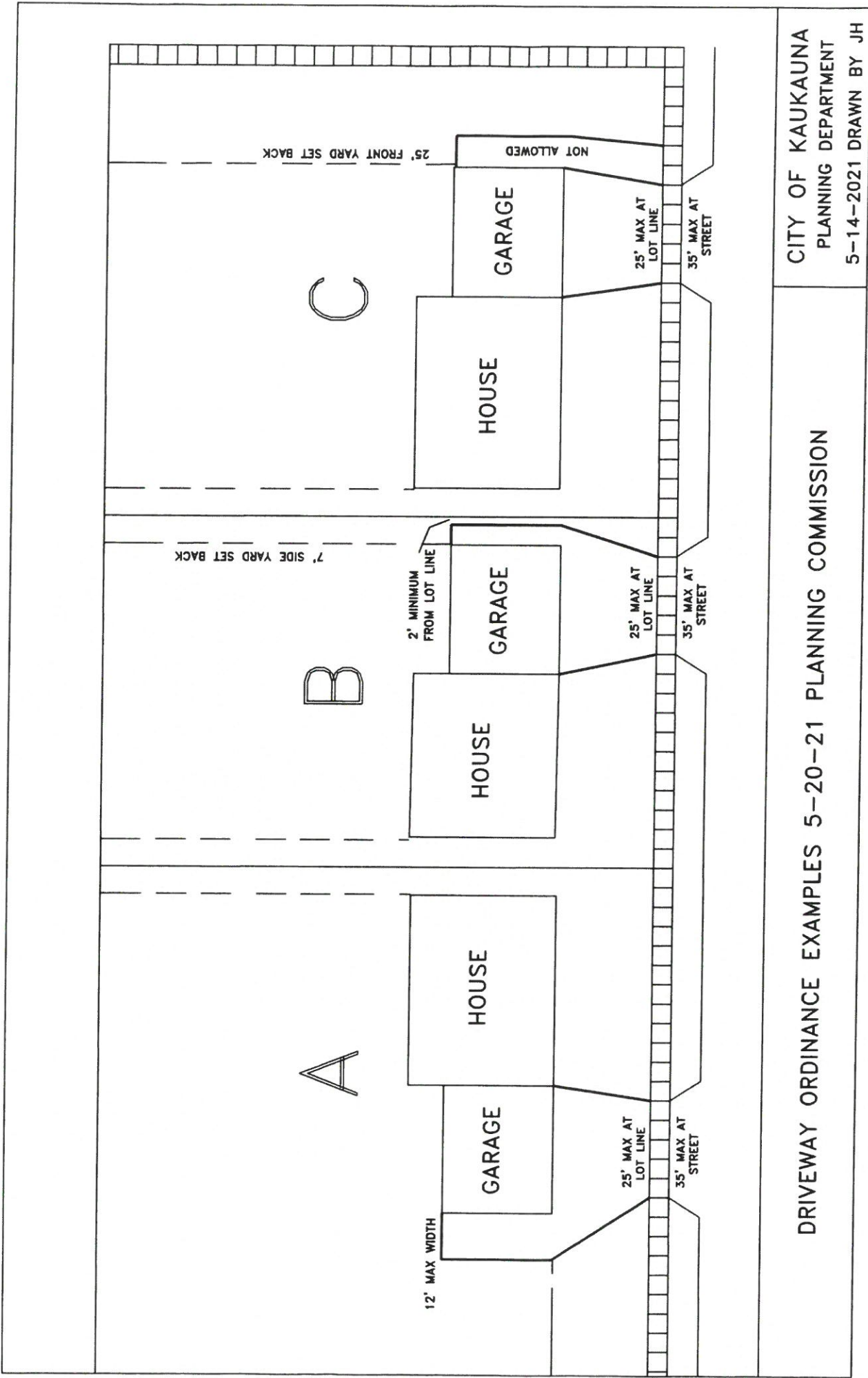
Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum two feet off of a property line.

2. Persons who shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-driven camper, or any like business or recreational vehicle in the required front yard of any residential district, shall store such vehicles on the driveway emplaced to provide access to the garage. Such vehicles may be stored on driveway expansions in the side yard setback that extend beyond the width of the garage provided that the storage is in the side yard only – behind the garage opening, but not in the rear yard behind the garage or house. Any of the vehicles in this subsection parked within the front or side yards on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface. For the purposes of this subsection, the term "store" means leaving any such vehicle unattended for more than four hours.

3. No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the City except for those places where the Common Council has authorized the removal of a terrace for the purpose of parking.

4. The parking and storage of unregistered or inoperable vehicles shall be as governed under section 10.07.

5. No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.



DRIVEWAY ORDINANCE EXAMPLES 5-20-21 PLANNING COMMISSION

CITY OF KAUKAUNA
PLANNING DEPARTMENT
5-14-2021 DRAWN BY JH

PLAN COMMISSION

A meeting of the City of Kaukauna Plan Commission was called to order at 4:02 p.m. on Thursday, May 20, 2021, by Chairman Penterman.

Members Present: Feller, Penterman, Schoenike, Sundelius, Thiele.

Also Present: Principal Planner Brunette, Engineering Technician Holmes, Project Engineer Neumeier, Finance Director Van Rossum, Dustin Wolff, Brandon Cesafsky, James Walter, Paul and James Mentink, Alderman Mike Counen.

Members Absent: Feldt, Moore

1. **Absent Members.** A motion to excuse the absent member was made by Thiele, seconded by Sundelius. All members voted aye. Motion carried.
2. **Minutes.** A motion to approve the minutes of the May 6, 2021 meeting was made by Moore, seconded by Feldt. All members voted aye, motion carried.
3. **Review draft of revised driveway ordinance for City of Kaukauna.** Mrs. Brunette provided context on previous meeting topics of discussion regarding the proposed ordinance for driveway and concrete expansions. A new outline was shown reflecting how the proposed ordinance would affect various lots and home descriptions. The commission asked questions regarding the existing code surrounding the ordinance, and what changes would be made going forward. Discussion was also discussed about a current limitation in the code enforcing a 4 hour time frame for keeping vehicles parked unattended on the driveway in front of a principle structure. It was proposed to change the current structure of the code and time enforcement. A discussion was had about enforcement of previous construction not following code. City Staff addressed the limitations in citing previous code enforcement, and the focus on providing new standards going forward. A motion was made to allow audience member Michael Weaver to address the commission. All members voted aye. Motion passed. Mr. Weaver has previously poured a driveway extension to store his camper in summer months. His comments addressed all types of other code enforcement observations, and is hopeful that drafting a new ordinance will be thought out in their ability to deter future issues.
A motion was made to recommend the driveway and concrete extension ordinance with the last sentence of subsection 3C stricken from the original ordinance regarding time limitations on parking recreational vehicles on extended slabs by Sundelius, seconded by Schoenike. All members voted aye, motion carried.
4. **Review lot sale procedures for Inside the Park Place Subdivision.**
Mrs. Brunette addressed the upcoming sale of Lots within the Inside the Park Place Subdivision. An issue of residents of neighboring lot owners within the new lots have reached out regarding a verbal agreement with a former employer that they would be granted first access in purchasing these lots adjacent to their homes. A review of the process for the upcoming sale was proposed with consideration for the resident complaints while still providing an equitable and fair sale of the property. Offers are to be presented to the Commission with the ability to approve the "best offer", with adjacent owner offers also being presented. City Staff also addressed concern with the current list price of the lots, with indications that they are below market value in a competitive buying season. A timeline was proposed outlining the procedure by staff. A suggestion was made to include a form of down payment made on the auction offers to assure bid security, as well as the City being allowed to reject any bid that they deem unfit. The Commission was asked about proper marketing of the sale and how they wanted to proceed with recommendations. A motion was made to direct staff to proceed with the lot sales as proposed by Thiele, seconded by Feller. All members voted aye, motion carried.
5. **Review 1-lot Certified Survey Map for 120 E. Wisconsin Avenue, Submitted by City of Kaukauna.** Discussion was had about the development agreement with the Bank of Kaukauna, with the contingency of the lot being squared off. Staff addressed the procedures required behind the CSM and any concerns that may have come up moving forward with the project. A motion was made to approve the certified survey map for 120 E Wisconsin Ave, and



CITY OF KAUKAUNA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Common Council of the City of Kaukauna on **Tuesday, July 6, 2021 at 7:00 p.m.** at the meeting of the Common Council to consider amending the Municipal Code of Ordinances Ch. 17, Sec 32 (3)(c)(1-2) regarding accessory uses and structures, accessory parking and storage at the recommendation of the City Plan Commission. The purpose of the Public Hearing is to accept public comments on the proposed amendment.

The amendment of this section of Municipal Code revises restrictions on driveway expansions and front and side yard storage in residential districts.

Beginning on Friday, June 4, 2021, materials (including the full proposed ordinance language) will be available for public inspection on the City of Kaukauna Planning and Community Development webpage located here: <http://www.cityofkaukauna.com/public-inspection>. These materials may also be requested to be mailed to parties by contacting Allyson Brunette (abrunette@kaukauna-wi.org, 920.766.6315).

Persons wishing to submit comments with regard to the ordinance repeal and recreation are encouraged to join the meeting with meeting access information posted on the meeting agenda in accordance with Open Meetings law. Persons unable to attend the public hearing but who wish to comment may do so by contacting the City of Kaukauna Planning Department by mail at P.O. Box 890, Kaukauna, WI 54130 or by phone at 920.766.6315 or by email at abrunette@kaukauna-wi.org prior to the meeting.

Posting Date:
Friday, June 4, 2021

Class 2 Notice Publication Dates:
Wednesday, June 16, 2021
Wednesday, June 23, 2021

Allyson Watson Brunette, Principal Planner, City of Kaukauna, Outagamie County

STATE OF WISCONSIN AFFIDAVIT OF PUBLICATION

June 16 & 23, 2021
CITY OF KAUKAUNA
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Common Council of the City of Kaukauna on **Tuesday, July 6, 2021 at 7:00 p.m.** at the meeting of the Common Council to consider amending the Municipal Code of Ordinances Ch. 17, Sec 32 (3)(c)(1-2) regarding accessory uses and structures, accessory parking and storage at the recommendation of the City Plan Commission. The purpose of the Public Hearing is to accept public comments on the proposed amendment.

The amendment of this section of Municipal Code revises restrictions on driveway expansions and front and side yard storage in residential districts.

Beginning on Friday, June 4, 2021, materials (including the full proposed ordinance language) will be available for public inspection on the City of Kaukauna Planning and Community Development webpage located here: <http://www.cityofkaukauna.com/public-inspection>. These materials may also be requested to be mailed to parties by contacting Allyson Brunette (abrunette@kaukauna-wi.org, 920.766.6315).

Persons wishing to submit comments with regard to the ordinance repeal and recreation are encouraged to join the meeting with meeting access information posted on the meeting agenda in accordance with Open Meetings law. Persons unable to attend the public hearing but who wish to comment may do so by contacting the City of Kaukauna Planning Department by mail at P.O. Box 890, Kaukauna, WI 54130 or by phone at 920.766.6315 or by email at abrunette@kaukauna-wi.org prior to the meeting.

Posting Date:
Friday, June 4, 2021

Allyson Watson Brunette, Principal Planner, City of Kaukauna, Outagamie County

WNAXLP

CHAD BREWER
Notary Public
State of Wisconsin

Laurie Hammen

being duly sworn doth depose and say that he/she is an authorized representative of the **TIMES-VILLAGER**, a weekly newspaper published by News Publishing Co., Inc. at **Kaukauna, Wisconsin, in Outagamie County**, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on:

06/16/2021

06/23/2021

SIGNED

DATED

Laurie A. Hammen

06/24/2021

Notary Public, State of Wisconsin

My Commission Expires

4/25/2023

of Lines

34

of Weeks Published

2

Publication Fee \$

101.28

Proof of Publication \$

1.00

Total \$

102.28



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – JULY 6, 2021

Pursuant to adjournment on June 15, 2021 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:54 P.M. on Tuesday, July 6, 2021 in-person and with remote teleconference via ZOOM.

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

Also present: Attorney Davidson, Sen. Proj. Eng. Neumeier, Asst. Fire Chief Foss, Police Chief Graff, Prin. Planner Brunette, Library Dir. Thiem-Menning, IT Dir. Krause, and interested citizens.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly in-person and with remote teleconference via ZOOM.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of the minutes of the previous meeting of June 15, 2021.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt the minutes of the meeting of June 15, 2021.

All Ald. voted aye.

Motion carried.

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

Bills Payable

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

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

Mark Schroeder, 431 E. Glendale Ave., Appleton introduced himself as the newly appointed Outagamie County Circuit Court Judge.

BUSINESS PRESENTED BY THE MAYOR

Public Hearing regarding Ordinance Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.

Mayor Penterman declared the Public Hearing regarding Ordinance Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances open and asked if anyone in person or via ZOOM wished to address the Council.

Mayor Penterman asked two more times if anyone in person or via ZOOM wished to address the Council regarding Ordinance Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances. No one appeared. The Public Hearing was declared closed.

Appointment of James Van De Hey to the Kaukauna Public Library Board.

Motion by Kilgas, seconded by Antoine to appoint James Van De Hey to the Kaukauna Public Library Board.

All Ald. voted aye.

Motion carried.

Appointment of Sandy Coenen to the Grignon Mansion Board.

Motion by Thiele, seconded by Schell to appoint Sandy Coenen to the Grignon Mansion Board.

All Ald. voted aye.

Motion carried.

Veteran's Memorial Lift Bridge/Fox Locks Dedication – July 13, 3 to 5 p.m.

Mayor Penterman informed the Council the Veteran's Memorial Lift Bridge/Fox Locks Dedication – July 13, 3 to 5 p.m.

Committee/Council Meetings to resume in-person starting Monday August 2, 2021.

Mayor Penterman informed the Council and City officials that starting on Monday, August 2, 2021 all Committee and Council meetings will resume to in-person only.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of July 6, 2021.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairman Thiele on Tuesday, July 6, 2021 at 6:00 P.M. in person and remote teleconference via ZOOM.

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

Absent & Excused: Schell.

Also present: Mayor Penterman, Sen. Proj. Eng. Neumeier, Attorney Davidson, Police Chief Graff, Asst. Fire Chief Foss, IT Dir. Krause, HR Dir. Audette, Proj. Eng. Cesafsky, and interested citizens.

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

All members present voted aye.

Motion carried.

1. Correspondence.

Letter from Gary and Sarah Landreman, 2951 Nature View Court, Kaukauna was read. The letter was explaining their opposition to the sidewalk installation on Nature View Court.

Motion by Coenen, seconded by Moore to receive and place on file the letter from Gary and Sarah

Motion carried.

Resolution 2021-5287 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2021-5287 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt Resolution 2021-5287 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

All Ald. voted aye.

Motion carried.

Resolution 2021-5288 Final Resolution Authorizing Public Improvements to Asphalt Streets abutting properties along Thilmany Road, Augustine Street, and Plank Road.

Ald. Moore asked about exceptions to the property owners receiving credit or reduction in special assessment rates. Senior Project Engineer Neumeier stated that out of the requests made tonight, current city ordinance only allows for the corner lots and double frontage lots (through-lots) to receive a credit. The Council would have to change the existing ordinance, or direct staff to issue specific credits for the other requests not addressed in the ordinance. Ald. DeCoster inquired about charges for the truck route and how much of this road is a truck route. Senior Project Engineer Neumeier stated the only the access to the truck route is on Plank Road, from Green Bay Road to the MCC Inc. driveway. The sections of Plank Road paved under this project are not on the truck route and were not designed or constructed to be a truck route.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Resolution 2021-5288 Final Resolution Authorizing Public Improvements to Asphalt Streets abutting properties along Thilmany Road, Augustine Street, and Plank Road.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2021-5288 Final Resolution Authorizing Public Improvements to Asphalt Streets abutting properties along Thilmany Road, Augustine Street, and Plank Road.

All Ald. voted aye.

Motion carried.

Ordinance 1833 Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of Ordinance 1833 Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Schell to adopt Ordinance 1833 Amending Certain Accessory Uses and Structures; Accessory Parking and Storage in Ch. 17.32 of the Municipal Code of Ordinances.
All Ald. voted aye.
Motion carried.

Ordinance 1834 Annexing Land from the Town of Buchanan to the City of Kaukauna.

Motion by Moore, seconded by Kilgas to suspend the rules and waive the reading of Ordinance 1834 Annexing Land from the Town of Buchanan to the City of Kaukauna.
All Ald. voted aye.
Motion carried.

Motion by Moore, seconded by Kilgas to adopt Ordinance 1834 Annexing Land from the Town of Buchanan to the City of Kaukauna.
All Ald. voted aye.
Motion carried.

ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 19.85(1)(E) TO DISCUSS THE SALE AND DEVELOPMENT OF MUNICIPAL PROPERTY IN COMMERCE CROSSING BUSINESS PARK.

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to State Statute 19.85(1)(e) to discuss the sale and development of municipal property in Commerce Crossing Business Park.
All Ald. voted aye.
Motion carried.

Moved to closed session at 8:38 p.m.

RETURN TO OPEN SESSION FOR POSSIBLE ACTION

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

Returned to open session at 8:46 p.m.

Motion by Moore, seconded by Thiele to authorize staff to enter into the WB-45 Cancellation Agreement and Mutual Release for Lot 1, Part of Lot 3 in Commerce Crossing with 1617 Cass Street, LLC.
All Ald. voted aye.
Motion carried.

Motion by Moore, seconded by Coenen to authorize staff to enter into an Offer to Purchase Agreement with Harvest Development, LLC and/or assigns for Parcel 2-0957, Commerce Crossing
All Ald. voted aye.
Motion carried.

PARKING LOT LEASE AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2022, between the City of Kaukauna ("CITY") and Bob's Inn ("LICENSEE") for the use of the facility hereinafter defined.

NOW THEREFORE, it is agreed as follows:

SECTION 1.0 USE OF PARKING LOT. The CITY grants unto LICENSEE the use of, and LICENSEE does hereby agree to use 825 square feet of the parking lot located at Third Street, Kaukauna, WI 54130, more accurately described in Exhibit A "Legal Description", ("Lot"), under the terms and conditions set forth herein. The date, time, and activity or activities to be performed in the Lot, and the portions of the Lot to be so used are as follows:

Purpose for the use: Outdoor alcohol seating area.

Dates and times of Lot use under this Agreement: As specified under City of Kaukauna Ordinance 12.03(11) Permit required for outdoor alcoholic beverage area.

Certificate of Insurance Must Be Attached.

SECTION 2.0

2.1. **Lot Rate.** One time payment of \$1.00

2.2 **Deposit.** No security deposit shall be required.

2.3 **Payment.** Payment shall be paid at the time the Outdoor Alcohol Beverage Area Permit application is submitted.

ADDITIONAL TERMS AND CONDITIONS

1. **Other Uses.** Officers, agents, and employees of the CITY reserve the right to enter all areas of the Lot at any and all times. LICENSEE further understands and agrees that during the term of this Agreement, the CITY may use or cause to be used for its purposes, any portion of the Lot not in use by the LICENSEE.
2. **Term and Termination.** Either party may terminate this Lease Agreement at any time with written notice to the other party of not less than 90 days. No refund will be provided for cancellation or non-use.
3. **Regulations Pertaining to Use.** LICENSEE agrees to abide by and cause its invitees and licensees to abide by the following rules and regulations:

- a. LICENSEE shall not permit entrance to portions of the Lot other than those specifically on Exhibit A.
 - b. LICENSEE shall use and occupy Lot in a safe and careful manner and comply with any federal, state, county, or municipal authority controlling or governing the Lot or the operation therein, including, but not limited to, all policies, rules and regulations of the CITY.
 - c. LICENSEE shall use said Lot solely for the purposes herein provided and shall not permit the Lot or any part thereof to be used for any gambling or any unlawful, indecent, obscene or immoral attractions, exhibitions, purposes or entertainment or in any manner so as to injure persons or property.
 - d. LICENSEE shall not permit any individual to bring into the Lot any materials, substances, equipment or objects which are likely to endanger the life of, or cause bodily injury to, any person on the Lot or which are likely to constitute a hazard to property thereon.
 - e. LICENSEE shall not permit individuals to smoke inside the Lot, and no tobacco shall be sold or distributed on CITY property, except as described on Exhibit A.
 - f. LICENSEE recognizes that the CITY may have representatives present in the Lot during use.
 - g. LICENSEE agrees to maintain the premises and its surroundings cleaned and in good condition and repair as to any waste or litter generated by LICENSEE's use.
 - h. LICENSEE shall provide all building materials to the requested outdoor alcohol seating area and obtain all necessary building permits.
5. **Indemnification.** The LICENSEE hereby assumes, releases and agrees to indemnify, defend, protect and hold harmless the CITY, its Board members, agents and representatives from and against any loss of and/or damage to the property of LICENSEE, and all loss and/or damage on account of injury to or death of any persons arising in any way from negligent, reckless or willful misconduct of LICENSEE, its employees, agents or independent contractors.
6. **Damage and Loss.** LICENSEE agrees to return the leased premises and equipment to the CITY at the end of the term of use in the same condition as the date of the start of this lease, ordinary use and wear excepted. LICENSEE agrees that if any portion of the Facility or contents thereof, during the term of this lease, shall be damaged by the act, default, or negligence of the LICENSEE or of the LICENSEE's agents, employees, patrons, guests or any person admitted to premises by LICENSEE, LICENSEE will pay to the CITY upon demand such sums as shall be necessary to restore the premises and equipment to their previous condition. LICENSEE hereby assumes full responsibility for the character, acts, and conduct of all persons admitted to any portion of the premises at the time of LICENSEE's use, not including any representatives of the CITY.
7. **Inspection.** CITY shall have the right to inspect the premises at any time, to ensure orderly operation of LICENSEE's use and to ensure LICENSEE's operations and equipment

are maintained to standards acceptable to the CITY, in CITY's sole discretion. CITY shall have the right to terminate this Agreement without further notice if, upon such inspection, CITY determines that the LICENSEE's operations and/or equipment are not maintained to acceptable standards. Notwithstanding the foregoing, CITY shall provide LICENSEE with 24 hr. notice to remedy any noted defect or vacate the premises.

8. **Assignment.** LICENSEE may not assign this Agreement or any right contained in this Agreement nor sublet the Lot without the written consent of the CITY. Any assignment or sublease of this Agreement or terms arising under this Agreement without written consent of the CITY shall void this Agreement.

9. **Attorney's Fees.** Should CITY prevail in whole or in part in any litigation between the parties, including, but not limited to, actions to collect any use or service charge after same is past due, LICENSEE agrees to pay for all of CITY's reasonable attorney fees. Fees shall be payable whether for negotiation, trial, or appellate purposes.

10. **Insurance.**

- a. LICENSEE agrees to acquire and maintain during all times it is using the Facility liability insurance in an amount not less than \$1,000,000 per occurrence combined single limit, for bodily injury and property damage, including premises/operations, products/completed operations, and personal & advertising injury. LICENSEE also agrees to provide fire damage insurance in the amount of \$500,000 and medical payments in the amount of \$5,000. All insurance shall be provided by a carrier which is satisfactory to the CITY.
- b. The CITY must be named as an additional insured.
- c. LICENSEE must provide a certificate of insurance reflecting all of the above requirements prior to use of the Facility.

11. **Miscellaneous.**

- a. This Agreement contains the entire agreement between the parties. No subsequent alteration, amendment, change, or addition to this Agreement shall be binding unless in writing and signed by both parties.
- b. This Agreement shall be governed by the laws of the State of Wisconsin.

The LICENSEE signing this LEASE AGREEMENT hereby states that all questions about this Lease Agreement have been answered, that they fully understand all the provisions of the agreement and the obligations and responsibilities of each party, as spelled out herein. They further state that they agree to fulfill their obligations in every respect or suffer the full legal and financial consequences of their actions or lack of action in violation of this agreement. Signature by the LICENSEE on this Lease Agreement is acknowledgment and he/she has received a signed copy of the Lease Agreement.

Bob's Inn

BY _____
Don Dix, Manager

STATE OF WISCONSIN }
 } SS
OUTAGAMIE COUNTY }

Personally came before me on _____, 2022, the above named Don Dix, to me known to be the person who executed the foregoing instrument in their duly authorized capacity and acknowledged the same.

Notary Public, State of Wisconsin
My commission expires: _____

CITY OF KAUKAUNA

BY _____
Anthony J. Penterman, Mayor

Attest: _____
Sally Kenney, City Clerk

STATE OF WISCONSIN }
 } SS
OUTAGAMIE COUNTY }

Personally came before me on _____, 2022, the above named Anthony J. Penterman and Sally A. Kenney, to me known to be the persons who executed the foregoing instrument in their duly authorized capacity and acknowledged the same.

Notary Public, State of Wisconsin
My commission expires: _____

EXHIBIT A- LEGAL DESCRIPTION

PART OF LOT 24 OF BLOCK 6, LEDYARD PLAT ACCORDING TO THE RECORDED CITY OF KAUKAUNA ASSESOR'S PLAT OF 1890, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING SAID 825 SQUARE FEET MORE OR LESS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF LOT 24 BLOCK 6 OF THE LEDYARD PLAT;

THENCE NORTH WESTERLY 25 FEET ALONG THE NORTHWEST LINE OF SAID LOT 24 BLOCK 6 TO THE NORTH WEST CORNER OF SAID LOT 24 BLOCK 6;

THENCE SOUTH WESTERLY 33 FEET ALONG THE SOUTH WEST LINE OF SAID LOT 24 BLOCK 6 TO A POINT ON THE SOUTH WEST LINE OF LOT 24 BLOCK 6 OF THE LEDYARD PLAT;

THENCE SOUTH EASTERLY PERPENDICULAR TO THE SOUTH WESTERLY LINE OF SAID LOT 24 BLOCK 6, 33 FEET TO A POINT ON THE SOUTH EAST LINE OF SAID LOT 24 BLOCK 6;

THENCE NORTH EASTERLY ALONG THE SOUTH EAST LINE OF SAID LOT 24 BLOCK 6 TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



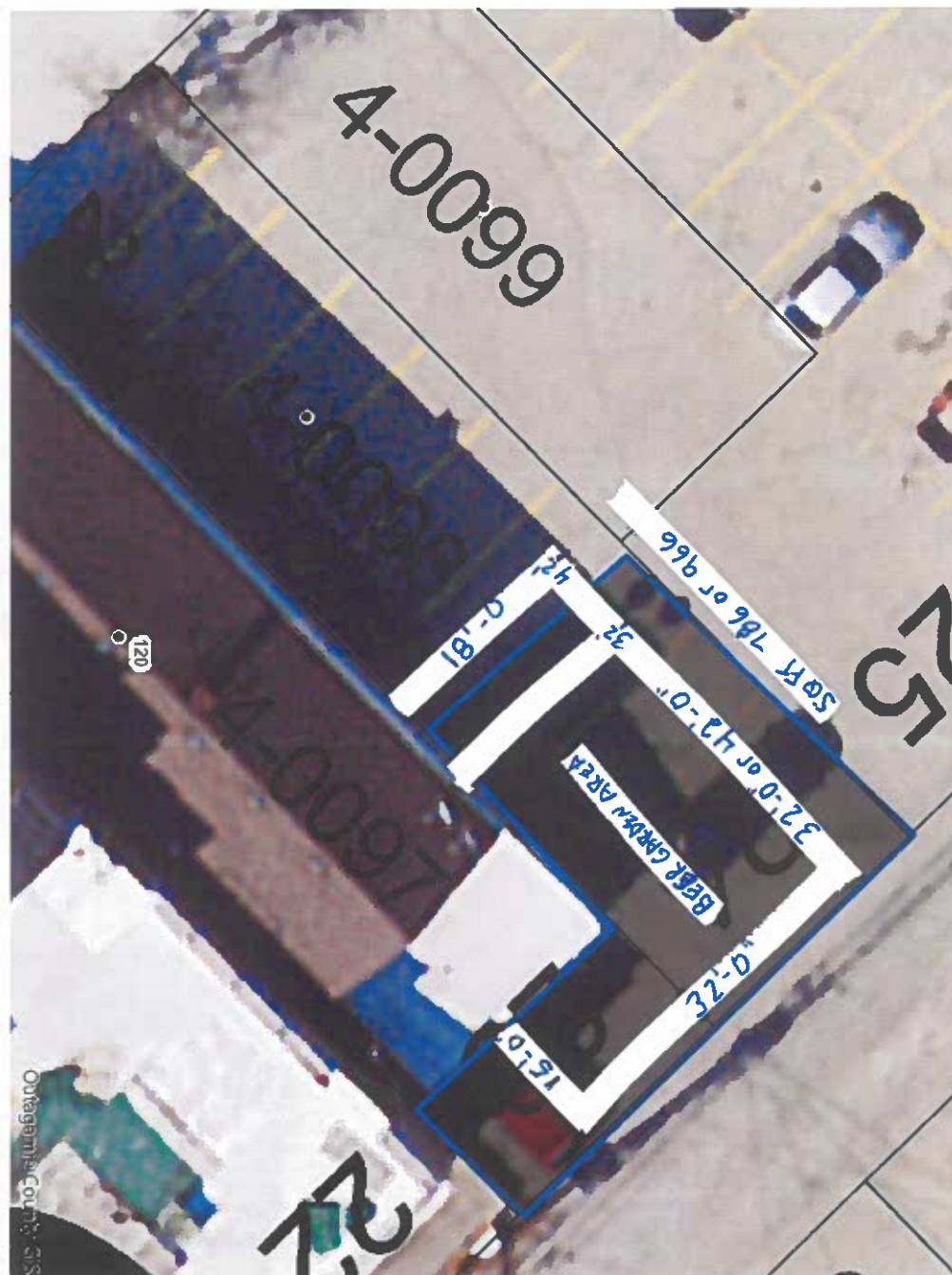
5' TALL (60") w/GATE

This is the style I will be using. The exact one I cannot lock down due to not knowing a start date and availability of product. Supply chain issues I hope are better once we get the green light

DLR



RAILING WILL BE CONTINUOUS AROUND PERIMETER
INDUSTRIAL TYPE -



2 OPTIONS I AM LOOKING AT
OPTION A) IS THE 42' LENGTH (PREFERRED)
B) IS THE 32' LENGTH