

# LEGISLATIVE COMMITTEE MEETING

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



Monday, July 06, 2026 at 6:20 PM

## AGENDA

### In-Person and Remote Teleconference via ZOOM

1. Correspondence.
2. Discussion Topics.
  - [a.](#) Resolution 2026-5518 Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing.
  - [b.](#) Resolution 2026-5519 Resolution Approving Amendment to Protective Covenants for Kaukauna Industrial Park.
  - [c.](#) Resolution 2026-5520 Resolution Approving Amendment to Protective Covenants for Kaukauna Industrial Park.
  - [d.](#) Resolution 2026-5521 Final Resolution Authorizing Public Improvements to Alleys Abutting Properties along Dixon Street, East Seventh Street, East Eighth Street, West Fourth Street, West Fifth Street, West Thirteenth Street, and West Fourteenth Street.
  - [e.](#) Amendment to Ordinance 9.01 – Offenses Against State Law Subject to Forfeiture.
  - [f.](#) Amendment to Ordinance 25.04 – General Penalty Provision.
3. Adjourn.

## NOTICES

Legislative Committee - Notice is hereby given this is a public meeting of the Legislative Committee. As such, all members or a majority of the City's Common Council and Standing Committees will likely be in attendance. While members of the Common Council or any Standing Committees may participate in discussions, only the Legislative Committee will take formal action.

**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.\*

**RESOLUTION NO. 2026-5518**

**By: City of Kaukauna**

**RESOLUTION DECLARING OFFICIAL INTENT  
TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING**

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

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

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

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

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

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

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the total principal amount of which is not expected to exceed \$34,607,075.00.

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

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

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

ADOPTED on this 7th day of July 2026 by the City of Kaukauna, Outagamie County, Wisconsin.

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

\_\_\_\_\_  
Date Signed

ATTEST: \_\_\_\_\_  
Kayla Nessmann, Clerk



# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

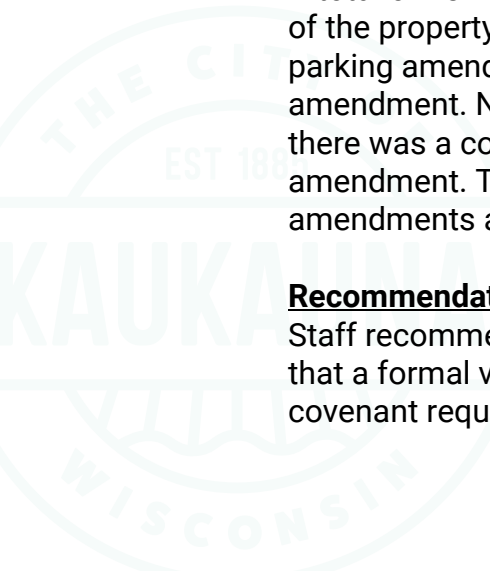
To: Legislative Committee  
 From: Adrienne Nelson, Associate Planner  
 Date: July 1, 2026  
 Re: South Industrial Park Covenants – Amendment Requests

Two amendment requests were submitted by TEAM Industries to amend the [South Industrial Park Covenants](#). Per the amendment process laid out in section twelve of the covenants, City staff mailed out the attached documents to all property owners within the South Industrial Park, as defined in section 11 of the covenants, to gather votes in the form of a recordable document. For the amendments to pass, the majority of property owners must sign off in favor of the changes, and the amendments must receive a three-fourth’s favorable vote by the Common Council.

A total of 23 votes were needed in favor of the amendments to constitute a majority of the property owners. At this time, 28 votes have been received in favor of the parking amendment, and 26 votes have been received in favor of the storage amendment. No votes were received against the amendment requests, although there was a concern brought up regarding the lack of specificity in the storage amendment. The Industrial Park Commission recommended approval of the amendments as presented at their [June 29<sup>th</sup>, 2026 meeting](#).

### **Recommendation**

Staff recommends approval of the resolutions as presented with the understanding that a formal vote will be taken at the Common Council level in compliance with covenant requirements.



**RESOLUTION 2026-5519**

**RESOLUTION APPROVING AMENDMENT TO PROTECTIVE COVENANTS FOR  
KAUKAUNA INDUSTRIAL PARK**

**WHEREAS**, lands within the Kaukauna Industrial Park are subject to Protective Covenants dated September 8<sup>th</sup>, 1975, which are recorded as Document No. 699644 in Volume 988 of Records, Page 693, with the Register of Deeds of Outagamie County, Wisconsin; and,

**WHEREAS**, said Protective Covenants may be amended only upon the recording of an instrument to said effect duly signed by a majority of the then owners of the lots in said subdivision with the approval thereof by the Common Council as evidenced by a resolution duly adopted by at least a three-fourth's favorable vote of all members of the Common Council; and,

**WHEREAS**, in determining a majority of property owners one vote shall be counted for each owner owning three acres of land or less, and one additional vote for each full three acres, with a maximum of ten (10) votes for any one property owner, counting the unsold lands retained by the City of Kaukauna; and,

**WHEREAS**, the City of Kaukauna received duly executed and notarized consents from property owners entitled to vote under Paragraphs 11 and 12 of the Protective Covenants, and the votes cast in favor of the proposed amendment constitute the required majority for amendment of the Protective Covenants; and

**WHEREAS**, the Industrial Park Commission, at its meeting of June 29<sup>th</sup>, 2026, made recommendation to approve the amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kaukauna, Wisconsin that the following amendment be added to the Kaukauna Industrial Park Protective Covenants:

**"Limited Exception for Prospect Lane Parking.** Notwithstanding the provisions of Paragraph 6 of these Protective Covenants, the City of Kaukauna may, at its discretion, designate and permit parking within the public right-of-way along the west side of Prospect Lane, but only in such locations and configurations as are expressly approved by the City of Kaukauna.

Any such parking shall be permitted only upon approval by the City of Kaukauna and pursuant to a written agreement with the City, and shall be subject to all conditions, restrictions, and requirements established by the City, as may be amended from time to time, including, but not limited to, limitations on the type, number, orientation, and duration of parking spaces, as well as requirements necessary to preserve traffic safety,

visibility, pedestrian access, and truck maneuverability.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, suspend, or terminate any such permitted parking if it determines that such action is necessary to address safety concerns, traffic operations, or compliance with applicable regulations.

This exception shall apply only to the specific area described herein and shall not be construed as permitting or authorizing parking on any other public street within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.”

**BE IT FURTHER RESOLVED**, that the appropriate City officials are authorized to execute and record any documents necessary to effectuate this amendment.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 7<sup>th</sup> day of July, 2026.

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

ATTEST: \_\_\_\_\_  
Kayla Nessmann, City Clerk



June 15<sup>th</sup>, 2026

**Company Name**  
**Street Address**  
**City, State Zip**

To Whom It May Concern:

TEAM Industries, located in Kaukauna’s South Industrial Park, is requesting two amendments to the South Industrial Park protective covenants.

The protective covenants of the South Industrial Park do not allow City streets to be used for parking. These covenants also do not allow for storage of materials and products within seventy feet of the street. A copy of these covenants are enclosed for your reference. TEAM Industries is requesting an amendment to accommodate their parking and storage requests.

The protective covenants require a majority of South Industrial Park property owners, a defined in paragraph 11 of the protective covenants, to sign a recordable instrument agreeing to the amendment and a three-fourths favorable vote of the City’s Common Council.

City staff are asking all property owners in the South Industrial Park to review the proposed amendments to the protective covenants and submit their response for or against each proposed amendment. The proposed amendments are as follows:

**“15. Limited Exception for Prospect Lane Parking.** Notwithstanding the provisions of Paragraph 6 of these Protective Covenants, the City of Kaukauna may, at its discretion, designate and permit parking within the public right-of-way along the west side of Prospect Lane, but only in such locations and configurations as are expressly approved by the City of Kaukauna.

Any such parking shall be permitted only upon approval by the City of Kaukauna and pursuant to a written agreement with the City, and shall be subject to all conditions, restrictions, and requirements established by the City, as may be amended from time to time, including, but not limited to, limitations on the type, number, orientation, and duration of parking spaces, as well as requirements necessary to preserve traffic safety, visibility, pedestrian access, and truck maneuverability.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, suspend, or terminate any such permitted parking if it determines that such action is necessary to address safety concerns, traffic operations, or compliance with applicable regulations.

This exception shall apply only to the specific area described herein and shall not be construed as permitting or authorizing parking on any other public street within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.”

**AND,**

**“16. Limited Exception for Outdoor Storage.** Notwithstanding the provisions of these Protective Covenants relating to building setbacks, landscaping, and outdoor storage, the City of Kaukauna may, at its discretion, approve the placement of fencing and the use of outdoor storage areas on property owned by Team Industries within the South Industrial Park.

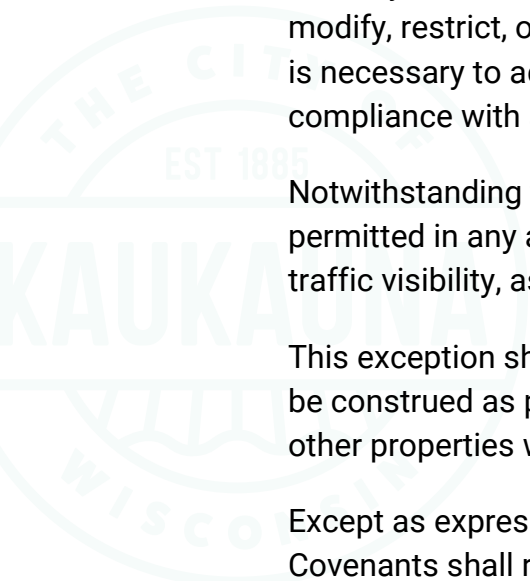
Any such fencing and/or storage shall be permitted only upon approval by the City of Kaukauna and pursuant to a written agreement with the City, and shall be subject to all conditions, restrictions, and requirements established by the City, including but, not limited to, requirements for screening, materials, setbacks, location, and operational use.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, or prohibit such fencing or storage if it determines that such action is necessary to address safety, aesthetic, or operational concerns, or to ensure compliance with applicable regulations.

Notwithstanding the foregoing, no fencing, storage, or other improvements shall be permitted in any area that interferes with required vision clearance, sight lines, or traffic visibility, as determined by the City of Kaukauna.

This exception shall apply only to property owned by Team Industries and shall not be construed as permitting or authorizing similar fencing or storage conditions on other properties within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.”



Enclosed is a copy of the protective covenants, the submittal form, and a postage paid envelope for your response to the suggested amendment. Please return the questionnaire with your notarized response, company name, and signature to the City of Kaukauna's Planning and Community Development Department **by noon on June 29<sup>th</sup>, 2026**. If you do not have a notary on staff, please reach out to the City using the contact information listed below, and a meeting can be set up to notarize the documents.

Thank you for your time and attention to this matter. If you have any questions or would like additional information, please feel free to contact this office at 920.766.6315 ext. 1165 or [planning@kaukauna.gov](mailto:planning@kaukauna.gov).

Sincerely,

Adrienne Nelson  
Associate Planner



**CONSENT AND VOTE OF PROPERTY OWNER  
FOR AMENDMENT TO PROTECTIVE COVENANTS  
FOR KAUKAUNA INDUSTRIAL PARK**

Property Name(s): \_\_\_\_\_

d/b/a: \_\_\_\_\_

Property Address: \_\_\_\_\_

Legal Description (or Lot/Parcel Number): \_\_\_\_\_

WHEREAS, the undersigned is the owner of the above-described property subject to the Protective Covenants for Kaukauna Industrial Park recorded in Outagamie County, Wisconsin (the “Protective Covenants”); and

WHEREAS, the Protective Covenants provide that they may be amended upon approval of the required percentage of property owners; and

WHEREAS, pursuant to the Protective Covenants for Kaukauna Industrial Park, each property is allocated a voting interest based upon the number of acres comprising such property, and the above-described property is entitled to **blank (blank) vote(s)**;

WHEREAS, the terms of the proposed Amendment to the Protective Covenants for Kaukauna Industrial Park (the “Amendment”) are set forth herein below.

**PROPOSED AMENDMENT TO PROTECTIVE COVENANTS**

**15. Limited Exception for Prospect Lane Parking.** Notwithstanding the provisions of Paragraph 6 of these Protective Covenants, the City of Kaukauna may, at its discretion, designate and permit parking within the public right-of-way along the west side of Prospect Lane, but only in such locations and configurations as are expressly approved by the City of Kaukauna.

Any such parking shall be permitted only upon approval by the City of Kaukauna and pursuant to a written agreement with the City, and shall be subject to all conditions, restrictions, and requirements established by the City, as may be amended from time to time, including, but not limited to, limitations on the type, number, orientation, and duration of parking spaces, as well as requirements necessary to preserve traffic safety, visibility, pedestrian access, and truck maneuverability.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, suspend, or terminate any such permitted parking if it determines that such action is necessary to address safety concerns, traffic operations, or compliance with applicable regulations.

This exception shall apply only to the specific area described herein and shall not be construed as permitting or authorizing parking on any other public street within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.

NOW, THEREFORE, the undersigned hereby casts the vote indicated below with respect to the proposed Amendment.

FOR APPROVAL – The undersigned hereby votes in favor of and consents to the adoption of the Amendment to the Protective Covenants.

AGAINST APPROVAL – The undersigned votes against the proposed Amendment.

(Check one)

The undersigned certifies that they are authorized to execute this Consent on behalf of the property owner. The undersigned authorizes this Consent to be used to determine whether the required approval threshold for adoption of the Amendment has been met, and to be included with the official records of the Amendment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Property Name(s): \_\_\_\_\_

d/b/a: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

State of Wisconsin  
Outagamie County

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2026, the above-named \_\_\_\_\_ to me known to  
be the person(s) who executed the foregoing instrument and acknowledged the  
same.

Notary Public, State of Wisconsin: \_\_\_\_\_

My Commission (expires/is permanent): \_\_\_\_\_

(Seal)

**CONSENT AND VOTE OF PROPERTY OWNER  
FOR AMENDMENT TO PROTECTIVE COVENANTS  
FOR KAUKAUNA INDUSTRIAL PARK**

Property Name(s): \_\_\_\_\_

d/b/a: \_\_\_\_\_

Property Address: \_\_\_\_\_

Legal Description (or Lot/Parcel Number): \_\_\_\_\_

WHEREAS, the undersigned is the owner of the above-described property subject to the Protective Covenants for Kaukauna Industrial Park recorded in Outagamie County, Wisconsin (the “Protective Covenants”); and

WHEREAS, the Protective Covenants provide that they may be amended upon approval of the required percentage of property owners; and

WHEREAS, pursuant to the Protective Covenants for Kaukauna Industrial Park, each property is allocated a voting interest based upon the number of acres comprising such property, and the above-described property is entitled to **blank (blank) vote(s)**;

WHEREAS, the terms of the proposed Amendment to the Protective Covenants for Kaukauna Industrial Park (the “Amendment”) are set forth herein below.

**PROPOSED AMENDMENT TO PROTECTIVE COVENANTS**

**16. Limited Exception for Outdoor Storage.** Notwithstanding the provisions of these Protective Covenants relating to building setbacks, landscaping, and outdoor storage, the City of Kaukauna may, at its discretion, approve the placement of fencing and the use of outdoor storage areas on property owned by Team Industries within the South Industrial Park.

Any such fencing and/or storage shall be permitted only upon approval by the City of Kaukauna and pursuant to a written agreement with the City, and shall be subject to all conditions, restrictions, and requirements established by the City, including but, not limited to, requirements for screening, materials, setbacks, location, and operational use.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, or prohibit such fencing or storage if it determines that such action is necessary to address safety, aesthetic, or operational concerns, or to ensure compliance with applicable regulations.

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This exception shall apply only to property owned by Team Industries and shall not be construed as permitting or authorizing similar fencing or storage conditions on other properties within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.

NOW, THEREFORE, the undersigned hereby casts the vote indicated below with respect to the proposed Amendment.

FOR APPROVAL – The undersigned hereby votes in favor of and consents to the adoption of the Amendment to the Protective Covenants.

AGAINST APPROVAL – The undersigned votes against the proposed Amendment.

(Check one)

The undersigned certifies that they are authorized to execute this Consent on behalf of the property owner. The undersigned authorizes this Consent to be used to determine whether the required approval threshold for adoption of the Amendment has been met, and to be included with the official records of the Amendment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Property Name(s): \_\_\_\_\_

d/b/a: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

State of Wisconsin  
Outagamie County

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2026, the above-named \_\_\_\_\_ to me known to  
be the person(s) who executed the foregoing instrument and acknowledged the  
same.

Notary Public, State of Wisconsin: \_\_\_\_\_

My Commission (expires/is permanent): \_\_\_\_\_

(Seal)

**RESOLUTION 2026-5520**

**RESOLUTION APPROVING AMENDMENT TO PROTECTIVE COVENANTS FOR  
KAUKAUNA INDUSTRIAL PARK**

**WHEREAS**, lands within the Kaukauna Industrial Park are subject to Protective Covenants dated September 8<sup>th</sup>, 1975, which are recorded as Document No. 699644 in Volume 988 of Records, Page 693, with the Register of Deeds of Outagamie County, Wisconsin; and,

**WHEREAS**, said Protective Covenants may be amended only upon the recording of an instrument to said effect duly signed by a majority of the then owners of the lots in said subdivision with the approval thereof by the Common Council as evidenced by a resolution duly adopted by at least a three-fourth’s favorable vote of all members of the Common Council; and,

**WHEREAS**, in determining a majority of property owners one vote shall be counted for each owner owning three acres of land or less, and one additional vote for each full three acres, with a maximum of ten (10) votes for any one property owner, counting the unsold lands retained by the City of Kaukauna; and,

**WHEREAS**, the City of Kaukauna received duly executed and notarized consents from property owners entitled to vote under Paragraphs 11 and 12 of the Protective Covenants, and the votes cast in favor of the proposed amendment constitute the required majority for amendment of the Protective Covenants; and

**WHEREAS**, the Industrial Park Commission, at its meeting of June 29<sup>th</sup>, 2026, made recommendation to approve the amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kaukauna, Wisconsin that the following amendment be added to the Kaukauna Industrial Park Protective Covenants:

**“Limited Exception for Outdoor Storage.** Notwithstanding the provisions of these Protective Covenants relating to building setbacks, landscaping, and outdoor storage, the City of Kaukauna may, at its discretion, approve the placement of fencing and the use of outdoor storage areas on property owned by Team Industries within the South Industrial Park.

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This exception shall apply only to property owned by Team Industries and shall not be construed as permitting or authorizing similar fencing or storage conditions on other properties within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.”

**BE IT FURTHER RESOLVED**, that the appropriate City officials are authorized to execute and record any documents necessary to effectuate this amendment.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 7<sup>th</sup> day of July, 2026.

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

ATTEST: \_\_\_\_\_  
Kayla Nessmann, City Clerk

RESOLUTION NO. 2026-5521

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENTS TO ALLEYS ABUTTING PROPERTIES ALONG DIXON STREET, EAST SEVENTH STREET, EAST EIGHTH STREET, WEST FOURTH STREET, WEST FIFTH STREET, WEST THIRTEENTH STREET, AND WEST FOURTEENTH STREET.

WHEREAS, the Board of Public Works of the Common Council of the City of Kaukauna, Wisconsin, held a public hearing in the Council Chambers at 6:00 p.m. on July 6<sup>th</sup>, 2026, for the purpose of hearing all interested persons concerning the Report of the Board of Public Works and the City Engineer on the installation of asphalt alleys, grading, gravel base, excavation, landscaping and topsoil including engineering charges related thereto, and the amount that should be assessed to each parcel of real estate by reason of such improvement on the following streets:

- Alley Between Dixon Street and E Seventh Street – Quinney Avenue to West terminus;
- Alley Between E Seventh Street and E Eighth Street – Crooks Avenue to Metoxen Avenue;
- Alley Between W Fourth Street and W Fifth Street – Miner Street to Main Avenue;
- Alley Between W Thirteenth Street and W Fourteenth Street – Hendricks Avenue to Main Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin:

(1) That the report of the City Engineer and the Board of Public Works pertaining to the public improvements as indicated above, including the final plans and specifications thereof, is hereby adopted and approved and that said work and improvements be carried out in accordance with said report.

(2) That payment for the improvements is to be made by assessing the cost against the property as indicated in the report.

(3) That the Schedule of Assessments, as shown on the report is true and correct and, in accordance therewith, abutting property on the above streets shall be assessed for installation of asphalt alleys, grading, gravel base, excavation, landscaping and topsoil including engineering charges as set forth above, at the rate of:

- \$32.09 / Frontage Foot

(4) That assessments against any parcel related to the installation of asphalt alleys, grading, gravel base, shouldering, excavation, landscaping, may be paid in cash or over a

period of 10 years or less. All deferred payments shall bear interest at the rate paid by the City on the borrowed money plus one percent (1%).

(5) That the City Clerk is hereby directed to publish this Resolution in the Times-Villager, the official newspaper of the City of Kaukauna.

(6) That the City Clerk is further directed to mail a copy of this Resolution to every interested person whose post office address is known or can with reasonable diligence be ascertained.

Introduced and adopted this 7<sup>th</sup> day of July, 2026.

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

ATTEST: \_\_\_\_\_  
Kayla Nessman, Clerk



# MEMO

## Department

To: Legislative Committee

From: Tim Greenwood, City Attorney

Date: July 6, 2026

Re: Amendment to Ordinance 9.01 – Offenses Against State Law Subject to Forfeiture

### Background information:

Section 9.01 of the Municipal Code adopts by reference certain Wisconsin Statutes as municipal forfeiture offenses pursuant to the City's authority under Wisconsin law. The current ordinance contains a list of incorporated state statutes that has been amended periodically over many years.

Since adoption of the current version of Section 9.01, a number of Wisconsin Statutes have been repealed, renumbered, recreated, or otherwise amended by the Legislature. As a result, certain statutory references within the ordinance are obsolete or no longer correspond to current Wisconsin law. The proposed amendment updates the incorporated statute list to reflect current statutory numbering and removes references to statutes that have been repealed or are no longer appropriate for municipal prosecution.

The amendment also removes references to prostitution-related offenses under Wis. Stat. §§ 944.30, 944.31, and 944.33(1) from Section 9.01. These offenses are already independently adopted and regulated under Municipal Code Section 9.33, which incorporates Chapter 944, Subchapter V of the Wisconsin Statutes and establishes a separate forfeiture range specifically applicable to prostitution-related offenses. Accordingly, removal of these provisions from Section 9.01 eliminates duplication within the Municipal Code and aligns the ordinance with prior action of the Common Council.

The proposed amendment also removes the historical practice of placing a "9." prefix before each incorporated Wisconsin Statute. Because the incorporated offenses are Wisconsin Statutes rather than municipal code sections, the prefix serves no substantive purpose and may create confusion regarding whether the listed offenses are municipal ordinances or state statutes. The revised format identifies the Wisconsin Statutes directly, making the ordinance easier to read and maintain.

In addition, the amendment updates the introductory language of Section 9.01 to clarify the City's authority to adopt state law offenses by reference and to provide that incorporated

statutes are adopted as amended from time to time, promoting consistency between the Municipal Code and Wisconsin law.

**Strategic Plan:**

Adoption of the proposed ordinance will improve clarity, maintain consistency with current Wisconsin Statutes, reduce confusion regarding incorporated offenses, and simplify future administration of Section 9.01.

**Budget:** N/A

**Staff Recommended Action:**

Recommend approval of the amendment to Ordinance 9.01, Offenses Against State Laws Subject to Forfeiture, and forwarding the proposed ordinance to the Common Council for adoption.

Ordinance No. \_\_\_\_\_

**ORDINANCE AMENDING 9.01 –  
OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE**

WHEREAS, Chapter Nine of the Municipal Code contains, by incorporation, portions of the State's Criminal Code; and,

WHEREAS, State Statutes are regularly amended, repealed and recreated; and,

WHEREAS, it is deemed proper and necessary to update the Municipal Code to parallel current State Statutes;

WHEREAS, Ordinance 1684 was adopted by the Common Council of the City of Kaukauna, repealing 9.944.30, 9.944.31, and 9.944.33(1);

WHEREAS, inadvertently the Municipal Code Section was not updated to reflect the repeal of 9.944.30, 944.31, and 9.944.33(1).

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna that Section 9.01, Offenses Against State Laws Subject to Forfeiture, be repealed and recreated to read as follows:

**BEFORE AMENDMENT**

**9.01 Offenses Against State Laws Subject To Forfeiture**

The following statutes, following the prefix "9" defining offenses against the peace and good order of the state, are adopted by reference to define offenses against the peace and good order of the city, provided that the penalty for commission of such offenses in this section shall be limited to a forfeiture imposed under section 25.04 of this Code:

Statute	Offense
9.134.71	Violations by secondhand dealers
9.175.25	Illegal storage of junked vehicles
9.218.0145	Used cars/prohibited acts
9.218.0147	Motor vehicles/sale to minor
9.254.76	Careless smoking

9.939.05	Parties to crime
9.939.22	Words and phrases defined
9.939.32(1)(b)	Attempt
9.940.19(1)	Battery
9.941.01	Negligent operation of vehicle off roadway
9.941.10	Negligent handling of burning material
9.941.12(2) and (3)	Interfering with firefighting
9.941.13	False alarms
9.941.20(1)	Reckless use of weapons
9.941.23	Carrying concealed weapon
9.941.235	Carrying firearm in public building
9.941.237	Carrying handgun where alcoholic beverages may be sold and consumed
9.941.24	Possession of switchblade knife
9.941.2965	Restrictions on use of facsimile firearms
9.941.297	Sale or distribution of imitation firearms
9.941.299	Restrictions on the use of laser pointers
9.941.315(1), (2) and (5) (a)	Possession, distribution or delivery of nitrous oxide
9.941.316(1), (2) and (4)	Abuse of hazardous substance
9.941.35	Emergency telephone calls
9.941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
9.941.37(1) and (2)	Obstructing emergency or rescue personnel
9.942.01	Defamation
9.942.03	Giving false information for publication
9.942.05	Opening letters
9.942.06	Use of polygraphs and similar tests
9.942.07	Use of genetic tests
9.942.08	Invasion of privacy
9.943.01(1)	Criminal damage to property (less than \$2,500.00)

9.943.014	Demolition of historic building without authorization
9.943.017(1)	Graffiti
9.943.07(3) and (4)	Criminal damage to railroads
9.943.11	Entry into locked vehicle
9.943.125	Entry into locked coin box
9.943.13	Trespass to land
9.943.14	Criminal trespass to dwellings
9.943.145	Criminal trespass to a medical facility
9.943.15	Entry onto a construction site or into a locked building, dwelling, or room
9.943.20	Theft (less than \$2,500.00)
9.943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator or gas station (less than \$2,500.00)
9.943.215	Absconding without paying rent
9.943.22	Use of cheating tokens
9.943.23(4m)	Knowingly a passenger in vehicle operated without owner's consent
9.943.24	Issue of worthless checks (less than \$2,500.00)
9.943.26(1)	Removing or damaging encumbered real property
9.943.34	Receiving stolen property (less than \$2,500.00)
9.943.37	Alteration of property identification marks
9.943.38(3)	Forgery
9.943.392	Fraudulent data alteration
9.943.41(1), (2), (3)(a) to (d), (4)(b), (5), (6)(a), (b) and (d)	Financial transaction card crimes (less than \$2,500.00)
9.943.46(1), (2), (4)(a) to (c) and (5)	Theft of cable television service
9.943.47(1), (2), (3)(a) to (c) and (5)	Theft of satellite cable programming
9.943.50	Retail theft, shoplifting—Less than \$2,500.00
9.943.55	Removal of shopping cart

9.943.61	Theft of library material (less than \$2,500.00)
9.943.62	Unlawful receipt of payments to obtain loan for another (less than \$2,500.00)
9.943.70	Computer crimes (except acts punishable as felonies)
9.943.84	Theft of telecommunications service
9.944.15	Public fornication
9.944.17	Sexual gratification
9.944.20	Lewd and lascivious behavior
9.944.30	Prostitution
9.944.31	Patronizing prostitutes
9.944.33(1)	Pandering
9.944.36	Solicitation of drinks prohibited
9.945.02	Gambling
9.946.40	Refusing to aid officer
9.946.41	Resisting or obstructing officer
9.946.42(1) and (2) 9.946.46	Escape; encouraging violation of probation, extended supervision or parole
9.946.49(1)(a)	Bail jumping
9.946.495	Violation of nonsecure custody order
9.946.66	False complaints of police misconduct
9.946.67	Compounding crime
9.946.70	Impersonating peace officers
9.946.72(2)	Tampering with public records and notices
9.946.75	Denial of right of counsel
9.947.01	Disorderly conduct
9.947.011(1), (2) and (3) (a)	Disrupting a funeral or memorial service
9.947.012	Unlawful use of telephone
9.947.0125	Unlawful use of computerized communication systems
9.947.013	Harassment

9.947.04	Drinking in common carriers
9.947.06	Unlawful assemblies
9.947.07	Causing violence or breach of the peace by damaging or destroying a U.S. flag
9.948.10	Exposing genitals or pubic area
9.948.11(1), (2)(b), (c), (4) and (5)	Exposing a child to harmful material or harmful descriptions or narrations
9.948.21	Neglecting a child (except acts punishable as felonies)
9.948.60(1), (2)(a), (d) and (3)	Possession of a dangerous weapon by a person under 18 years of age
9.948.61(1), (2)(a), (3) and (4)	Dangerous weapons other than firearms on school premises
9.951.01-9.951.18	Crimes against animals (except acts punishable as felonies)
9.961.41(3g)	Possession of marijuana. No person shall possess 25 grams or less of marijuana, as defined in Wis. Stats. § 961.01(14), subject to the exceptions in Wis. Stats. § 961.41(3g).
9.961.573(1) and (2)	Possession of drug paraphernalia
9.961.574(1) and (2)	Manufacture or delivery of drug paraphernalia
9.961.575(1) and (2)	Delivery of drug paraphernalia to a minor
9.961.576	Advertisement of drug paraphernalia

**AFTER AMENDMENT**

**9.01 Offenses Against State Laws Subject To Forfeiture**

This section is enacted pursuant to Wis. Stat. § 66.0107 and is intended to conform to and remain consistent with Wisconsin State law. All statutes adopted by reference in this section are adopted as amended from time to time.

The following Wisconsin Statutes, ~~as identified by the prefix "9,"~~ are adopted by reference to define offenses against the peace and good order of the City, provided that such statutes shall be enforced only to the extent authorized by law and only as noncriminal violations subject to a forfeiture as provided in Section 25.04 of this Code.

Statute	Offense
<del>9.134.71</del>	Violations by secondhand dealers
<del>9.175.25</del>	Illegal storage of junked vehicles
<del>9.218.0145</del>	Used cars/prohibited acts
<del>9.218.0147</del>	Motor vehicles/sale to minor
<del>9.254.76</del> 97.627	<del>Careless smoking</del> Causing fire by tobacco smoking
<del>9.939.05</del>	Parties to crime
<del>9.939.22</del>	Words and phrases defined
<del>9.939.32(1)(b)</del>	Attempt
<del>9.940.19</del> 60(1)	Battery
<del>9.941.01</del>	Negligent operation of vehicle <del>off roadway</del>
<del>9.941.10</del>	Negligent handling of burning material
<del>9.941.12(2) and (3)</del>	Interfering with firefighting
<del>9.941.13</del>	False alarms
<del>9.941.20(1)</del>	Reckless use of weapons
<del>9.941.23</del>	Carrying concealed weapon
<del>9.941.235</del>	Carrying firearm in public building
<del>9.941.237</del>	Carrying handgun where alcoholic beverages may be sold and consumed
<del>9.941.24</del>	<del>Possession of switchblade knife</del>

<del>9.941.2965</del>	Restrictions on use of facsimile firearms
<del>9.941.297</del>	Sale or distribution of imitation firearms
<del>9.941.299</del>	Restrictions on the use of laser pointers
<del>9.941.315(1), (2) and (5) (a)</del>	Possession, distribution or delivery of nitrous oxide
<del>9.941.316(1), (2) and (4)</del>	Abuse of hazardous substance
<del>9.941.35</del>	Emergency telephone calls
<del>9.941.36</del>	Fraudulent tapping of electric wires or gas or water meters or pipes
<del>9.941.37(1) and (2)</del>	Obstructing emergency or rescue personnel
<del>9.942.01</del>	Defamation
<del>9.942.03</del>	Giving false information for publication
<del>9.942.05</del>	Opening letters
<del>9.942.06</del>	Use of polygraphs and similar tests
<del>9.942.07</del>	Use of genetic tests
<del>9.942.08</del>	Invasion of privacy
<del>9.943.01(1)</del>	Criminal damage to property (less than \$2,500.00)
<del>9.943.014</del>	Demolition of historic building without authorization
<del>9.943.017(1)</del>	Graffiti
<del>9.943.07(3) and (4)</del>	Criminal damage to railroads
<del>9.943.11</del>	Entry into locked vehicle
<del>9.943.125</del>	Entry into locked coin box
<del>9.943.13</del>	Trespass to land
<del>9.943.14</del>	Criminal trespass to dwellings
<del>9.943.145</del>	Criminal trespass to a medical facility
<del>9.943.15</del>	Entry onto a construction site or into a locked building, dwelling, or room
<del>9.943.20</del>	Theft (less than \$2,500.00)
<del>9.943.21</del>	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator or gas station (less than \$2,500.00)
<del>9.943.215</del>	Absconding without paying rent

<del>9.943.22</del>	Use of cheating tokens
<del>9.943.23(4m)</del>	Knowingly a passenger in vehicle operated without owner's consent
<del>9.943.24</del>	Issue of worthless checks (less than \$2,500.00)
<del>9.943.26(1)</del>	Removing or damaging encumbered real property
<del>9.943.34</del>	Receiving stolen property (less than \$2,500.00)
<del>9.943.37</del>	Alteration of property identification marks
<del>9.943.38(3)</del>	Forgery
<del>9.943.392</del>	Fraudulent data alteration
<del>9.943.41(1), (2), (3)(a) to (d), (4)(b), (5), (6)(a), (b) and (d)</del>	Financial transaction card crimes (less than \$2,500.00)
<del>9.943.46(1), (2), (4)(a) to (c) and (5)</del>	Theft of cable television service
<del>9.943.47(1), (2), (3)(a) to (c) and (5)</del>	Theft of satellite cable programming
<del>9.943.50</del>	Retail theft, shoplifting—Less than \$2,500.00
<del>9.943.55</del>	Removal of shopping cart
<del>9.943.61</del>	Theft of library material (less than \$2,500.00)
<del>9.943.62</del>	Unlawful receipt of payments to obtain loan for another (less than \$2,500.00)
<del>9.943.70</del>	Computer crimes (except acts punishable as felonies)
<del>9.943.84-45</del>	Theft of telecommunications service
<del>9.944.15</del>	Public fornication
<del>9.944.17</del>	Sexual gratification
<del>9.944.20</del>	Lewd and lascivious behavior
<del>9.944.30</del>	<del>Prostitution</del>
<del>9.944.31</del>	<del>Patronizing prostitutes</del>
<del>9.944.33(1)</del>	<del>Pandering</del>
9.944.36	Solicitation of drinks prohibited

<del>9.945.02</del>	Gambling
<del>9.946.40</del>	Refusing to aid officer
<del>9.946.41</del>	Resisting or obstructing officer
<del>9.946.42(1) and (2)</del> <del>9.946.46</del>	Escape; <del>encouraging violation of probation, extended supervision or parole</del>
946.46	Encouraging violation of probation, extended supervision or parole
<del>9.946.49(1)(a)</del>	Bail jumping
<del>9.946.495</del>	Violation of nonsecure custody order
<del>9.946.66</del>	False complaints of police misconduct
<del>9.946.67</del>	Compounding crime
<del>9.946.70</del>	Impersonating peace officers
<del>9.946.72(2)</del>	Tampering with public records and notices
<del>9.946.75</del>	Denial of right of counsel
<del>9.947.01</del>	Disorderly conduct
<del>9.947.011(1), (2) and (3)</del> <del>(a)</del>	Disrupting a funeral or memorial service
<del>9.947.012</del>	Unlawful use of telephone
<del>9.947.0125</del>	Unlawful use of computerized communication systems
<del>9.947.013</del>	Harassment
<del>9.947.04</del>	Drinking in common carriers
<del>9.947.06</del>	Unlawful assemblies
<del>9.947.07</del>	Causing violence or breach of the peace by damaging or destroying a U.S. flag
<del>9.948.10</del>	Exposing genitals or pubic area
<del>9.948.11(1), (2)(b), (c), (4) and (5)</del>	Exposing a child to harmful material or harmful descriptions or narrations
<del>9.948.21</del>	Neglecting a child (except acts punishable as felonies)
<del>9.948.60(1), (2)(a), (d) and (3)</del>	Possession of a dangerous weapon by a person under 18 years of age
<del>9.948.61(1), (2)(a), (3) and (4)</del>	Dangerous weapons other than firearms on school premises

<del>9.951.01-9.951.18</del>	Crimes against animals (except acts punishable as felonies)
<del>9.961.41(3g)</del>	Possession of marijuana. No person shall possess 25 grams or less of marijuana, as defined in Wis. Stats. § 961.01(14), subject to the exceptions in Wis. Stats. § 961.41(3g).
<del>9.961.573(1) and (2)</del>	Possession of drug paraphernalia
<del>9.961.574(1) and (2)</del>	Manufacture or delivery of drug paraphernalia
<del>9.961.575(1) and (2)</del>	Delivery of drug paraphernalia to a minor
<del>9.961.576</del>	Advertisement of drug paraphernalia

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

Passed and adopted by the City of Kaukauna Common Council this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

APPROVED:

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

ATTEST: \_\_\_\_\_  
Kayla Nessmann, Clerk



# MEMO

## Department

To: Legislative Committee  
From: Tim Greenwood, City Attorney  
Date: July 6, 2026  
Re: Amendment to Ordinance 25.04 – General Penalty Provision

### Background information:

Section 25.04 of the Municipal Code establishes the City's general penalty provision for ordinance violations when a specific penalty is not otherwise provided. The current ordinance provides for a forfeiture of not less than \$5.00 nor more than \$300.00, together with the costs of prosecution. Since adoption of the current provision, state-imposed court costs, penalty assessments, surcharges, and other statutory fees have increased and may continue to change over time.

Although the City's forfeiture range applies only to the forfeiture imposed for an ordinance violation, the existing language does not expressly distinguish between the forfeiture itself and additional costs, assessments, surcharges, and fees imposed by law. The proposed amendment expressly clarifies that the forfeiture amount is separate from any costs, assessments, surcharges, fees, or other amounts authorized or required by law.

The proposed amendment increases the maximum forfeiture from \$300.00 to \$500.00 and clarifies that the forfeiture amount is separate from any costs of prosecution, penalty assessments, surcharges, fees, or other amounts authorized or required by law.

### Strategic Plan:

Adoption of the proposed ordinance will provide greater clarity regarding the distinction between municipal forfeitures and statutory costs, assessments, surcharges, and fees.

**Budget:** N/A

### Staff Recommended Action:

Recommend approval of the amendment to Ordinance 25.04 to the Common Council as presented.

**CITY OF KAUKAUNA**

**ORDINANCE \_\_\_\_\_-2026**

**ORDINANCE AMENDING 25.04 – PENALTY PROVISIONS**

**WHEREAS**, Section 25.04 of the Code of Ordinances presently establishes a general penalty for ordinance violations, including a maximum forfeiture of \$300.00; and

**WHEREAS**, municipal courts must impose additional statutory assessments and surcharges established by state law in conjunction with forfeitures; and

**WHEREAS**, the Common Council finds that, due to mandatory state-imposed costs, fees, and surcharges, the total amount imposed on a Defendant in many cases exceeds or approaches the current maximum forfeiture amount, creating inconsistency and administrative difficulty in enforcement; and

**WHEREAS**, the Common Council further finds that the current maximum forfeiture amount no longer adequately reflects the structure of municipal forfeitures or provides sufficient flexibility for appropriate penalty levels; and

**WHEREAS**, Wisconsin law authorizes municipalities to impose forfeitures for ordinance violations within statutory limits; and

**WHEREAS**, the Common Council determines that increasing the maximum forfeiture to \$1,000.00 will align the Code with current practice, provide clarity in enforcement, and promote fair and effective administration of municipal penalties; and

**WHEREAS**, in order to implement this change in a clear and consistent manner, it is necessary to repeal and recreate Section 25.04 of the Code of Ordinances.

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, that Section 25.04 of the City of Kaukauna Municipal Code is hereby repealed and replaced as follows:

**BEFORE AMENDMENT**

**25.04 Penalty Provisions**

1. *General penalty.* Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: (For a first offense, any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$300.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, and shall be

imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

- 2. *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- 3. *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the city, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

AFTER AMENDMENT

**25.04 Penalty Provisions**

- 1. *General penalty.* ~~Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: (For a first offense, any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$300.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, and shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.~~ Except where a different penalty is expressly provided by this Code, any person who violates any provision of this Code shall, upon conviction, forfeit not less than \$5.00 nor more than \$500.00 for each offense. The forfeiture shall be in addition to, and shall not include, any costs of prosecution, penalty assessments, surcharges, fees, or other amounts required or authorized by law. In default of payment, the violator may be subject to such enforcement remedies as authorized by Wisconsin law.
- 2. *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- 3. *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the city, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

July \_\_\_\_\_, 2026.

Presiding Officer

Attest

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

\_\_\_\_\_  
Kayla Nessmann, Clerk,  
City of Kaukauna