

**REGULAR MEETING OF THE KIMBERLY VILLAGE BOARD**  
**MINUTES**  
**OCTOBER 4, 2021**

President Kuen called the meeting to order at 6:00 pm. Appearing in person were President Kuen and Trustees Gaffney, Hammen, Hruzek, Trentlage and Weber. Trustee Hietpas was absent and excused. Also present were Administrator Block, Clerk-Treasurer Weyenberg, Operations Director Dannhoff, Community Enrichment Director Femal, Library Director Selwitchska, Fox Valley Metro Police Chief Meister, Attorney Koehler, Attorney Macklin, Mr. Roberts, Mr. Ross, Mr. Killinger, Ms. Cisneros, Mr. Klarnar, and a member of the media.

Trustee Hammen moved, Weber seconded the motion to approve the minutes of the September 13 and 27, 2021 Village Board meetings. The motion carried by unanimous vote of the Board.

Trustee Trentlage moved, Hammen seconded the motion to approve the minutes of the various Boards and Commissions as presented. The motion carried by unanimous vote of the Board.

Plan Commission – September 21, 2021

Water Commission – September 7, 2021

The Board considered issuing a Village of Kimberly Alcohol Beverage Licensing Regulation at 700 & 662 Schelfhout Lane which would prohibit the sale of alcohol at this location. Although this type of regulation has never been used in the Village before, state statutes allow for local alcohol regulations. Village Attorney Koehler advised that the Board may want more time to study the issue because it is something new for the Board to consider.

Trustee Weber moved, Gaffney seconded the motion to table any action issuing a Village of Kimberly Alcohol Beverage Licensing Regulation at 700 & 662 Schelfhout Lane. The motion to table carried by unanimous vote of the Board.

The Board considered the alcohol license application for a Class “B” & Class “C” Wine license to Ma Consuelo Cisneros DBA Queso Fresco at 700 Schelfhout Lane, Units A-B.

Attorney Koehler informed the Board that he learned today from legal counsel of the landlord that the current occupant of the property and applicant for an alcohol license at this location is not there legally, is not a co-owner and does not have a lease. Attorney Koehler advised it would be inappropriate to issue an alcohol license to an applicant that does not have a legal right to the premises.

Attorney Macklin, representing the landlord stated that the lease on the property is with the tenant Mr. Taco. The applicant applying for a license is not a party to the lease and does not have the legal right to occupy or operate a business on the premises based on the commercial contract with the landlord. A notice of cancellation and termination was served on Mr. Taco and the tenant has until October 18, 2021 to vacate the premises.

Mr. Killinger, consultant to Queso Fresco denied that there is any eviction proceeding and stated months of litigation lay ahead. He indicated that Mr. Taco LLC is now an asset of a trust and has two years left on the lease for the property.

Further argument ensued among the parties about whether there was a default of the lease and who is the legitimate leaseholder of the property.

Trustee Hruzek moved, Gaffney seconded the motion to table the request to issue a Class “B” and Class “C” Wine license to Ma Consuelo Cisneros DBA Queso Fresco. Trustee Hammen suggested it might be better to deny the license and have the applicant reapply after everything is sorted out. After further discussion, it was decided to proceed with the motion to table. The motion to table any action on the request to issue a Class “B” and Class “C” Wine license to Ma Consuelo Cisneros DBA Queso Fresco carried by unanimous vote of the Board.

President Kuen opened the discussion on the draft of the 2022 Village of Kimberly budget request. Trustee Hruzek inquired about the need for another fulltime position at the Library, noting that the Kimberly Public Library is No. 3 in usage in the OWLS library system. Director Selwitschka spoke about the volume of work staff perform and the number of programs the library successfully offers, noting that it has been challenging to do this with current staff levels. The library would like to make programming and service more manageable by bringing a current part-time position to fulltime and adding one part-time position with the goal of being able to increase library hours and offer more in-person programs.

President Kuen noted the request by the Fox Valley Metro Police Department’s request for another officer and stated it was a long time coming. The proposed 2022 budget will come before the Board again on October 11, 2021 with the Administrator’s recommendations.

Trustee Hammen moved, Weber seconded the motion to approve Resolution No. 17, Series of 2021, a resolution establishing wards for the Village of Kimberly based on the 2020 Census. The motion carried by unanimous vote of the Board.

Trustee Trentlage moved, Hammen seconded the motion to approve Ordinance No. 12, Series of 2021 an ordinance repealing Chapter 400, Sex Offenders in the Village of Kimberly Municipal Code. The motion carried by unanimous vote of the Board.

Fox Valley Metro Police Chief Meister had no updates to his written monthly report. There were no additional comments or questions from the Board.

Operations Director Dannhoff stated that since the submission of his written report, street crews have begun patching potholes in the alleys. He noted that the traffic control lights at Lincoln & Maes should be coming down at the end of the week. Leaf collection may begin the week of October 11, 2021.

Community Enrichment Director Femal reported that a joint effort between the Library and Parks & Rec departments resulted in the Village being awarded a \$5,000 grant for the Meals on Wheel program. This will enable the Village to deliver a fall holiday meal and another meal in the spring. The Railroad Street Trail ribbon cutting and commemoration of former Parks & Rec Director Al Schaefer was a great success. Director Schaefer was extremely moved by the tribute.

Library Director Selwitschka states that work has been done to make the library garden area ready for spring. The Meet the Author event for local author Leah Dobrinska was very well received

with over 70 people attending the event. The Fox Cities Book Festival will be held from October 13-17, 2021 and approximately 50 authors will be presenting online.

Administrator Block stated that she and Village Engineer McMahon have been working on their joint presentation to the League of Wisconsin Municipalities to be made in two weeks.

Administrator Block noted that the budget is scheduled for adoption on November 8, 2021, depending on the release of the Department of Revenue's assessment ratio. The next review of the budget will occur on October 11, 2021, which will include the Administrator's recommendations. In addition, Open Book will take place on October 11, 2021 from 10:00 am to 6:00 pm.

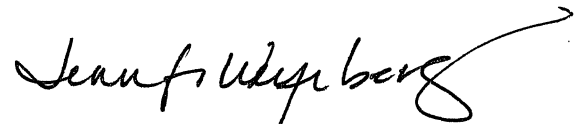
There was no unfinished business.

There was no new business.

Trustee Hammen moved, Gaffney seconded the motion to move into Closed Session pursuant to Wis. Stat. §19.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee and (e) to deliberate or negotiate the purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, namely to discuss personnel matters and TID 6 Developer Agreement negotiations. The motion carried by a unanimous vote and the Board adjourned at 6:47pm.

Trustee Trentlage moved, Hruzek seconded the motion to reconvene. The motion carried by unanimous vote and the Board reconvened at 7:06 pm.

Trustee Hammen moved, Weber seconded the motion to adjourn. The motion carried by unanimous vote and the Board adjourned at 7:06 pm.



Jennifer Weyenberg  
Clerk-Treasurer