

SPECIAL MEETING OF THE KIMBERLY VILLAGE BOARD
MINUTES
March 27, 2023

President Kuen called the meeting to order at 6:00 pm. Appearing in person were President Kuen and Trustees Hammen, Hruzek, Trentlage, Hietpas, and Gaffney. Trustee Weber was absent and excused. Also present were Administrator-Community Development Director Mahoney, Clerk-Treasurer Weyenberg, Engineer Brad Werner of McMahon, and Associates, one member of the media, and multiple residents.

President Remarks

President Kuen noted that the Kimberly Community Band has been entertaining audiences since 1906. The community is invited to attend their Spring Concert on Sunday, April 2, 2023, at JRG Middle School at 2:00pm.

Convene into a Public Hearing on the Village's Intent to Levy Special Assessments on Sunset Drive (Welhouse Drive to Sunset Park Road)

Trustee Hammen moved, Trustee Trentlage seconded the motion to convene into a Public Hearing at 6:02 pm. The motion carried by unanimous vote of the Board.

Engineer Brad Werner discussed the planned reconstruction and answered questions from the audience. A list of residents who spoke is on file with the Village.

Close Public Hearing and Reconvene into the Special Meeting of the Kimberly Village Board

Trustee Hammen moved, Trustee Gaffney seconded the motion to close the Public Hearing at 6:41pm. The motion carried by unanimous vote of the Board.

Approval of Minutes from the 03/20/23 Meeting

Trustee Trentlage moved, Trustee Hammen seconded the motion to approve the Village Board Minutes from March 20, 2023. The motion carried by unanimous vote of the Board.

Plan Commission recommendation for Conditional Use Permit, 345 N. Main Street, Allow a Second Principal Use Structure

Trustee Hammen moved, Trustee Gaffney seconded the motion to approve a Conditional Use Permit to allow a Second Principal Use Structure at 345 N Main St. The motion carried by unanimous vote of the Board.

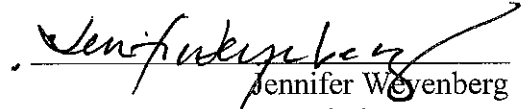
The following conditions apply:

1. The single-family dwelling shall only be used a principal residence for those occupying the dwelling.

2. The garage parking spaces, outdoor parking spaces south of the garage, and driveway between the parking spaces and public road shall only be used for parking in association with the dwelling units.
3. The propose single family dwellings use shall not create a nuisance.
4. The proposed single family dwelling shall be conducted in compliance with all applicable Village, County, State, and Federal rules and regulations.
5. The Village reserves the right to reconsider this Conditional Use Permit for additional conditions and/or revocation should it be determined compliance with the conditions of approval are not being provided.
6. This Conditional Use Permit is not transferable to other properties.
7. Plans or other information must be submitted and approved by Village staff demonstrating siding and roofing materials for this structure are complimentary to the existing building in form, texture, and color.
8. The driveway shall be altered to provide a sidewalk section to be compatible with future sidewalk installation.

Adjournment

Trustee Hammen moved, Trustee Gaffney seconded the motion to adjourn. The motion carried by unanimous vote and the Board adjourned at 6:43pm.


Jennifer Weyenberg
Clerk-Treasurer

Dated 03/30/2023.
Drafted by SKB

Approved by Village Board 04/03/2023.

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
RESOLUTION NUMBER 5, SERIES OF 2023**

**A FINAL SPECIAL ASSESSMENT AUTHORIZING SPECIAL ASSESSMENT
POWERS FOR INSTALLATION AND CONSTRUCTION OF MUNICIPAL
IMPROVEMENTS WITHIN AN AREA DESCRIBED HERINAFTER AND PROVIDING
FOR THE LEVYING OF SPECIAL ASSESSMENTS AGAINST SAID PROPERTY
OWNERS PURSUANT TO THE PROVISIONS OF SECTIONS 66.0703, 61.36,
66.0701, 66.0703(8), AND 66.0907, OF THE WISCONSIN STATUTES, AS AMENDED
FROM TIME.**

WHEREAS, the Village Board of Trustees, Village of Kimberly, as located in Outagamie County, Wisconsin, did approve a Preliminary Assessment Resolution Series of 2023, Resolution Number 4, on the 6TH day of March, 2023, declaring the Village's intention to exercise special assessment and police powers under Wisconsin Statutes, in particular Sections 66.0703, 61.34, 61.36, 66.0701, 66.0703(8) and 66.0907 of the Wisconsin Statutes, as amended from time to time, and by Chapter 50, Village of Kimberly Municipal Code, for the following purposes, and within the following described area:

a) DESCRIPTION OF SPECIAL ASSESSMENT PROJECTS:

Street Reconstruction Scope

Complete reconstruction of Sunset Drive from Welhouse Drive to Sunset Park Road. This includes full street reconstruction, terrace tree removal and terrace restoration. New concrete aprons will be installed and assessed to affected properties.

Sewer and Water Main Construction Scope

Sunset Drive from Welhouse Drive to Sunset Park Road; complete reconstruction of approximately 1,700 LF of 8-inch sanitary sewer and associated laterals to the home, 1,700 LF of 8-inch water main and services, miscellaneous storm sewer and terrace tree removal.

b) AREA OF SPECIAL ASSESSMENT IMPROVEMENTS:

Sunset Drive (Welhouse Drive to Sunset Park Road)

WHEREAS, the Village Board of Trustees did provide for the publishing of the required statutory Notice of Public Hearing Special Assessment Preliminary Resolution in the Times-Villager, and did further mail a copy of said Notice of Public Hearing on Special Assessment Preliminary Resolution to all affected property owners as set forth within the above-described project area, all within the required statutory time; and,

WHEREAS, the specially benefited property affected and the property owners therein affected by the municipal improvement project are as set forth above; and,

WHEREAS, the Village Board of Trustees, Village of Kimberly, did hold a Public Hearing upon said Preliminary Special Assessment Resolution, on the 27th day of March, 2023 at 6:00 p.m., in the Rick J. Hermus Council Chambers of the Village Complex located at 515 W. Kimberly Avenue, Kimberly, Wisconsin, 54136, pursuant to the published Notice of Public Hearing and a mailing of said Notice to affected property owners, for the purpose of informing and hearing all interested persons concerning the Preliminary Special Assessment Resolution and the report of the Village Engineers reference to public property improvement projects, and did hear all persons desiring audience at said hearing (or in the alternative the Report of the Village of Kimberly's Director of Public Works in lieu of the Village Engineer's Report).

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees, Village of Kimberly, as follows:

1. That the Report of the Village Engineers for the public improvement projects affecting the special assessment areas as described above, including any and all engineering plans and specifications thereto, are hereby approved and adopted. Pursuant to the Report of the Village Engineers and/or the Village Director of Public Works, all said special assessments are determined to be levied on a reasonable basis, being actual construction costs, engineering fees, attorney fees, publication costs, Village Administrative costs and fees, and other special assessment proceeding costs; and, further, that all said municipal improvements are determined to specially benefit the areas/properties being assessed.
2. That the Village of Kimberly is hereby directed and delegated to carry out the work of said improvements in accordance with the Report of the Village Engineer/Director of Public Works.
3. That payment for said municipal improvements shall be made by assessing the cost of the abutting/affected property owners whose parcels are specially benefitted pursuant to Chapter(s) 66.0703, 61.34, 61.36, 66.0701, 66.0703(8) and 66.0907 of the Wisconsin Statutes, as amended from time to time, and as set forth hereinafter (and further by any applicable Village Ordinance dealing with special assessments).
4. That the Village of Kimberly has advertised for bids for this project, and the Village of Kimberly, through the State of Wisconsin, is directed to carry out the work for said improvements, all as aforementioned.
5. That all costs to be assessed to abutting/affected property owners, as shown on the Engineer's Report and/or the Report of the Village Director of Public Works, as modified, are true and correct, have been determined on a reasonable basis, and further determined to specifically benefit the abutting/affected property, and are hereby confirmed.

6. That the assessments shall be paid in cash, in full, in five annual installments, or in ten annual installments with all deferred payments to bear interest at the rate of 6.575%, which will be charged per annum on the unpaid balance. Any installments of special assessments not paid when due shall bear interest for the delinquent date at the rate of eighteen (18) percent per annum.

7. That the Village Clerk for the Village of Kimberly is directed to publish this Resolution as a Class One Notice in the Times-Villager, Kaukauna, Wisconsin.

8. That the Village Clerk for the Village of Kimberly is further directed to mail a copy of this Final Assessment Resolution and a statement of final assessment against affected/abutting property, to each affected/abutting property owner whose name appears on the assessment roll and whose post office address is known or can, with reasonable diligence, be ascertained.

9. That this assessment may be amended and/or revised, where necessary, from time to time, pursuant to Chapter 66.0703(8) of the Wisconsin Statutes, as amended.

10. That the assessment rate has been modified and/or adjusted to reflect the Village of Kimberly's local share, as paid by the Village of Kimberly General Fund where applicable pursuant to Chapter 50, Village of Kimberly Municipal Code.

Date introduced, approved and adopted: April 3, 2023.

VILLAGE OF KIMBERLY



Charles A. Kuen, Village President



Jennifer Weyenberg, Village Clerk