

**VILLAGE OF FOX CROSSING BOARD OF TRUSTEES  
SPECIAL MEETING  
Municipal Complex – Arden Tews Assembly Room  
Monday, February 12, 2024**

**Minutes**

**1. Call to Order**

At 4:30 p.m., the Special Meeting was called to order. Clerk Darla Fink noted the following Village Board members were present: President Dale Youngquist, Trustees Kris Koeppe, Gregory Ziegler, Deb Swiertz, and Barbara Hanson (via teleconference), along with staff: Village Manager Jeffrey Sturgell (via teleconference), Finance Director Jeremy Searl, Chief of Police Scott Blashka, Director of Community Development George Dearborn, Director of Public Works Joe Hoechst, Utility Superintendent David Tracey, Director of Information Technology Tim Plagenz, and Engineer Lee Reibold. Excused: Trustees Michael Van Dyke and Jason Patzwald. There were no attendees.

**2. Open Session**

**Discussion of Upcoming Jacobsen Road Reconstruction Project to Include Stormwater Improvements and the Installation of a 10 foot Trail**

**MOTION:** Trustee Ziegler, seconded by Trustee Swiertz to open the discussion for the upcoming Jacobsen Road project to include stormwater improvements and the installation of a 10 foot trail. Motion carried via voice vote.

Engineer Reibold stated this project will reconstruct Jacobsen Road by getting rid of the deep ditches and narrow pavement. The road will become 37' wide, and will include a 10' asphalt trail on the north side to link up with the trail to the west, the County Road CB trail, and the newly constructed trail east of County Road CB. This reconstruction project is part of the Church Pond project in which the pond was sized to handle the requirements for this area. The current project construction costs are estimated at \$2.3 Million Dollars. The total cost including engineering and easement costs increases to approximately \$2.8 Million Dollars.

Engineer Reibold showed the Village Board the preliminary assessment roll showing affected property owners. The chart explains which properties will need Permanent and Temporary Limited Easements. Temporary Limited Easements will only exist for the duration of the project, and then will be removed. The Permanent Limited Easements are for relocation of fire hydrants and putting storm sewer in to drain the properties and will remain on the property permanently. The new trail will conflict with all of the fire hydrants, so they will need to be put on private property and therefore will need permanent easements for relocation. There are also several areas where there are drainage swales in between homes, which will now have storm sewer put in to help with drainage.

The Village's assessment policy is to assess for any improvements that are not currently benefiting the property. In this case it is curb and gutter, storm sewer, and storm sewer laterals for some properties. Each parcel is listed along with their frontage amounts. The costs for each are: curb and gutter \$14.18 per foot, storm sewer \$143.66 per lineal foot, and each sewer lateral is assessed at \$4,349.81. Due to increasing construction costs, these numbers are much higher than we've seen in the past. Engineer Reibold stated there is a lot of bedrock in this area, so laterals will need to be approximately 4' deep.

Trustee Hanson asked what the stormwater fees we collect go toward. Director Hoechst stated those fees are to help with construction of stormwater management projects to help the Village meet both DNR and EPA requirements. Manager Sturgell stated a large portion of these fees pay for labor costs and some equipment along with contracted services.

There are a few options for assessments for this project. The first is the total of all the different types of assessments for each affected property based on the Village's current assessment policy. Manager Sturgell explained the history of this project as the Village has been wanting to complete this since the

late 1990s. At that time, the residents rejected the project due to the assessment figures and it fell through. Several years ago this project hit a roadblock when the DNR changed the requirements where a stormwater pond was needed prior to completing projects like this one. At that time, the planning for Church Pond began which delayed this project again. This project has been on the grant list for STP Grants for years and in 2020, the Village had an opportunity to receive funds for this project, however it was determined that the Valley Road project was in greater need of completion and involved the City of Menasha, Winnebago County, and the Village, who were all in agreement to complete that project at that time. When the COVID funds were awarded from the State, there were two projects in the running including this Jacobsen Road project and the East Shady Lane II project. At that time, the State selected the East Shady Lane project so that took priority and this project was left incomplete again. If Jacobsen Road had been completed at either of these times, the grant dollars from the State would have been passed on to the residents, which is why the history of this project is important.

Manager Sturgell stated he is proposing the Village Board consider an 80% allowance or forgiveness in an effort to be fair to the affected residents, which is the estimate of funding the STP Urban Grant would have given. This would reduce the property owner allocation costs to 20%. He advised there is no Board vote on this forgiveness amount today, but he and Director Hoechst need guidance prior to beginning to speak with affected residents over the next couple weeks. There will be a public information meeting on February 28<sup>th</sup> so today he is looking for direction from the Board regarding the assessment figures to prepare for this meeting.

Trustee Ziegler asked if the residents could reject this project again. Manager Sturgell stated in the past the residents were unhappy about the project, and for political reasons, the Board decided not to push it further. The residents will not be thrilled about getting an assessment even with the suggested forgiveness, but this makes the amounts much more reasonable. Trustee Hanson asked how long residents will have to pay these assessments. Director Searl advised if the assessment is \$500 - \$5,000, the resident will have 5 years to pay, \$5,001 - \$19,999 10 years to pay, and for anything greater than \$20,000 the resident will have 15 years to pay at an interest rate 2% higher than what the Village was able to borrow at. If the Village does not have to borrow for the project, then the rate is the State trust fund loan number which is set by the State.

Trustee Swiertz asked where the funds to cover that 80% of the project will come from. Manager Sturgell stated the vast majority of the funds will come out of stormwater utility. Trustee Ziegler asked if there will be more grant money in the future that we could wait to complete this project until that time to use those funds. Superintendent Tracey advised 80% is the highest possible grant amount we could receive anyway, so the cost to the resident is the lowest it could be with the suggested forgiveness. Construction costs will continue to increase the longer we wait as well.

President Youngquist reminded the Board there is no grant money here, this would be the Village gifting \$458,000 to the affected residents if the Board approves in an attempt to treat these residents fairly. He asked if the Board is willing to eat that amount of money as a Village. He was told that both Trustee Van Dyke and Trustee Hanson have already met with Manager Sturgell on this and agree with the 80% forgiveness. He stated he agrees with this forgiveness as well as this road is unsafe and truly needs to be improved.

Trustee Koeppe stated he is concerned with setting a precedent so when the next large project comes up, residents do not expect the Village to absorb some of the cost. This should not be the standard going forward, but is due to the long history of this project. He also suggested taking the curb and gutter costs off of the Village forgiveness amount to keep that as a full cost assessment, as he feels that adds value to the property and is a small amount compared to the other assessments.

Trustee Hanson asked what projects are coming that we will have to worry about funding in the coming year(s). Director Hoechst stated there are a couple ponds coming up over the next few years, including a pond on the northwest corner of Winchester Road/County Road CB commonly known as the Pfeiffer Pond which is anticipated to be constructed in 2025. Other projects would include a pond further north

of Irish Road and the Schildt Park pond which would be part of the overall reconstruction of Schildt Park.

Manager Sturgell stated he understands the thought on the curb and gutter costs, however he was trying to stay consistent to what the purpose of this forgiveness was which was to replace the funding the STP Urban Grant would have covered.

President Youngquist advised the bids for this project will not be awarded until late March/early April. Manager Sturgell advised with the current timeline, the preliminary assessment resolution will be on the March 25<sup>th</sup> Village Board meeting, which sets the public hearing. The final assessment resolution will then be on the April 8<sup>th</sup> Village Board Meeting.

Trustee Hanson asked when they are going to discuss if they will be borrowing funds for this project. President Youngquist advised the residents would be informed of their financing options immediately, and if financing through the Village the rate would be 2% above whatever the Village is able to borrow at. The anticipated completion for this project is late September/early October of 2024, so assessment bills would likely go out in spring 2025. Trustee Swiertz asked if the assessment amounts are set in stone. Engineer Reibold stated the figures are currently estimates and will be finalized once the project bid is awarded.

Trustees Swiertz, Koeppe, Ziegler, and Hanson along with President Youngquist support the 80% forgiveness from the Village to the affected residents for this specific project due to the project's history of getting deferred multiple times from receiving grant funds.

### 3. Adjourn

At 5:43 p.m., **MOTION:** Trustee Ziegler, seconded by Trustee Koeppe to adjourn the Special Meeting. Motion carried via voice vote.

Respectfully submitted,

Darla M. Fink, Village Clerk

**Note:** These minutes are not considered official until acted upon at an upcoming meeting; therefore, are subject to revision.