

**VILLAGE OF FOX CROSSING
BOARD OF TRUSTEES REGULAR MEETING
Municipal Complex – Arden Tews Assembly Room
Monday, February 14, 2022**

Minutes

1. Call to Order, Pledge of Allegiance, and Roll Call

Meeting called to order by President Youngquist at 6:00 p.m. The Pledge of Allegiance was recited.

Village Clerk Darla Fink took roll call and noted those present: President Dale Youngquist, Trustees Michael Van Dyke, Kris Koeppe, Gregory Ziegler, Mark Englebert, Dale McNamee, and Barbara Hanson.

Also Present: Village Manager Jeffrey Sturgell, Director of Community Development George Dearborn, Fire Chief Brian Harbison, Chief of Police Scott Blashka, Street Superintendent Randy Gallow, Utility Superintendent David Tracey, Director of Parks & Recreation Amanda Geiser, Attorney Andrew Rossmeissl, Engineer Lee Reibold, and Engineer Bradley Werner. Excused: Director of Finance Myra Piergrossi. There was one attendee.

2. Awards / Presentations

3. Public Hearings

a) Intergovernmental Cooperation Agreement Between the City of Menasha and the Village of Fox Crossing

MOTION: Trustee Van Dyke, seconded by Trustee Ziegler to open the Public Hearing for the Intergovernmental Cooperation Agreement between the City of Menasha and the Village of Fox Crossing. Motion carried.

Village Manager Sturgell described the Intergovernmental Cooperation Agreement and the parcels that will be transferred between the municipalities along with the agreed upon payment from Menasha to Fox Crossing of \$60,000 split in equal payments over 10 year. He also went over the Airport Road reconstruction project which will be a joint project between both municipalities. The project will be split with 34.5% of the total cost to the City of Menasha and 65.5% of the total cost to the Village due to amount of linear footage in each municipality. The City of Menasha will design and serve as the lead agency on this project.

President Youngquist thanked the staff that worked on this project, both from the City and the Village, and the Village Board for their conversation and discussion on this over the last two to three years.

Trustee McNamee expressed his concerns with this land swap. Based on past transactions, he feels the City will get a new Kwik Trip on what was Village property and the Village will get an empty restaurant that has been out of business for three years. He feels the City is getting a better deal on this and believes we are favoring Kwik Trip Corporation over a small local business. He explained his problems with the City's indication that if the Village does not approve this Agreement, the City will not go forward with the Airport Road reconstruction and feels the Village is being blackmailed.

Trustee Hanson asked Manager Sturgell to explain why the Village has the higher percentage of cost, yet the City is taking the lead on this project. Manager Sturgell stated the City of Menasha is relatively particular on capital projects they pursue and advised they

like to design and engineer these types of projects with their internal staff as opposed to going out to a contracted service. He expects the cost to be comparable to or less than it would be to hire an outside contractor. Superintendent Gallow indicated we will still have a say in what happens on the Village portion and supports the continuity of engineering on the project.

Trustee Ziegler stated this land swap will gain \$322,100 in tax dollars which he considers a win. Oneida Street is a very busy area right now which he thinks may be further developed in the future. He feels we need to look past the fact that the old BJ Clancy's property is currently empty. In response to Trustee McNamee's comment on favoring Kwik Trip over a smaller store, he noted the Village Board didn't have any concern when Community First Credit Union was built right across from Evergreen Credit Union. Trustee Ziegler stated the Airport Road reconstruction is an important project for our residents and absolutely needs to be completed.

Trustee Englebert stated this is not a shady deal. When the Village incorporated, we left some remnants that didn't make sense and this happens to be one of them. He doesn't see this deal as the City vs. the Village. He thinks both municipalities can be successful with this Agreement and will help us have a better relationship going forward. Trustee Englebert also reminded the public of the payments the Village will be receiving for 10 years and noted if the BJ Clancy's property would develop, the Village will definitely benefit from this deal.

Trustee McNamee stated the owner of Bubba's Pub had an opportunity for a year to decide if they wanted to go into the City and he feels now that Kwik Trip has offered them money, they want to be in the City. He stated he also thinks we should be reconstructing more of Airport Road than we are currently planning on doing.

Trustee Hanson asked Attorney Rossmeissl if he feels she has a conflict of interest and should abstain from this vote due to her office building being adjacent to the Jahnke property involved in this land swap. She stated she does not stand to gain or lose financially from this Agreement, but wanted his opinion. Attorney Rossmeissl advised any Board Member can choose to abstain for any reason from any vote but he doesn't feel this situation would be considered a conflict of interest.

Trustee Van Dyke stated he hopes that this is the future of more positive discussions with the City of Menasha to help straighten out our borders.

Trustee Koeppel stated he feels we have hashed this Agreement out for years and we cannot allow personal conflicts or interests to get involved and change how a negotiation takes place.

President Youngquist asked if there was anyone from the public that would like to make a comment. There were no public comments.

MOTION: Trustee Van Dyke, seconded by Trustee Koeppel to close the Public Hearing. Motion carried.

4. **Minutes to Approve / Minutes and Correspondence to Receive**

Minutes to Approve

- a) Special Village Board Meeting – December 13, 2021
- b) Regular Village Board Meeting – December 13, 2021 & January 10, 2022

Minutes and Correspondence to Receive

- c) Neenah-Menasha Sewerage Commission Meeting Minutes – December 21, 2021
- d) Park Commission Meeting Minutes – January 12, 2022

MOTION: Trustee Van Dyke, seconded by Trustee Hanson to approve the minutes and accept other departmental minutes and correspondence into record. Motion carried.

5. Public Comments Addressed to the Village Board**6. Discussion Items****7. Unfinished Business****8. New Business-Resolutions/Ordinances/Policies**

- a) 220214-1 Village of Fox Crossing Approval of City of Menasha & Village of Fox Crossing Intergovernmental Cooperation Agreement Under §66.0301, Wis. Stats.
MOTION: Trustee Van Dyke, seconded by Trustee Koeppel to approve as submitted. On roll call vote, Motion carried 5-1-1 (Trustee McNamee voted nay, Trustee Hanson abstained from the vote).
- b) 220214-1:ORD Ordinance to Accomplish Boundary Line Change Referenced in Intergovernmental Agreement Between the City of Menasha & the Village of Fox Crossing *First Reading, Second Reading & Adoption*
MOTION: Trustee Van Dyke, seconded by Trustee Ziegler to approve as submitted. Motion carried (Trustee McNamee voted nay, Trustee Hanson abstained from this vote).
- c) 220214-2 Amending the Articles of Organization and the By-Laws of East Central Wisconsin Regional Planning Commission
MOTION: Trustee Van Dyke, seconded by Trustee Hanson to approve as submitted. Manager Sturgell advised Melissa Kraemer-Badtke was present virtually to answer any questions on this amendment. Ms. Kraemer-Badtke noted that Winnebago County will still have five representatives and stated there will be no change for Fox Crossing. This Amendment simply removes the requirement to find applicants for the gubernatorial appointment. Motion carried.
- d) 220214-3 Preliminary Street Acceptance and Final Utility Acceptance for Prairie Lake Condominium Phase 4 Subdivision
MOTION: Trustee Hanson, seconded by Trustee Ziegler to approve as submitted. Motion carried.
- e) 220214-4 Approve Community Development Department Associate Planner Work Agreement for Lily Paul
MOTION: Trustee Van Dyke, seconded by Trustee Koeppel to approve as submitted. Motion carried.
- f) 220214-5 2022 Budget Amendment to Provide Funds to Purchase a Truck Mounted Leaf Vacuum for the Village Supplemental Leaf Collection Program
MOTION: Trustee Ziegler, seconded by Trustee McNamee to approve the Budget Amendment as submitted using Financing Option C to borrow funds for this purchase. President Youngquist stated a number of options for financing were provided but he doesn't think we should be using the Clayton settlement funds for this purchase. He stated his recommendation is to borrow \$240,000. Trustee Ziegler stated now is the time to borrow before interest rates begin to increase. Trustee Englebert commended Superintendent Gallow for his forward thinking on this project considering higher anticipated use of the leaf collection program in upcoming years. On roll call vote, Motion carried 7-0.
- g) 220214-6 Operator License Applicants
MOTION: Trustee Ziegler, seconded by Trustee Hanson to approve as submitted. Motion carried.
- h) 220214-7 Expenditures
MOTION: Trustee Ziegler, seconded by Trustee Van Dyke to approve the expenditures submitted without exception. Motion carried.

9. Reports**a) Utility Superintendent David Tracey – Ninth Street and Mayer Street Neighborhood Sanitary Sewer Main Concerns**

Superintendent Tracey explained that during the renovation of Michael's Restaurant, they found some sewer mains that are not in poor condition. They found 11 of the streets in this area had mains that were busted out at some of the seams, and some of the laterals had issues coming into the Village mains. He directed the Village Board to the pictures he provided them of the concern areas which need attention.

Superintendent Tracey compared the different costs to remedy this problem. Replace the needed sanitary main lines only would cost \$1.23 Million dollars. Excavating everything would cost \$4.2 Million dollars. Replacing the laterals would cost \$1.9 Million dollars. Finally, to simply spot repair all of these areas would cost \$100,000 which would only be a "band aid" for this problem. He stated his preference would be the \$1.23 Million dollar option because this would be a permanent fix that will last 50 years or longer and will avoid the concern of collapsed mains. In his opinion, the laterals themselves and/or main excavation could wait. He stated the spot repair option is essentially throwing \$100,000 away as they would need to go back into all these areas to complete a full repair in the future.

Trustee Ziegler stated he thinks we should consider fixing it properly and agrees the spot repair is a waste. Superintendent Tracey advised he should have known about this problem earlier. The pictures he provided are from 2020, however this was just brought to his attention when Michael's Restaurant began reconstruction. He stated he knows we will need to come back to this next meeting for formal action, but he wanted the Board to discuss the options tonight.

The Board discussed ways of funding this project, whether they choose to borrow or use settlement funds, but since interest rates look like they may be going up, it would be beneficial to have this approval for borrowing on the next meeting agenda.

Overall, the Village Board came to a general consensus to borrow for the \$1.23 Million dollar option.

b) Clerk Darla Fink – Spring Primary Election on Tuesday, February 15, 2022, with Polls Open from 7:00 a.m. to 8:00 p.m.

Clerk Fink advised that tomorrow is the Spring Primary for the West Side of the Village only. There is no Spring Primary for the Menasha School District. She stated the polls will be open from 7:00 a.m. to 8:00 p.m.

10. Closed Session**11. Adjourn**

At 7:31 p.m., **MOTION:** Trustee Hanson, seconded by Trustee Koeppel to adjourn. Motion carried.

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.