

Village of Fox Crossing
Special Meeting of the Board of Trustees – Budget Workshop
Municipal Complex – Arden Tews Assembly Room
Monday, March 29, 2021 - 5:15 p.m.

Minutes

1. Call to Order

President Dale Youngquist called the workshop to order at 5:15 p.m.

Clerk Darla Fink noted those present: President Dale Youngquist, Trustee Michael Van Dyke, Trustee Kris Koeppe, Trustee Gregory Ziegler, Trustee Mark Englebert, Trustee Dale McNamee, Trustee Barbara Hanson, Village Manager Jeffrey Sturgell, Director of Community Development George Dearborn, Chief of Police Tim Seaver, and Assistant Fire Chief Todd Sweeney. There were zero attendees.

2. Leaf Burning Prohibition and Restrictions to Open Burning Ordinance Amendment Discussion

Village Manager Jeffrey Sturgell stated he wanted to speak with the Board about the plan moving forward for this Ordinance amendment. He is proposing to hold a Public Hearing at start of the April 12th Board Meeting to solicit resident feedback, but take no action at that meeting. Then, assuming the Board still wants to go forward with this amendment, the first reading of the Ordinance would be at the April 26th Board Meeting, followed by a second reading and adoption at the May 10th Board meeting. At that time, staff can start to get the word out to the residents throughout the summer, particularly with utility bills inserts and also provide on the Fox Crossing website, electronic signs, and Facebook page. The Board agreed with this plan as proposed.

Trustee Englebert expressed concern that the Ordinance amendment doesn't specifically state that you cannot burn leaves. He suggested adding a line specifically stating leaf burning is prohibited. The Board discussed options as to the correct place to add this into the Ordinance. Trustee Van Dyke suggested adding "Fire Chief or his/her designee" in the emergency powers section, in case the Chief is not available. Trustee Koeppe questioned the section about portable cooking devices and asked if small electric devices, such as a George foreman grill, can be used. Assistant Chief Sweeney stated he is going to look into this and will get back to Manager Sturgell before finalizing this Ordinance amendment.

3. Restriction of the Use of Jake Brakes Ordinance Amendment Discussion

Director of Community Development George Dearborn stated he is getting numerous complaints daily on this issue. Director Dearborn confirmed he has heard the engine braking himself through the phone when speaking with complainants and confirms it is quite loud. The action of jake braking should only be used in case of an emergency, however it is happening so frequently, the residents feel it is intentional and a nuisance. Trustee Koeppe confirmed this is a common occurrence on Prospect Avenue as well. President Youngquist asked if other municipalities have regulations on this. Chief Seaver confirmed they do and confirmed whenever a roadway is shared with another municipality, you can enforce both sides.

President Youngquist questioned if we will be enforcing this on complaints only. Chief Seaver confirmed it will be on complaints only, but they will likely need to patrol the areas where the complaints are occurring to personally witness the action taking place before issuing warnings/citations. Trustee Koeppe suggested sending a notice to all local trucking companies letting them know the Village has changed the Ordinance. Trustee Ziegler stated appropriate signage will be important to inform drivers as many are from out of the area. He suggested a stepped up basis on these citations so the penalties grow if they continue this action. Trustee

Englebert suggested running the entire Ordinance past Attorney Rossmeissl to confirm this is written correctly and the fee amounts are appropriate. Village Manager Sturgell confirmed he would send this to Attorney Rossmeissl for his review, before placing this on an upcoming agenda for a first reading.

4. **Use of Motorized Pool Covers in-lieu-of Fencing Requirement Ordinance Amendment Discussion**

Director Dearborn has received concerns from a number of individuals who want to use a motorized pool cover for in-ground pools rather than installing a fence. Other local communities, including Appleton and Neenah, have similar Ordinances allowing these types of covers. He advised there would be regulations including the type of cover, provisions for power outages, requirement for an annual report as to cover functionality, etc. The Community Development Department is neutral on the issue and can see both sides so they wanted to present it to the Board for discussion.

The Board thoroughly discussed the safety concerns with this amendment and the Village's liability if something should happen with someone falling in the pool/drowning/being trapped under the cover. Director Dearborn stated the Ordinance currently includes a requirement that the homeowner would need to provide written annual verification that the cover is functioning properly. Currently, the Village does not inspect fences around pools, however they could add this pool cover inspection upon installation and a corresponding fee for their services. The Ordinance currently does include a provision that if during an inspection the motorized cover is not closed, with no homeowner around, the Building Inspector can then require a fence be installed at the property. The Board discussed instituting annual inspections by the Building Inspector to confirm the cover is properly functioning, however they discussed that this may place some liability on the Village, and decided against it.

Trustee Englebert suggested running the Ordinance past Attorney Rossmeissl for his review. Overall, the Board wants to move forward with a first reading of the Ordinance after Attorney Rossmeissl completes his review, but would like to remove the Village's responsibility for annual inspections.

5. **Creation of All-Terrain Vehicle (ATV) and Utility Task Vehicle (UTV) Routes on Village Roads Ordinance Amendment Discussion**

Chief of Police Tim Seaver advised Secura Insurance Co. sent a request for a portion of Irish Road to be accessible by ATV/UTVs, but he has otherwise received no other requests since this issue came up at the County level in 2019/2020. Secura would like to use their UTV to access their garage on Irish Road, which they are unable to get to via their property when the water level at the creek is too high. He's not sure on how frequently they would need to use the road, but he wanted to have a discussion to get the Board's opinion. Chief advised he could really go either way on this issue, but is OK designating this in certain areas, however this might open the door for more requests in the future. Trustee Hanson noted her concern over designating only certain streets as ATV/UTV accessible, as this will generate lots of questions from residents.

President Youngquist advised he is completely against this and questioned why Secura can't build a bridge or use planks for their UTV and continue to drive on their land when the water level is low. A number of Trustees agreed with this thought. Trustee Englebert stated there are already enough issues with golf carts in the Village and we can't simply allow this for Secura only.

Overall, the Board decided they do not wish to proceed with any ATV/UTV Ordinance amendment at this time. Chief Seaver advised he will contact Secura to advise them of the Board's discussion.

6. **Communications Regarding Shared Revenue Concerns to State Representatives Update**

Village Manager Sturgell explained that the League of Municipalities has an ongoing effort to get community support to push the state legislature to increase the level of spending in shared revenue.

He stated the Village needs more shared revenue. Currently, the State takes their cut and the Village gets less. We are mainly concerned with the recalculation of the formula for the shared revenue distribution. The Village would significantly benefit if the State would recalculate the formula for the amount of shared revenue, as this has not been done since approximately 2002 and a lot has changed. The current thought is to resubmit the already drafted letters with updated information to our current State Representatives and the League in hopes of pushing this in the right direction.

Manager Sturgell stated he also wanted to mention the incoming American Rescue Plan Act funds. These funds can go towards premium pay for front line workers, a supplement for any lost revenue, and water, sanitary sewer, or broadband infrastructure projects. The funds cannot be used to fund a retirement pension that is falling short or to delay/reduce a tax levy. There is no need to make any rushed decisions on these funds, but he wanted to bring this to the Board's attention. The first installment is expected to be received in approximately 60 days and the final installment a year from now. The Village will have until 2024 to spend these funds.

7. **Motion to Adjourn**

At 6:27 p.m., **MOTION:** Trustee Hanson, seconded by Trustee Koepple to adjourn. Motion carried.

Respectfully submitted,

Darla M. Fink, Village Clerk

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