

**VILLAGE OF FOX CROSSING
BOARD OF TRUSTEES REGULAR MEETING
Municipal Complex – Arden Tews Assembly Room
Monday, February 27, 2023**

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.

Deputy Village Clerk Chantel Kasriel took roll call and noted those present: President Dale Youngquist, Trustees Michael Van Dyke, Kris Koeppe, Gregory Ziegler, Mark Englebert (via teleconference), and Dale McNamee (via teleconference). Excused: Trustee Barbara Hanson.

Also Present: Village Manager Jeffrey Sturgell, Director of Finance Jeremy Searl, Fire Chief Brian Harbison, Chief of Police Scott Blashka, Utility Superintendent David Tracey, Director of Parks & Recreation Amanda Geiser, Attorney Andy Micheletti, Engineer Bradley Werner, Engineer Lee Reibold, and Director of Community Development George Dearborn. Excused: Street Superintendent Randy Gallow. There were 8 attendees.

2. Awards / Presentations

3. Public Hearings

a) Special Assessments for the Installation of Water Mains and Laterals, and Sanitary Sewer Mains and Laterals, for the Buttes Des Morts Beach Road Water and Sanitary Sewer Extension Project

MOTION: Trustee Van Dyke, seconded by Trustee Koeppe to open the Public Hearing. Motion carried.

Village Manager Sturgell gave an overview of the Special Assessments for the Butte Des Morts Beach Road Water and Sanitary Sewer Extension Project. He reviewed the three steps in the assessment process. The first being the preliminary assessment resolution which includes setting the public hearing time and date, posting the public notice and the preparation of the Engineer's report. The second step in the process is holding a public hearing which allows the public to provide public comment. Lastly, the assessment resolution is finalized and assessments are imposed.

Village Manager Sturgell then reviewed the project description and costs. The purpose of the project is to install water main and water laterals and sanitary sewer main and sewer laterals to properties along Butte Des Morts Beach Road from the Fox West Regional Wastewater Treatment Plant north to Stroebe Road. Village Manager Sturgell then went over the costs of the project. The water main extension totals \$497,467.19 or \$73.57 per foot, the water lateral totals \$9,737.50 or \$2,434.38 per lateral, the sanitary sewer extension totals \$83,686.25 or \$78.21 per foot, and the sanitary sewer lateral totals \$5,061.88 or \$2,530.94 per lateral. The estimated assessable project cost totals \$595,952.82. Manager Sturgell also reviewed the payment options the Village is offering. The project will be conducted this year, with final numbers coming in early next year and totals being sent out to property owners thereafter. Owner's options are to pay the entire assessment within 30 days of the invoice or use the Village's deferment program which is in installment terms of 5, 10, or 15 years. These installments are annual equal payments at the Village's borrowing rate plus 2%.

Village Manager Sturgell stated that Utility Superintendent David Tracey has been in contact with Wild One's Board of Directors and they are requesting additional time to submit information regarding specific easements. They would like the Village to review this information to make sure we have the correct information for their assessment. Manager Sturgell and Superintendent Tracey are suggesting that the Village Board postpone the approval of the final assessment until they can gather and review these documents.

President Youngquist requested that Wild Ones (Director was present in audience) have any additional information they would like reviewed to Manager Sturgell and Superintendent Tracey by March 6th at 5:00 p.m.

Prior to the Village Board Meeting, a letter was received from Nate Paul at 2199 Butte Des Morts Beach Road who was unable to attend this Public Hearing. A copy of this letter was given to each Board member and was put into record by Deputy Clerk Kasriel.

Briana Paul – 2199 Butte Des Morts Beach Road

Ms. Paul questioned why the project was being done and stated that their current well and septic are fully operational. Utility Superintendent David Tracey explained that adding this loop will help if there is a loss of water from Holly Road to Stroebe Island as there is currently no other connection to this area, meaning the whole island and Great Northern Corporation would be out of water. Well and septic tanks also have to be tested every three years per the Wisconsin DNR. If one would fail a test, the property will need to connect to the public system within 90 days per municipal code.

Ms. Paul also questioned why the other property owners on Stroebe Island and at Great Northern Corporation that are benefitting from this, are not sharing the cost. Manager Sturgell replied that there are portions of this project that are not assessable, these amounts are paid by all utility users. Those being assessed are only responsible for the footage that is on their property.

Lastly, Ms. Paul asked if they were to sell their property in the next couple years, would the cost go to the next owner. Manager Sturgell clarified that the title company will require it to be paid in full prior to the sale. She also wanted to know what the cost was to connect. Superintendent Tracey said connecting to sewer and water typically costs around \$4,000-\$5,000 each.

Sandy Schwemer – 2189 Butte Des Morts Beach Road

Ms. Schwemer stated they just purchased their home in December and a new septic and well were installed before they moved in so there is no need for them to connect. Superintendent Tracey stated that the assessment still stands but they are not forced to hookup to the newly installed services. Manager Sturgell clarified that because the property is getting the benefit of the water and sewer, the assessment is due regardless of if they choose to hook up or not. Ms Schwemer stated she does not want to connect, she will not pay, and will not allow people on her property to complete the work. Manager Sturgell clarified that no one will be going on their properties, as all of the work is being done in the Village right-of-way.

Jen Ainsworth – Director of Wild Ones Natural Landscapes – 2285 Butte Des Morts Beach Road

Ms. Ainsworth is the Director of Wild Ones and questioned whether there will there be a markup for the administration fee, installation fee, or contractor. Manager Sturgell clarified that there is no markup, the project cost is set to be approved later this evening and that is the cost property owners will be charged. The total amount can come in lower but cannot come in higher. He also stated that everything will be finalized in early 2024, which is when

the invoices will be sent out. At that time, owners can decide if they are going to pay within 30 days or use the Village's deferment program.

Ms. Ainsworth stated that they are a non-profit and like others, paying this is going to cause some hardship. She questioned what the urgency was in doing this now rather than waiting two to three years. She asked the Board to take into consideration the timeline when approving. Ms. Ainsworth questioned if they needed to find their own contractor to complete the hookup or if there was a list of contractors the Village uses. Manager Sturgell responded that they would have to find their own contractor and that there is no list the Village provides.

Ms. Ainsworth also questioned what the consequences were if they can't connect within the 90 days. Manager Sturgell stated that if there was an effort being made to connect that Superintendent Tracey's office would work with them.

Trustee Van Dyke suggested seeing if the owners could work a deal by using the contractor completing the project as they wouldn't have to deploy their equipment again. President Youngquist asked if the contractor will usually reach out to the residents to see if they can work a deal to connect while they are out there doing the project. Superintendent Tracey stated that it was a possibility but as a Municipality we cannot legally recommend a contractor for them to use.

Fred and Charleen Steenis – 2175 Butte Des Morts Beach Road

Ms. Steenis questioned if the charge will still go on their tax roll if they choose not to cooperate with the process. President Youngquist answered that it will be placed on their tax bill.

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 – February 13, 2023
- b) Regular Village Board Meeting – February 13, 2023

Minutes and Correspondence to Receive

- c) Planning Commission Meeting Minutes – January 18, 2023
- d) Water Main Breaks Report – January 2023
- e) Water Pumpage Report – January 2023
- f) Spring Primary Election Results – February 21, 2023

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

5. Public Comments Addressed to the Village Board

Conley Hanson - District 26 Winnebago County Supervisor – 2213 S. Maplecrest Drive

Supervisor Hanson stated that Winnebago County has a little over \$33 Million in ARPA funds available. He requested a letter of endorsement from Chief Blashka and the Village of Fox Crossing, the City of Menasha, University of Wisconsin, and East Central Wisconsin Regional Planning Commission for a project he is proposing. The area he discussed is a 1.2 mile stretch on Appleton Road. The county's portion is from Airport Road to Midway Road and Fox Crossing portion is from Ninth Street to Airport Road. The project will cost approximately \$1.25 Million and he is requesting the full amount come from County ARPA funds. The project will benefit foot and bike traffic and will likely decrease accidents in the area. It will benefit both residential and retail establishments.

Rachel Dowling - District 1 Winnebago County Supervisor – 642 DePere Street, Menasha

Supervisor Dowling stated that Appleton Road is a main access point into Fox Crossing and is currently a safety issue. Currently, pedestrians are having to walk in the ditches and bicyclists are having to use the road. This street is used for residential properties and businesses and is the road leading to the only walkable grocery store. Appleton Road is also used for transportation services and school bus stops. School busses are having to drop kids off in the ditches and with some vehicles not obeying the bus signals, this is a big safety issue. The deadline to send a request for ARPA funds is March 5th. Ms. Dowling is requesting a letter of support from the Village Board.

6. Discussion Items

7. Unfinished Business

8. New Business-Resolutions/Ordinances/Policies

a) 230227-1 Final Resolution Authorizing Special Assessments for the Buttes Des Morts Beach Road Water and Sanitary Sewer Extension Project

The Village Board postponed this item to a future meeting date based on discussion that occurred during the Public Hearing.

b) 230227-1:ORD Amend Fox Crossing Municipal Code Chapter §435 Zoning Ordinance – Rezone 1133 Racine Road from R-1 Rural Residential, and 1141 Racine Road from A-2 General Agriculture, to M-1 Mixed Use District *First Reading*

MOTION: Trustee Van Dyke, seconded by Trustee Ziegler to accept the First Reading as submitted. Motion carried.

c) 230227-2 Certified Survey Map – Vacant Parcels #1216280, #1216281 & #1216282 Located on Louie Lane and Caroline Court

MOTION: Trustee Ziegler, seconded by Trustee Koeppe to approve as submitted. Motion carried.

d) 230227-3 2023 Budget Amendment to Provide Funds for the Rehabilitation of Well #4

MOTION: Trustee Ziegler, seconded by Trustee Van Dyke to approve as submitted. On roll call vote, Motion carried 6-0.

e) 230227-4 Change Order #2 & Final – Interstate 41 Water Boring and Stroebe Road Water Main Project

MOTION: Trustee Van Dyke, seconded by Trustee Koeppe to approve as submitted. Motion carried.

f) 230227-5 Change Order #4 – West American Drive Stormwater Pond Construction Project

MOTION: Trustee Van Dyke, seconded by Trustee Ziegler to approve as submitted. Motion carried.

g) 230227-6 Award Bid – Buttes Des Morts Beach Road Water and Sanitary Sewer Extension Project

MOTION: Trustee Van Dyke, seconded by Trustee Ziegler to approve as submitted. Motion carried.

h) 230227-7 Award Bid – Brighton Beach Road Sanitary Sewer Lining and Water Main Improvement Project

MOTION: Trustee Van Dyke, seconded by Trustee Koeppe to approve as submitted. Motion carried.

i) 230227-8 Award Bid – Bridgeview Court Storm Sewer Improvement Project

MOTION: Trustee Ziegler, seconded by Trustee Koeppe to approve as submitted. Motion carried.

- j) 230227-2:ORD Amend Fox Crossing Municipal Code Chapter §182 Cigarettes and Tobacco Products Possession by Minors *First Reading*
MOTION: Trustee Van Dyke, seconded by Trustee Ziegler to accept the First Reading as submitted. Motion carried.
- k) 230227-9 Operator License Applicants
MOTION: Trustee Ziegler, seconded by Trustee Van Dyke to approve as submitted. Motion carried.
- l) 230227-10 Expenditures
MOTION: Trustee Ziegler, seconded by Trustee Koeppel to approve the expenditures submitted without exception. Motion carried.

9. Reports

10. Closed Session

11. Adjourn

At 7:20 p.m., **MOTION:** Trustee Koeppel, seconded by Trustee Ziegler to adjourn. Motion carried.

Respectfully submitted,

Chantel M. Kasriel, Deputy Village Clerk

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