

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, January 27, 2020 - 6:00 p.m.
Municipal Complex - Arden Tews Assembly Room
2000 Municipal Drive, Neenah WI 54956
Agenda

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive
Minutes to Approve
 - a) Regular Village Board Meeting – January 13, 2020Minutes and Correspondence to Receive
 - b) Park Commission Meeting – December 11, 2020
5. **Public Comments Addressed to the Village Board.** Individuals properly signed in may speak directly to the Village Board on non-repetitive village matters whether on, or not on the agenda. However, no announcements of candidacy for any elected position will be permitted. Commenters must wait to be called, must speak from the podium, directing their comments to the board. Comments must be orderly. A maximum of **2-minutes** per person is allowed and you must return to the audience when signaled to do so. Public comment is not permitted outside of this public comment period. Note: The board's ability to act on or respond to public comments is limited by Chapter 19, WI Stats. **To address the Village Board, complete the Public Participation signup sheet.**
6. Discussion Items
 - a) Stormwater Pond Location Update with Engineer Nick Vande Hey
7. Unfinished Business
8. **New Business- Resolutions/Ordinances/Policies**
 - a) 200127-1 Approve Intermunicipal Agreement Between the Town of Clayton and the Village of Fox Crossing
 - b) 200127-2 Approve Agreement for the Provision of Water Service Between the Town of Clayton and the Village of Fox Crossing
 - c) 200127-3 Approve Agreement for the Conveyance of Wastewater Between the Town of Clayton, Town of Clayton Sanitary District No. 1, and the Village of Fox Crossing
 - d) 200127-4 Award Bids – East Shady Lane Water and Sanitary Sewer Main Extension Phase II Project, Installation and Materials
 - e) 200127-5 Approve Offer to Purchase Agreement for Parcels No. 121470407, 121052708, 121052709, 121052701, and 121052604, Located at the Intersection of County Highway CB and County Highway II
 - f) 200127-6 2020 Budget Amendment to Provide Funds for the Construction of a New Storage Building and Brush Dropoff Area Located on the Municipal Complex Site, and the Land Purchase of Vacant Parcel No. 121021007 Located at the Intersection of East Shady Lane and Clayton Avenue
 - g) 200127-7 Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing
 - h) 200127-8 Resolution Creating a Census 2020 Complete Count Committee to Plan and Conduct Local Educational Initiatives, Publicity and Promotional Activities to Increase Community Awareness and Participation in the 2020 Census
 - i) 200127-9 Operator License Applicants
 - j) 200127-10 Expenditures
9. Reports
10. Closed Session
11. Adjourn

A quorum of Police & Fire, Planning, and Park Commissions may be present, although official action by those bodies will not be taken; the only business to be conducted is for Village Board action.

Those individuals requiring the assistance of a sign language interpreter to participate in this meeting may call 720.7101 a minimum of five business days prior to the meeting.

RES #200127-1

**APPROVE INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF CLAYTON
AND THE VILLAGE OF FOX CROSSING**

WHEREAS, the Town of Clayton and the Village of Fox Crossing are engaged in boundary disputes via Winnebago County Circuit Court cases No. 17-CV-1027 and No. 18-CV-990; and

WHEREAS, the Town of Clayton and the Village of Fox Crossing desire to settle the boundary disputes by entering into an intergovernmental agreement under State Statute 66.0301(6) or 66.0307.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Intergovernmental Agreement between the Town of Clayton and the Village of Fox Crossing, as attached.

BE IT FURTHER RESOLVED, that the Finance Director is directed to distribute the “Comprehensive Imbursement” funds that will be paid by the Town of Clayton to the Village of Fox Crossing in the following manner:

1. \$2,500,000 into the Water Unassigned Fund
2. \$2,500,000 into the Wastewater Unassigned Fund
3. \$6,500,000 into the Village Capital Projects Fund

Adopted this 27th day of January, 2020

Requested by: Dale A. Youngquist, Village President

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-2

**APPROVE AGREEMENT FOR THE PROVISION OF WATER SERVICE BETWEEN
THE TOWN OF CLAYTON AND THE VILLAGE OF FOX CROSSING**

WHEREAS, the Village of Fox Crossing owns and operates a system of water supply, storage, pumping, and distribution facilities which has capacity for supplying water utility service to properties located in the Town of Clayton; and

WHEREAS, the Town of Clayton has no water supply, storage, pumping or distribution capabilities and has expressed a desire that the Village provide retail water utility service to properties located in certain identified areas in the Town; and

WHEREAS, the Village has agreed to sell water to persons and places located in these certain places; and

WHEREAS, the Town and Village have expressed willingness to enter into a contract for water utility service pursuant to State Statute 66.0301.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Agreement for the Provision of Water Service between the Town of Clayton and the Village of Fox Crossing, as attached.

Adopted this 27th day of January, 2020

Requested by: Dale A. Youngquist, Village President
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-3

**APPROVE AGREEMENT FOR THE CONVEYANCE OF WASTEWATER BETWEEN
THE TOWN OF CLAYTON, TOWN OF CLAYTON SANITARY DISTRICT NO. 1 AND
THE VILLAGE OF FOX CROSSING**

WHEREAS, the Village of Fox Crossing owns and operates a wastewater collection system in the Village, which conveys wastewater to the Fox West Regional Wastewater Treatment Plant; and

WHEREAS, the Village's wastewater collection system includes interceptors which have capacity for conveying additional wastewater originating in Clayton Sanitary District No. 1; and

WHEREAS, the Town Parties plan to design, construct, own, and operate a wastewater collection system located in the Sanitary District; and

WHEREAS, the Town Parties have expressed a desire that the Village convey the wastewater collected by the Sanitary District to the Fox West Regional Wastewater Treatment Plant; and

WHEREAS, the Town Parties and Sanitary District have expressed willingness to enter into a contract with the Village of Fox Crossing for wastewater conveyance pursuant to State Statute 66.0301.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Agreement for the Conveyance of Wastewater between the Town of Clayton, Town of Clayton Sanitary District No. 1 and the Village of Fox Crossing, as attached.

Adopted this 27th day of January, 2020

Requested by: Dale A. Youngquist, Village President

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-4

**AWARD BIDS – EAST SHADY LANE WATER AND SANITARY SEWER MAIN EXTENSION
PHASE II PROJECT, INSTALLATION AND MATERIALS**

WHEREAS, on January 15, 2020, sealed bids for the installation portion of the East Shady Lane Water and Sewer Main Extension Phase II project were due in the office of the Utility Department by 2:00 p.m., at which time they were publicly opened and read; and

WHEREAS, seven (7) bids were received: (bid tabulation enclosed);

<u>Contractor</u>	<u>Base Bid</u>
Dorner, Inc.	\$798,686.00
Kruczek Construction, Inc.	\$816,737.00
PTS Contractors, Inc.	\$886,861.00
Advanced Construction, Inc.	\$890,571.50
Superior Sewer and Water, Inc.	\$893,933.00
Jossart Brothers, Inc.	\$911,580.00
Carl Bowers & Sons Construction	\$954,450.00

WHEREAS, it is the recommendation of Engineer Brad Werner and Utility Superintendent David Tracey to award the bid for installation services to the lowest responsible bidder, Dorner, Inc., in the amount of \$798,686.00, with final quantity adjustments made by change order to reflect actual quantities; and

WHEREAS, on January 20, 2020, sealed bids for the materials portion of the East Shady Lane Water and Sewer Main Extension Phase II project were due in the office of the Utility Department by 2:00 p.m., at which time they were publicly opened and read; and

WHEREAS, two (2) bids were received:

<u>Vendor</u>	<u>Base Bid</u>
Ferguson Waterworks Core & Main	\$182,606.34 \$185,459.95

WHEREAS, it is the recommendation of Engineer Brad Werner and Utility Superintendent David Tracey to award the bid for materials to the lowest responsible bidder, Ferguson Water, in the amount of \$182,606.34, with final quantity adjustments made by change order to reflect actual quantities.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to hereby award the bid for the installation services of the East Shady Lane Water and Sanitary Sewer Main Extension Phase II project, to the lowest responsible bidder, **Dorner, Inc., E506 Luxemburg Road, Luxemburg, Wisconsin**, for the total amount of **\$798,686.00**.

BE IT FURTHER RESOLVED, by the Village of Fox Crossing Board of Trustees to hereby award the bid for the materials for the East Shady Lane Water and Sanitary Sewer Main project, to the lowest responsible bidder, **Ferguson Waterworks, 5350 N. Richmond Street, Appleton, Wisconsin**, for the total amount of **\$182,606.34**.

Adopted this 27th day of January, 2020

*Requested by: David Tracey, Utility Superintendent
Submitted by: Dale A. Youngquist, Village President*

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-5

APPROVE OFFER TO PURCHASE AGREEMENT FOR PARCELS NO. 121470407, 121052708, 121052709, 121052701, AND 121052604, LOCATED AT THE INTERSECTION OF COUNTY HIGHWAY CB AND COUNTY HIGHWAY II

WHEREAS, vacant parcels No. 121470407, 121052708, 121052709, 121052701, and 121052604, located at the northwest intersection of County Highway CB (CTH CB) and County Highway II (CTH II), are owned by V-2 Properties (as shown in Exhibit A); and

WHEREAS, the Village of Fox Crossing is required to meet total suspended solids (TSS) requirements as set forth in the Village's Municipal Separate Storm Sewer System (MS-4) permit issued by the Wisconsin Department of Natural Resources (DNR); and

WHEREAS, the construction of a stormwater detention pond on the vacant property located at the intersection of CTH CB and CTH II would aid the Village in meeting the mandated TSS requirements; and

WHEREAS, the current owners of the property, V-2 Properties, are willing sellers of the parcels, and have negotiated a purchase agreement with the Village of Fox Crossing.

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Offer to Purchase Agreement for parcels No. 121470407, 121052708, 121052709, 121052701, and 121052604, as attached in Exhibit B.

BE IT FURTHER RESOLVED, the Village of Fox Crossing Board of Trustees directs the Village President, Village Manager, and Village Clerk to execute the necessary paperwork to purchase the property.

BE IT FURTHER RESOLVED, the Village of Fox Crossing Board of Trustees directs the Finance Director to prepare a check in an amount to be determined by the Village Attorney to cover the purchase cost of Four Hundred and Twenty Five Thousand Dollars (\$425,000) and other necessary closing costs.

Adopted this 27th day of January, 2020

Requested by: Dale A. Youngquist, Village President

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-6

2020 BUDGET AMENDMENT TO PROVIDE FUNDS FOR THE CONSTRUCTION OF A NEW STORAGE BUILDING AND BRUSH DROPOFF AREA LOCATED ON THE MUNICIPAL COMPLEX SITE, AND THE LAND PURCHASE OF VACANT PARCEL NO. 121021007 LOCATED AT THE INTERSECTION OF EAST SHADY LANE AND CLAYTON AVENUE

WHEREAS, in 2019, the Village of Fox Crossing conducted a Facilities Assessment/Space Needs Analysis to assess the functional performance of the office spaces, secure spaces, and storage spaces within the Fox Crossing Municipal Complex; and

WHEREAS, one of the findings in the report was a recommendation to construct a new storage building to replace the deteriorating storage facility located at the northeast corner of East Shady Lane and County Highway CB; and

WHEREAS, the Village's consultant, Gries Architectural Group, Inc., has developed plans for a precast concrete wall, single story 14,400 square foot floor area and 4,000 square foot mezzanine area storage facility with brush dropoff area for an estimated cost of \$2,580,000; and

WHEREAS, the new storage building and brush dropoff area would be located on the Municipal Complex site; and

WHEREAS, the Village of Fox Crossing plans to enter into an Intermunicipal Agreement with the Town of Clayton to settle pending litigation and resolve boundary disputes; and

WHEREAS, one of the terms in the agreement states the Village of Fox Crossing will purchase from the Town of Clayton vacant parcel No. 121021007, located at the intersection of East Shady Lane and Clayton Avenue, for the amount of \$716,000.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the 2020 Village of Fox Crossing budget is amended, as attached, to provide funds for the construction of a New Storage Building and Brush Dropoff area located on the Municipal Complex site.

BE IT FURTHER RESOLVED by the Village Board of Trustees that the 2020 Village of Fox Crossing budget is amended, as attached, to provide funds for the purchase of vacant parcel No. 121021007 located at the intersection of East Shady Lane and Clayton Avenue.

Adopted this 27th day of January, 2020

Requested by: Myra Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-7

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

WHEREAS, the Village of Fox Crossing, Winnebago County, Wisconsin (the "Municipality") plans to undertake the construction of a New Storage Building and the Acquisition of Vacant Land for a Stormwater Pond (the "Project"); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis by issuing tax-exempt general obligation bonds, revenue bonds or general obligation promissory notes (the "Bonds"); and

WHEREAS, because the Bonds will not be issued prior to commencement of the Project, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance monies from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Municipality, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$3,119,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the Village Clerk's office within 30 days after its approval, in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted, recorded and approved this 27th day of January, 2020

Requested by: Myra Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-8

RESOLUTION CREATING A CENSUS 2020 COMPLETE COUNT COMMITTEE TO PLAN AND CONDUCT LOCAL EDUCATIONAL INITIATIVES, PUBLICITY AND PROMOTIONAL ACTIVITIES TO INCREASE COMMUNITY AWARENESS AND PARTICIPATION IN THE 2020 CENSUS

WHEREAS, April 1, 2020 is Census Day for the United States of America pursuant to Article 1, Section 2 of the U.S. Constitution; and

WHEREAS, an accurate census is essential for the allocation of representatives with the legislative bodies of the U.S. House of Representatives, the Wisconsin State Legislature and within the Village of Fox Crossing and Winnebago County voting districts; and

WHEREAS, correct apportionment of federal dollars for health, education, transportation, child and elder care, emergency preparation and response, public and social support programs of all kinds depends on complete and accurate age, population and other ethnic and demographic information gathered every ten years; and

WHEREAS, accurate census information is critical to planning for future growth, development and social needs of the Village of Fox Crossing; and

WHEREAS, the Village of Fox Crossing experienced substantial growth over the last ten years hence, demonstrating the need for an accurate census, and

WHEREAS, an important component in an accurate count is public awareness of, and participation in the Census, and

WHEREAS, forming a Complete Count Committee to promote an accurate count is important to assist the Census Bureau and will directly benefit the Village of Fox Crossing.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that a Census 2020 Complete Count Committee is hereby created which shall consist of five (5) members with a term of service to continue through July 2020 with the following provisions and responsibilities:

1. The Complete Count Committee shall be a working committee charged with the responsibility of planning and conducting local educational initiatives, as well as publicity and promotional activities to increase community participation in the Census.
2. The Village of Fox Crossing Community Development Department shall provide support to this committee as resources allow.

Requested by: George L. Dearborn Jr., AICP, Director of Community Development

Submitted by: Dale McNamee, Trustee #5

Adopted this 27th day of January, 2020

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-9

OPERATOR LICENSE APPLICANTS

WHEREAS, the operator license applicant(s) listed below have made proper application with the Police Department; and

WHEREAS, all applicant(s) either currently holds a valid two-year server license elsewhere, have successfully completed the mandatory alcohol awareness training program, or have scheduled the course; and

WHEREAS, background checks have been conducted by the Police Department; and

WHEREAS, the Police Chief submits the applicant(s) as follows:

Amber Thome	Approve
Alicia Bardwell	Approve
Mandeep Singh	Approve

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees recommend the above applicant(s) be approved pending payment, successful background check, and completion of a state-approved alcohol awareness training program for the licensing period of **JULY 1, 2018 – JUNE 30, 2020.**

Adopted this 27th day of January, 2020

Requested by: Tim G. Seaver, Police Chief
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #200127-10

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 11,309,186.14

WHEREAS, the disbursements are categorized below & the detail is attached:

Pending:	
General Fund	\$ 76,126.29
Special Revenue Fund	\$ 74,605.64
Debt Fund	\$ -
Capital Projects Fund	\$ 23,721.30
Water Fund	\$ 70,164.77
Sewer Fund	\$ 20,985.28
Stormwater Fund	\$ 25,762.77
Trust & Agency Fund	\$ -
Park Commission Processed Payments	\$ 24,207.58
Special Processed Payments	\$ 10,993,612.51
Total:	<u>\$ 11,309,186.14</u>

NOW, THEREFORE BE IT RESOLVED, the Village of Fox Crossing Board of Trustees hereby authorizes the above expenditures to be paid by the Finance Department with the exception of none.

Adopted this 27th day of January, 2020

Requested by: Myra R. Piergrossi, Finance Director
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk