#### Village of Fox Crossing Board of Trustees Regular Meeting Monday, February 8, 2021 - 6:00 p.m. Municipal Complex - Arden Tews Assembly Room 2000 Municipal Drive, Neenah WI 54956 Agenda

- Call to Order, Pledge of Allegiance and Roll Call
- 2. Awards/Presentations
- **Public Hearings** 
  - a) Special Assessments for Installation of Sanitary Sewer Laterals on Clayton Avenue from 9240 Clayton Avenue Southward to 9114 Clayton Avenue
- Minutes to Approve/ Minutes and Correspondence to Receive

Minutes to Approve

a) Regular Village Board Meeting – January 25, 2021

Minutes and Correspondence to Receive

- b) Neenah Menasha Sewerage Commission December 15, 2020
- Water Pumpage Report November 2020 & December 2020
- d) Water Breaks Report November 2020 & December 2020
- Public Comments Addressed to the Village Board. Individuals properly signed in may speak directly to the Village Board on nonrepetitive 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.
- **Discussion Items**
- 7. **Unfinished Business**
- New Business- Resolutions/Ordinances/Policies

a)	210208-1	Final Assessment Resolution Declaring Intent to Exercise Special Assessments for Installation of Sanitary
		Sewer Laterals for the Clayton Utilities Sanitary Sewer Main Extension Project
b)	210208-2	Change Order #1 & Final – 2020 Reconstruction of Water and Sanitary Sewer Mains on Woodgate Lane,
		Shady Springs Drive, Shady Springs Court, Weatherwood Drive, Theresa Avenue, and George Street
		Project
c)	210208-3	Change Order #3 & Final – Storage Building Construction Project
d)	210208-4	Award Bid – 2021 Reconstruction of Water and Sanitary Sewer Mains on Palisades Lane, Palisades Drive,
		West Palisades Drive, Riverview Court, Omega Drive, Larkspur Drive, Winwood Drive, and Sumac Lane
e)	210208-5	Award Bid – Stead Drive Sanitary Sewer Main Replacement Project
f)	210208-6	Memorandum of Understanding Between Town of Clayton and the Village of Fox Crossing Regarding a
		2021 Joint Road Resurfacing Project
g)	210208-7	Approve Well #5 Rehabilitation Project
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Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing 210208-8

Amend Fox Crossing Municipal Code Chapter 38 Elections, by Adding § 38-3 to Address the Appointment 210125-1:ORD of Election Officials Pursuant to § 7.30(1)(A) of Wisconsin Statutes Second Reading & Adoption

**Operator License Applicants** 

210208-9

210208-10 **Expenditures** k)

#### 9. Reports

- a) Clerk Darla Fink Spring Primary Election on Tuesday, February 16, 2021, with Polls Open from 7:00 a.m. to 8:00 p.m.
- 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.

### FINAL RESOLUTION AUTHORIZING SPECIAL ASSESSMENTS FOR THE INSTALLATION OF SANITARY SEWER LATERALS FOR THE CLAYTON UTILITIES SANITARY SEWER MAIN EXTENSION PROJECT

WHEREAS, the Village of Fox Crossing Board of Trustees, Winnebago County, Wisconsin, did pass a Preliminary Resolution (#210111-2) on the 11<sup>th</sup> day of January, 2021, declaring its intention to exercise special assessment powers under WI Statutes, Chapter 66.0703 for the installation of sanitary sewer laterals to certain properties located along Clayton Avenue, and did publish the required statutory Notice of Public Hearing on Special Assessments in the *Post-Crescent*, and did further mail a copy of said Notice of Public Hearing to affected property owners within the required statutory time. A Preliminary Engineer's Report is available for viewing and inspection within regular business hours in the Village Clerk's office; and

WHEREAS, the specially benefited property affected by the installation of new sanitary sewer laterals is the area along Clayton Avenue from 9240 Clayton Avenue southward to 9114 Clayton Avenue (see map in attached Engineer's Report); and

WHEREAS, the Village of Fox Crossing Board of Trustees, Winnebago County, Wisconsin, did hold a Public Hearing at the Fox Crossing Municipal Complex, 2000 Municipal Drive, Neenah, Winnebago County, Wisconsin on the 8th day of February, 2021 at 6:00 p.m., pursuant to the published Notice of Public Hearing and a mailing of said Notice to property owners, for the purpose of informing and hearing all interested persons concerning the Preliminary Resolution and the Report of the Village Engineer on the proposed improvements (along Clayton Avenue from 9240 Clayton Avenue southward to 9114 Clayton Avenue ) and did hear all persons desiring audience at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Fox Crossing, Winnebago County, Wisconsin, as follows:

- 1.) That the Engineer's Report drafted by McMahon Associates, Inc. pertaining to the project and all plans and specifications are hereby approved and adopted.
- 2.) That the Village of Fox Crossing Board of Trustees are aware that the work for the improvements shall be carried out in accordance with the Engineer's Report.
- 3.) That payment of said improvements be made by assessing the cost to abutting property owners in accordance with the schedule of assessments as determined in the Engineer's Report as authorized under Chapter 66.0703, WI Statutes 2019-2020 as amended in the exercise of the Village of Fox Crossing police powers.
- 4.) That all costs to area property owners shown in the Engineer's Report are true and correct, have been determined on a reasonable basis, and are hereby confirmed. That all improvements for which assessments are being made are determined to specially benefit the real estate in the area being assessed by the Village of Fox Crossing Board of Trustees.
- 5.) That the Village of Fox Crossing negotiated costs for this project, and that the Village of Fox Crossing is further directed to carry out the work for said improvements, all as aforementioned.

6.) That the assessment shall be paid in cash, in full, or in annual installments (based on the table below) with all deferred payments to bear interest at the rate of 2% above the rate of the Village borrowing, which will be charged per annum on the unpaid balance. That the balance of the assessments and interest to date will be paid if and when the benefited real estate is sold. A minimum \$250 principal payment must be made in a year.

Assessment Amount	<u>Installment Term</u>
\$500 - \$4,999	Five (5) years
\$5,000 - \$19,999	Ten (10) years
\$20,000 - greater	Fifteen (15) years

- 7.) The Village Clerk of the Village of Fox Crossing is directed to publish the resolution as a Class One (1) Notice in the *Post-Crescent*, Appleton, Wisconsin.
- 8.) The Village Clerk shall mail a copy of this Final Resolution and a statement of the final assessment to each property owner affected whose name appears on the assessment roll and whose post office address is known or can, with reasonable diligence, be ascertained. Assessments may be revised whereas the assessment may be less; however, the assessments shall not exceed the Engineer's Report pursuant to Chapter 66, WI Statutes.

Adopted this 8th day of February, 2021

Requested By: Darla M. Fink, Village Clerk

Submitted By: Dale A. Youngquist, Village President

# CHANGE ORDER #1 & FINAL – 2020 RECONSTRUCTION OF WATER AND SANITARY SEWER MAINS ON WOODGATE LANE, SHADY SPRINGS DRIVE, SHADY SPRINGS COURT, WEATHERWOOD DRIVE, THERESA AVENUE, AND GEORGE STREET PROJECT

WHEREAS, on February 10, 2020, David Tenor Corporation, was awarded the 2020 Reconstruction of Water and Sanitary Sewer Mains on Woodgate Lane, Shady Springs Drive, Shady Springs Court, Weatherwood Drive, Theresa Avenue, and George Street project, for the Base Bid amount of \$974,934.00 and Alternate Bid A amount of \$155,988.00, for a total contract amount of \$1,130,922.00; and

WHEREAS, Change Order #1 reflects a decrease of \$53,858.32 for the following adjustments:

Additional Excavation for Reconnection on Theresa Ave	\$11,500.00
Extra Plumbing for Home on Theresa	\$ 850.00
1.5 Inch Services for Home on Palisades	\$ 1,687.00
Deduct for Hidke Electric Bill for Repair	(\$ 265.82)
Final Quantity Adjustments	(\$40,087.14)
Total:	(\$53,858.32)

WHEREAS, the decrease of \$53,858.32 from Change Order #1 items results in a new total contract price of \$1,077,063.68; and

WHEREAS, it is the recommendation of Village Engineer Brad Werner and Utility Superintendent David Tracey to approve Change Order #1 to David Tenor Corporation, for a decrease in the amount of \$53,858.32, resulting in a new contract amount of \$1,077,063.68.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves Change Order #1 & Final for a decrease in the amount of \$53,858.32, for the 2020 Reconstruction of Water and Sanitary Sewer Mains on Woodgate Lane, Shady Springs Drive, Shady Springs Court, Weatherwood Drive, Theresa Avenue, and George Street project, to **David Tenor Corporation, 2759 Dewey Decker Drive, Green Bay, Wisconsin,** reflecting a final contract amount of \$1,077,063.68.

Adopted this 8th day of February, 2021

Requested by: David Tracey, Utility Superintendent

Submitted by:	Dale A.	Youngquist,	Village	Presiden	t
					Dale A. Youngquist, Village President

#### CHANGE ORDER #3 & FINAL – STORAGE BUILDING CONSTRUCTION PROJECT

WHEREAS, on July 27, 2020, Miron Construction was awarded the Storage Building Construction project, for the Base Bid amount of \$1,600,196; and

WHEREAS, on September 28, 2020, Change Order #1 was approved reflecting a total increase of \$10,675.50 for temperature control components, and water piping adjustments; and

WHEREAS, on November 9, 2020, Change Order #2 was approved reflecting a net increase of \$6,401.82, for additional electrical service, fire hydrant installation, aggregate base, and the elimination of 11 interior bollards; and

WHEREAS, Change Order #3 reflects a total increase of \$12,073.78 for the following adjustments:

Additional Pavement	\$ 2,650.43
Furnace Condensation Drainage	\$ 630.30
Add Power and Switch for Overhead Door #108B	\$ 962.50
Add Electrical for Future Owner Provided Security Gate	\$ 1,045.00
Handrail Extension and Stairway Head Protection	\$ 2,784.82
Add 120 Volt Intake Louvres with Auto-damper Actuators	\$ 990.00
Egress Lighting	\$ 2,555.30
Infill Masonry Joist Pockets	\$ 1,455.43
Painting Credit	( <u>\$ 1,000.00</u> )
Total:	\$12,073.78

WHEREAS, the increase of \$12,073.78 from Change Order #3 items results in a new total contract price of \$1,629,347.10; and

WHEREAS, it is the recommendation of Street Superintendent Randy Gallow to approve Change Order #3 to Miron Construction for an increase in the amount of \$12,073.78, resulting in a final contract amount of \$1,629,347.10.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves Change Order #3 in the amount of \$12,073.78, for the Storage Building Construction project, to **Miron Construction**, **Fox Crossing**, **Wisconsin**, for the final contract amount of \$1,629,347.10.

Adopted this 8th day of February, 2021

Requested by: Randy Gallow, Street Superintendent Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

#### AWARD BID – 2021 RECONSTRUCTION OF WATER AND SANITARY SEWER MAINS ON PALISADES LANE, PALISADES DRIVE, WEST PALISADES DRIVE, RIVERVIEW COURT, OMEGA DRIVE, LARKSPUR DRIVE, WINWOOD DRIVE, AND SUMAC LANE

WHEREAS, on January 27, 2021, sealed bids for the 2021 Reconstruction of Water and Sanitary Sewer Mains on Palisades Lane, Palisades Drive, West Palisades Drive, Riverview Court, Omega Drive, Larkspur Drive, Winwood Drive, and Sumac Lane 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)

Contractor	Base Bid
David Tenor Corporation	\$3,456,482.90
De Groot, Inc.	\$3,620,511.54
Dorner, Inc.	\$3,746,907.00
PTS Contractors, Inc.	\$3,984,789.00
Kruczek Construction Inc.	\$3,997,777.77
Advanced Construction, Inc.	\$4,152,619.00
Jossart Brothers, Inc.	\$4,406,583.75

WHEREAS, it is the recommendation of Engineer Brad Werner and Utility Superintendent David Tracey to award the Base Bid to the lowest responsible bidder, David Tenor Corporation, in the total amount of \$3,456,482.90, 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 Base Bid for the 2021 Reconstruction of Water and Sanitary Sewer Mains on Palisades Lane, Palisades Drive, West Palisades Drive, Riverview Court, Omega Drive, Larkspur Drive, Winwood Drive, and Sumac Lane project, to the lowest responsible bidder, **David Tenor Corporation**, 2759 **Dewey Decker Drive**, **Green Bay**, **Wisconsin**, for the total amount of \$3,456,482.90.

Adopted this 8th day of February, 2021

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

#### AWARD BID - STEAD DRIVE SANITARY SEWER MAIN REPLACEMENT PROJECT

WHEREAS, on February 3, 2021, sealed bids for the Stead Drive Sanitary Sewer Main Replacement project were due in the office of the Utility Department by 10:00 a.m., at which time they were publicly opened and read; and

WHEREAS, twelve (12) bids were received: (bid tabulation enclosed);

Contractor	Base Bid	Supplement Bid A	Total
Advanced Construction, Inc.	\$ 779,916.00	\$ 36,975.00	\$ 816,891.00
,		\$ 23,316.00	
Kruczek Construction, Inc.	,		
Jossart Brothers, Inc.	\$ 889,745.00	\$ 43,500.00	\$ 933,245.00
Donald Hietpas & Sons, Inc.	\$ 918,185.86	\$ 69,600.00	\$ 987,785.86
DeGroot, Inc.	\$ 960,018.73	\$ 33,996.99	\$ 994,015.72
PTS Contractors, Inc.	\$ 961,325.00	\$ 50,460.00	\$1,011,785.00
Dorner, Inc.	\$ 967,135.00	\$ 56,985.00	\$1,024,120.00
Don E. Parker Excavating, Inc.	\$1,020,500.80	\$ 52,200.00	\$1,072,700.80
David Tenor Corporation	\$ 999,956.87	\$ 80,475.00	\$1,080,431.87
Feaker & Sons Construction, Inc.	\$1,023,562.50	\$ 65,250.00	\$1,088,812.50
Carl Bowers & Sons Construction	\$ 999,938.50	\$ 91,350.00	\$1,091,288.50
Robert J. Immel Excavating, Inc.	\$1,051,441.50	\$ 63,075.00	\$1,114,516.50

WHEREAS, it is the recommendation of Engineer Brad Werner and Utility Superintendent David Tracey to award the Base Bid and Supplement Bid A (for Water Box and Replacement labor) to the lowest responsible bidder, Advanced Construction, Inc., in the total amount of \$816,891.00, with final quantity adjustments made by change order to reflect actual quantities; and

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to hereby award the Base Bid and Supplement Bid A (for Water Box and Replacement labor) of the Stead Drive Sanitary Sewer Main Replacement project to the lowest responsible bidder, **Advanced Construction**, Inc, 2141 Woodale Avenue, Green Bay, Wisconsin, for the total amount of \$816,891.00.

BE IT FURTHER RESOLVED, that the Village Board will hold open consideration of Supplement Bid B (for Pavement Restoration) through the sixty (60) day timeframe allowed through the bidding process.

Adopted this 8th day of February, 2021

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

## MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF CLAYTON AND THE VILLAGE OF FOX CROSSING REGARDING A 2021 JOINT ROAD RESURFACING PROJECT

WHEREAS, the Town of Clayton and Village of Fox Crossing both plan to conduct road resurfacing projects in their communities to provide for the repair and maintenance of their respective road systems; and

WHEREAS, the Town of Clayton and the Village of Fox Crossing share maintenance responsibilities for three (3) miles of Clayton Avenue beginning at County Highway BB (CTH BB), and ending at County Highway II (CTH II); and

WHEREAS, both communities desire to resurface Clayton Avenue in 2021; and

WHEREAS, conducting a joint road resurfacing project to ensure one contractor completes the road resurfacing at one time would provide for work efficiencies and an overall better product for the residents of both communities; and

WHEREAS, both communities have agreed to conduct a joint Road Resurfacing project in 2021 under the following terms:

- 1. The Village of Fox Crossing will serve as the lead agency for the project, and will conduct the advertising, bid opening, and bid award functions for the project.
- 2. The successful contractor for the project will invoice the Village of Fox Crossing directly for the Village's work, and the Town of Clayton directly for the Town's work.
- 3. All design and engineering work will be paid by the Village of Fox Crossing. The Village will then invoice the Town the design and engineering costs based upon the final percentage of construction costs for all roads within each respective municipality.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Memorandum of Understanding between the Town of Clayton and the Village of Fox Crossing for conducting a 2021 Joint Road Resurfacing Project based upon the above listed terms.

Adopted this 8<sup>th</sup> day of February, 2021

 Jeffrey Sturgell, Village Manager Dale A. Youngquist, Village President	ent		
Dal	e A. Youngquist, Village President		
At	test: Darla M. Fink, Village Clerk		

#### **APPROVE WELL #5 REHABILITATION PROJECT**

WHEREAS, in September 2020, the operations at Well #5 began to fail with the well producing a small quantity of poor quality water; and

WHEREAS, the well screen patchwork that the utility accomplished in 2016 had failed leaving the well in a currently inoperable mode; and

WHEREAS, Well #5 can be rehabilitated with stainless steel materials for an estimated \$480,000 - \$500,000 (well rehabilitation quote attached).

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Well #5 Rehabilitation project for a not-to-exceed amount of \$500,000, as attached.

BE IT FURTHER RESOLVED, a 2021 Budget Amendment will be accomplished in February or March 2021, to add \$500,000 to the Water Department budget to account for the funding of this project.

Adopted this 8th day of February, 2021

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

Dale A. Youngquist, Village President

### 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 Road Reconstructions, Stormwater, Water, and Sewer Infrastructure Improvements, Well Rehabilitation, Replacement of Well Pump, Replacement of the Municipal Complex Roof, Replacement of Fire Department Equipment, and Land Acquisition (the "Project"); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis by issuing taxexempt 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:

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

<u>Section 2. Declaration of Official Intent</u>. 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 \$9,468,480.

<u>Section 3. Unavailability of Long-Term Funds</u>. 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 8th day of February, 2021

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

#### **OPERATOR LICENSE APPLICANTS**

WHEREAS, the operator license applicants for the upcoming two-year term, listed below, have made proper application with the Police Department; and

WHEREAS, all applicants either currently hold a valid two-year server license elsewhere, or 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 applicants with a recommendation of approval as follows:

Bishnu Kc – Approved

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees recommends the above applicants recommended for approval be approved, pending payment, successful background checks, and completion of a state-approved alcohol awareness training program, for the licensing period beginning July 1, 2020 - June 30, 2022.

Adopted this 8th day of February, 2021

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

#### **EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$974,587.48

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

\$ 94,575.55
\$ 61,309.71
\$ -
\$ 101,211.04
\$ 39,035.35
\$ 214,162.11
\$ 22,663.00
\$ -
\$ 441,630.72
\$ 974,587.48
\$ \$ \$ \$ \$ \$ \$ \$

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 8th day of February, 2021

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

Dale A. Youngquist, Village President