

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, March 8, 2021 - 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) Special Village Board Meeting – February 22, 2021
 - b) Regular Village Board Meeting – February 22, 2021Minutes and Correspondence to Receive
 - c) Planning Commission – January 20, 2021
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
7. Unfinished Business
8. **New Business- Resolutions/Ordinances/Policies**
 - a) 210308-1 2020 Year-End Budget Amendments
 - b) 210308-2 2021 Budget Amendments to Provide Funds for Various Items in the Parks & Recreation, Police, Information Technology, Equipment Replacement, Capital Projects, Water, Wastewater, and Stormwater Departments
 - c) 210308-3 Award Bid – 2021 Road Resurfacing Program to Include the Clayton Avenue Resurfacing Project, the Jacobsen Road & Roundabout Resurfacing Project, the Irish Road from East Shady Lane to West American Drive Resurfacing Project, the Storage Building Surfacing Project, the Stead Drive Resurfacing Project, and the 2021 Town of Clayton Road Resurfacing Program
 - d) 210308-1:ORD Amend Fox Crossing Municipal Code Chapter § 364-9 Obstructing Crossing by Trains, to Add Exception for Brake Testing Pursuant to Federal Regulations *First Reading*
 - e) 210308-4 Reappointment of Zoning Board of Appeals Member – Dale Haug
 - f) 210222-1:ORD Amend Fox Crossing Municipal Code Chapter 435 Zoning Ordinance – Rezone Neenah Joint School District Property Located on County Highway II from A-2 General Agriculture to M-1 Mixed-Use District *Second Reading & Adoption*
 - g) 210222-2:ORD Amend Fox Crossing Municipal Code Chapter 435 Zoning Ordinance – Rezone Vacant Parcel Located at 1101 Tayco Road from R-1 Rural Residential to Planned Development District *Second Reading & Adoption*
 - h) 210222-3:ORD Amend Fox Crossing Municipal Code Chapter 435 Zoning Ordinance – Rezone Vacant Parcel 121026402 Located on Mill Pond Lane from R-2 Suburban Low Density Residential to R-3 Suburban Medium Density Residential *Second Reading & Adoption*
 - i) 210308-5 Operator License Applicants
 - j) 210308-6 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 #210308-1

2020 YEAR-END BUDGET AMENDMENTS

WHEREAS, the Village of Fox Crossing has certain departments/activities that are over budget in the 2020 Village of Fox Crossing Budget; and

WHEREAS, budget amendments are necessary to close out the 2020 Village of Fox Crossing Budget; and

WHEREAS, attached is a detailed listing of the budget amendments to bring the department/activity totals into balance.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby authorizes the Finance Director to amend the 2020 Village of Fox Crossing Budget, as attached.

Adopted this 8th day of March, 2021

Requested by: Myra Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210308-2

2021 BUDGET AMENDMENTS TO PROVIDE FUNDS FOR VARIOUS ITEMS IN THE PARKS & RECREATION, POLICE, INFORMATION TECHNOLOGY, EQUIPMENT REPLACEMENT, CAPITAL PROJECTS, WATER, WASTEWATER, AND STORMWATER DEPARTMENTS

WHEREAS, numerous departments are requesting to rollover funds from the 2020 Budget into the 2021 Budget, or requesting funds for items previously not identified in the 2021 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the 2021 Village of Fox Crossing budget is amended, as attached, to provide funds for the various items in the Parks & Recreation, Police, Information Technology, Equipment Replacement, Capital Projects, Water, Wastewater, and Stormwater Departments.

Adopted this 8th day of March, 2021

Requested by: Myra Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210308-3

AWARD BID – 2021 ROAD RESURFACING PROGRAM TO INCLUDE THE CLAYTON AVENUE RESURFACING PROJECT, THE JACOBSEN ROAD & ROUNDABOUT RESURFACING PROJECT, THE IRISH ROAD FROM EAST SHADY LANE TO WEST AMERICAN DRIVE RESURFACING PROJECT, THE STORAGE BUILDING SURFACING PROJECT, THE STEAD DRIVE RESURFACING PROJECT, AND THE 2021 TOWN OF CLAYTON ROAD RESURFACING PROGRAM

WHEREAS, on February 8, 2021, the Village Board approved a Memorandum of Understanding between the Village of Fox Crossing and the Town of Clayton regarding the terms for conducting a joint Road Resurfacing Program in 2021 (Resolution #210208-6); and

WHEREAS, on February 23, 2021, sealed bids for the 2021 Road Resurfacing Program to include the Clayton Avenue Resurfacing Project, the Jacobsen Road & Roundabout Resurfacing Project, the Irish Road from East Shady Lane to West American Drive Resurfacing Project, the Storage Building Surfacing Project, the Stead Drive Resurfacing Project, and the 2021 Town of Clayton Road Resurfacing Program, were due in the office of the Street Department by 10:00 a.m., at which time they were publicly opened and read; and

WHEREAS, two (2) bids were received: (bid tabulation enclosed);

| <u>Item</u> | <u>Northeast Asphalt, Inc.</u> | <u>MCC, Inc.</u> |
|--------------------|--------------------------------|------------------|
| Base Bid | \$1,179,325.95 | \$1,307,865.05 |
| Supplement #1 | \$ 38,336.75 | \$ 37,860.75 |
| Supplement #2 | \$ 263,966.00 | \$ 293,480.50 |
| Clayton Base Bid | \$1,137,486.55 | \$1,277,805.00 |
| Clayton Supplement | \$ 221,825.00 | \$ 257,999.50 |
| Total: | \$2,840,940.25 | \$3,175,010.80 |

WHEREAS, the Town of Clayton Board of Supervisors approved awarding the Clayton Base Bid and the Clayton Supplement Bid to Northeast Asphalt, Inc., at the March 3, 2021 Town of Clayton Board meeting; and

WHEREAS, it is the recommendation of Engineer Lee Reibold and Street Superintendent Randy Gallow to award the Base Bid, Supplement Bid #1, Supplement Bid #2, the Clayton Base Bid, and the Clayton Supplement Bid to the lowest responsible bidder, Northeast Asphalt, Inc., in the amount of \$2,840,940.25, 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, Supplement Bid #1, Supplement Bid #2, the Clayton Base Bid, and the Clayton Supplement Bid, for the 2021 Road Resurfacing Program to include the Clayton Avenue Resurfacing Project, the Jacobsen Road & Roundabout Resurfacing Project, the Irish Road from East Shady Lane to West American Drive Resurfacing Project, the Storage Building Surfacing Project, the Stead Drive Resurfacing Project, and the 2021 Town of Clayton Road Resurfacing Program, to the lowest responsible bidder, **Northeast Asphalt, Inc., W6380 Design Drive, Greenville, Wisconsin, 54942** for the total amount of **\$2,840,940.25**.

Adopted this 8th day of March, 2021

Requested by: Randy Gallow, Street Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #210308-1 *First Reading*

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 364-9 OBSTRUCTING CROSSING BY TRAINS, TO ADD EXCEPTION FOR BRAKE TESTING PURSUANT TO FEDERAL REGULATIONS

The Village Board of Trustees of the Village of Fox Crossing does ordain as follows:

Part I. Amend Chapter § 364-9 Obstructing Crossing by Trains, as follows (additions in red):

§ 364-9 Obstructing Crossing by Trains.

- A. No person shall cause or permit any railroad train, locomotive, car or combination thereof, whether on the same track or not, to block any highway crossing, street crossing, or sidewalk crossing in the Village of Fox Crossing for longer than 10 minutes, **except as follows:**
- (1) **If a train is separated for any reason, such as adding, or detaching a block of cars, followed by the train being put back together, a continuity test of the brakes must be done pursuant to federal regulations.**
- B. Any conductor, engineer, brakeman or other person having charge of or directing the movements of any railroad train, locomotive, car or combination thereof who violates this section shall be subject to penalty as provided in the penalty section of this article.
- C. In the event that the blocking of a crossing is caused by accident, mechanical difficulty or other circumstances, **with the exception of the above mentioned brake testing federal regulation**, solely beyond the control of the railroad and its employees and such blocking is or shall continue for longer than 10 minutes, then the conductor, engineer, brakeman or other person having charge of the train shall notify the Winnebago County 911 Center so that arrangements can be made for emergency and other vehicles and shall further cooperate by "breaking" the train, when practical, at the crossing for the purpose of allowing the flow of traffic.
- D. Any conductor, engineer, brakeman or other person having charge of the movements of the railroad train, locomotive, car or combination thereof who fails to notify the Winnebago County 911 Center where there is a blocking caused by accident, mechanical difficulties or other circumstances, **with the exception of the above mentioned brake testing federal regulation**, within 10 minutes of such blockage shall be subject to the penalties as provided in the penalty section of this article.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: March 8, 2021

Date Adopted: _____

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210308-4

REAPPOINTMENT OF ZONING BOARD OF APPEALS MEMBER – DALE HAUG

WHEREAS, Chapter 435 Zoning Ordinance requires appointments to the Village of Fox Crossing Zoning Board of Appeals; and

WHEREAS, the Zoning Board of Appeals hears and decides on administrative appeals and variances consistent with the requirements of Article 7 of Chapter 435; and

WHEREAS, the term of Zoning Board of Appeals member Dale Haug will expire on March 31, 2021; and

WHEREAS, Dale Haug has expressed interest in being reappointed for a three (3) year term beginning April 1, 2021 through March 31, 2024; and

WHEREAS, Village President Dale Youngquist nominates Dale Haug for reappointment to a three (3) year term beginning April 1, 2021 through March 31, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby reappoints Dale Haug as a member to the Village of Fox Crossing Zoning Board of Appeals for a three (3) year term beginning April 1, 2021 through March 31, 2024.

Adopted this 8th day of March, 2021

Requested by: Dale A. Youngquist, Village President

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #210222-1:ORD *Second Reading & Adoption*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER 435 ZONING ORDINANCE
– REZONE NEENAH JOINT SCHOOL DISTRICT PROPERTY LOCATED ON
COUNTY HIGHWAY II FROM A-2 GENERAL AGRICULTURE TO M-1 MIXED-USE
DISTRICT**

The Village Board of Trustees of the Village of Fox Crossing do ordain as follows:

Part I. Chapter 435, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by rezoning the Neenah Joint School District parcel located on County Highway II, from A-2 (General Agriculture) to M-1 (Mixed-Use) as shown in Attachment 1.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. Effective Date. This ordinance shall take effect and be in full force from and after its passage and publication or posting according to law.

Date Introduced: February 22, 2021

Date Adopted: _____

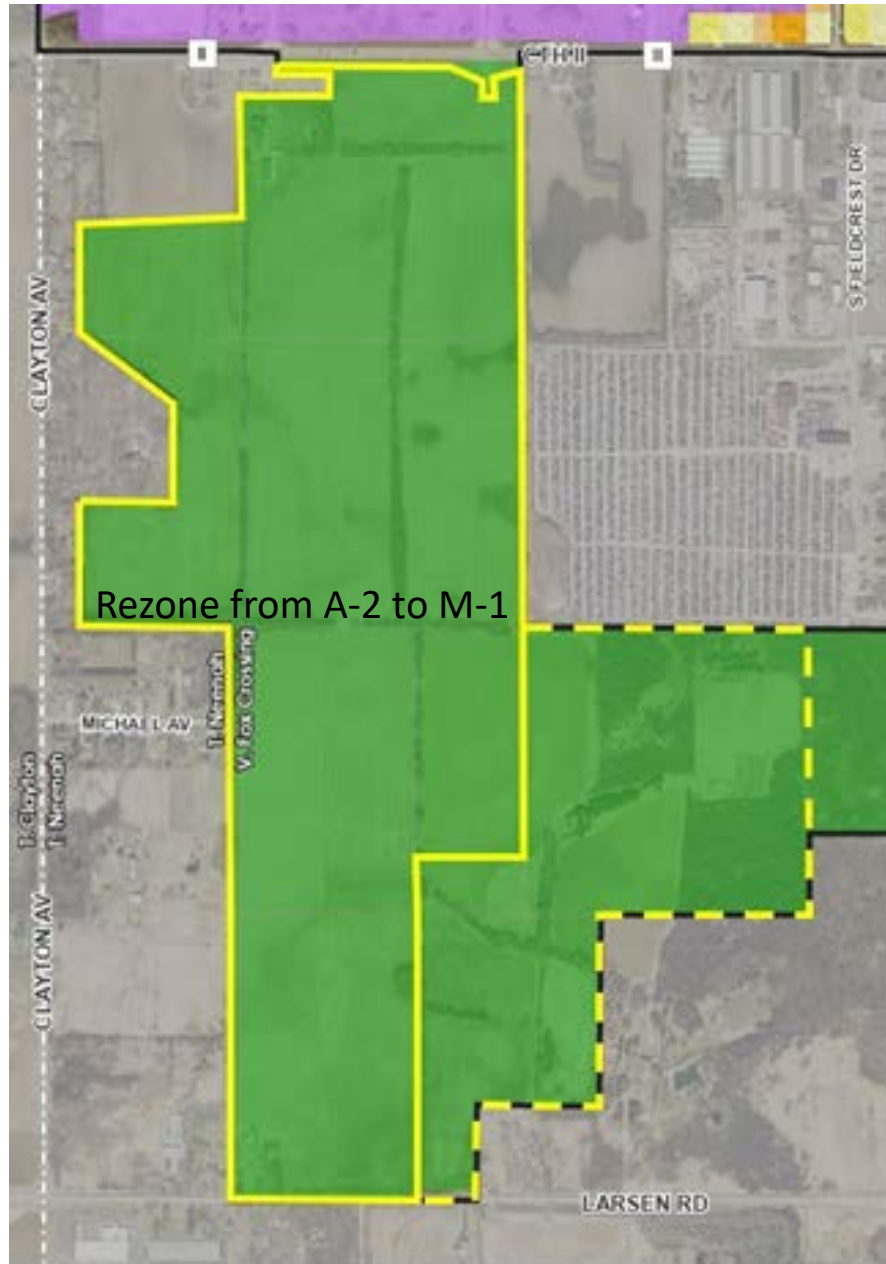
Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ATTACHMENT 1: Proposed Zoning Map Amendment



ORD #210222-2:ORD *Second Reading & Adoption*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER 435 ZONING ORDINANCE
– REZONE VACANT PARCEL LOCATED AT 1101 TAYCO ROAD FROM R-1 RURAL
RESIDENTIAL TO PLANNED DEVELOPMENT DISTRICT**

The Village Board of Trustees of the Village of Fox Crossing do ordain as follows:

Part I. Chapter 435, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by rezoning vacant parcel 1210308 located at 1101 Tayco Road, from R-1 (Rural Residential) to PDD (Planned Development District) as shown in Attachment 1.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. Effective Date. This ordinance shall take effect and be in full force from and after its passage and publication or posting according to law.

Date Introduced: February 22, 2021

Date Adopted: _____

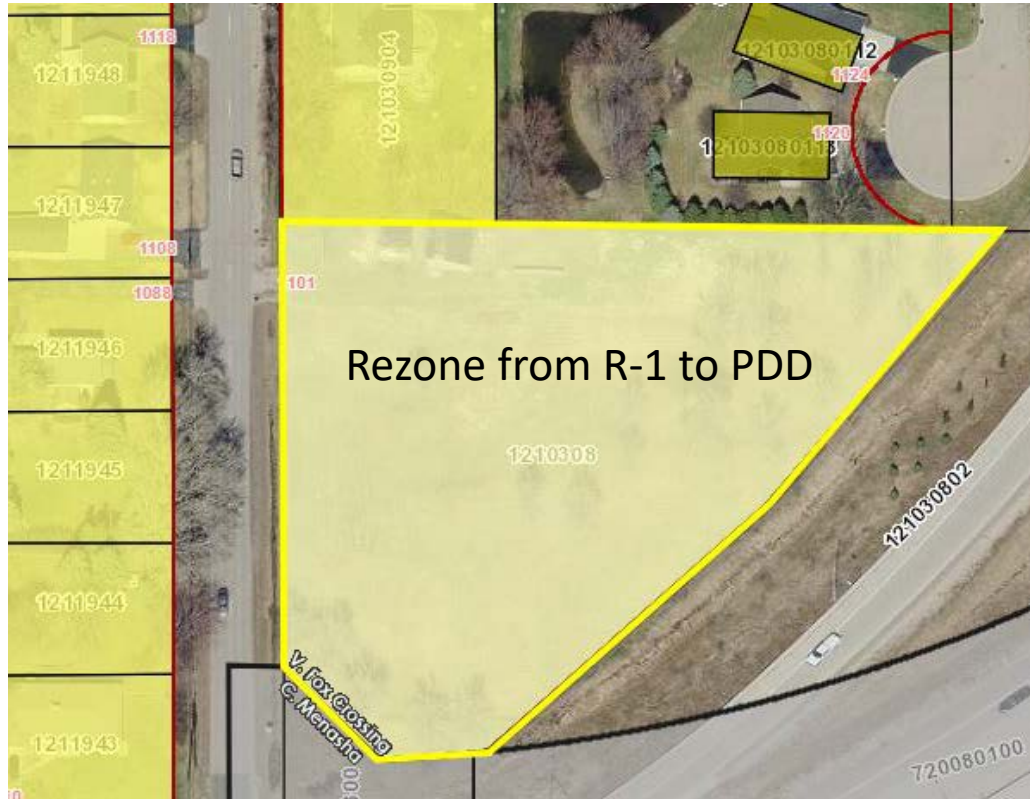
Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ATTACHMENT 1: Proposed Zoning Map Amendment



ORD #210222-3:ORD *Second Reading & Adoption*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER 435 ZONING ORDINANCE
– REZONE VACANT PARCEL 121026402 LOCATED ON MILL POND LANE FROM
R-2 SUBURBAN LOW DENSITY RESIDENTIAL TO R-3 SUBURBAN MEDIUM
DENSITY RESIDENTIAL**

The Village Board of Trustees of the Village of Fox Crossing do ordain as follows:

Part I. Chapter 435, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by rezoning vacant parcel 121026402 located on Mill Pond Lane, from R-2 (Suburban Low Density Residential) to R-3 (Suburban Medium Density Residential) as shown in Attachment 1.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. Effective Date. This ordinance shall take effect and be in full force from and after its passage and publication or posting according to law.

Date Introduced: February 22, 2021

Date Adopted: _____

Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210308-5

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:

Jitendra Patil– 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 March, 2021

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210308-6

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$914,907.42

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

| | | |
|----------------------------|----|-------------------|
| Pending: | | |
| General Fund | \$ | 74,376.12 |
| Special Revenue Fund | \$ | 2,075.84 |
| Debt Fund | \$ | - |
| Capital Projects Fund | \$ | 96,151.39 |
| Water Fund | \$ | 278,592.37 |
| Sewer Fund | \$ | 118,630.85 |
| Stormwater Fund | \$ | 2,640.13 |
| Trust & Agency Fund | \$ | - |
| Special Processed Payments | \$ | 342,440.72 |
| Total: | \$ | <u>914,907.42</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 8th day of March, 2021

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

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk