

**Village of Fox Crossing Board of Trustees Regular Meeting**  
**Monday, March 27, 2023 - 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 – March 13, 2023Minutes and Correspondence to Receive
  - b) Planning Commission Meeting Minutes – February 15, 2023
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 or “electioneering” will be permitted. Commenters must be orderly, wait to be called, speak from the podium, and direct their comments to the Board. A maximum of 2-minutes per person is allowed and you must return to the audience when signaled to do so. The total time allocated for public comments shall not exceed 30 minutes. 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) Discussion Regarding the Potential Renewal of the Bird Scooter Memorandum of Understanding for 2023
7. **Unfinished Business**
8. **New Business- Resolutions/Ordinances/Policies**
  - a) 230327-1 2022 Year End Budget Amendments
  - b) 230327-2 2023 Budget Amendments to Provide Funds for Various Items in Village Departments
  - c) 230327-3 Preliminary Assessment Resolution Declaring Intent to Exercise Special Assessments for the Installation of Water Mains and Laterals, and Sanitary Sewer Mains and Laterals, for the County Highway II Water and Sanitary Sewer Extension Project
  - d) 230327-1:ORD Create Village of Fox Crossing Municipal Code Chapter § 310 Rights-of-Way Management: Rights-of-Way of Streets, Sidewalks and Other Public Places in the Village of Fox Crossing *First Reading, Second Reading & Adoption*
  - e) 230327-2:ORD Amend Fox Crossing Municipal Code Chapter § 364-2 Speed Zones, to Reduce the Speed Limit on East Shady Lane from Clayton Avenue to Irish Road from 55 Miles Per Hour to 45 Miles Per Hour *First Reading*
  - f) 230327-4 Award Bid – Ninth Street Water Main Improvement Project
  - g) 230327-5 Award Bid – Sand Point Stormwater Pond Construction Project
  - h) 230327-6 Award Bid – 2023 Road Resurfacing Program to Include the Resurfacing of East Shady Lane West of Irish Road, the Fire Station #40 Parking Lot Project, the Fritse Park Parking Lot Addition, the Friendship Trail Paving Project, and the Gavin Road Curb Ramp Installation
  - i) 230327-7 Award Bid – 2023 Crack Sealing Program
  - j) 230327-8 Award Bid – 2023 Concrete Work Program to Include Trail Ramp Replacements
  - k) 230327-9 Approve Out-of-State Training Request for the Police Department
  - l) 230327-10 Expenditures
9. **Reports**
  - a) Village President Dale Youngquist – Open Book will be open Monday, April 17, 2023 through Friday, May 26, 2023 by Scheduling a Phone Appointment with an Assessor at [www.accurateassessor.com](http://www.accurateassessor.com); Open Book will also be held in Person on Wednesday, May 3, 2023 from 12:00 p.m. to 2:00 p.m. in the Arden Tews Assembly Room; the 2023 Board of Review will be held on Monday, June 5, 2023 from 4:30 p.m. to 6:30 p.m.
  - b) Community Development Director George Dearborn – Municipal Separate Storm Sewer System (MS-4) Report
  - c) Clerk Darla Fink – Early Voting for the April 4 Spring Election continues through Friday, March 31, 2023; Voting will be Open from 8:00 a.m. to 4:30 p.m., Monday through Friday, with the Exception of Friday, March 31, when Voting will be Open Until 5:00 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.*

RES #230327-1

**2022 YEAR-END BUDGET AMENDMENTS**

WHEREAS, the Village of Fox Crossing has certain departments/activities that are over budget in the 2022 Village of Fox Crossing Budget; and

WHEREAS, budget amendments are necessary to close out the 2022 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 2022 Village of Fox Crossing Budget, as attached.

Adopted this 27<sup>th</sup> day of March, 2023

*Requested by: Jeremy Searl, Finance Director*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #230327-2

**2023 BUDGET AMENDMENTS TO PROVIDE FUNDS FOR VARIOUS ITEMS IN VILLAGE DEPARTMENTS**

WHEREAS, numerous departments are requesting to rollover funds from the 2022 Budget into the 2023 Budget, or requesting funds for items previously not identified in the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the 2023 Village of Fox Crossing budget is amended, as attached, to provide funds for the various items in Village Departments.

Adopted this 27<sup>th</sup> day of March, 2023

*Requested by: Jeremy Searl, Finance Director*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #230327-3

**PRELIMINARY ASSESSMENT RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF WATER MAINS AND LATERALS, AND SANITARY SEWER MAINS AND LATERALS, FOR THE COUNTY HIGHWAY II WATER AND SANITARY SEWER EXTENSION PROJECT**

*A preliminary assessment resolution declaring intent to exercise special assessment powers under Chapter 66.0703 of the WI Statutes.*

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

- 1) That the Village Board of Trustees hereby declares its intent pursuant to Chapter 66.0703 of the WI Statutes to levy special assessments upon property within the following described area for improvements upon said property. (*Exhibit A attached*).
  - a) ***DESCRIPTION OF SPECIAL ASSESSMENT PROJECT:***  
Work shall consist of construction of 1,600 lineal feet of new water main and laterals, and 1,610 lineal feet of sanitary sewer main and laterals, to certain properties located along County Highway II.
  - b) ***AREA OF SPECIAL ASSESSMENT IMPROVEMENTS:***  
County Highway II from Clayton Avenue to approximately 1,600 feet east of Clayton Avenue. Refer to Exhibit A attached.
- 2) Said improvements shall include the required cost of construction and installation, including contract costs, engineering fees, attorney fees and publication expenses of the municipality.
- 3) The Village Board of Trustees shall hereby determine that all such municipal improvements shall be made under Chapter 66.0703 of the WI Statutes and that the amount to be assessed against each affected parcel is based upon a reasonable basis being total construction and material cost including engineering fees, attorney's fees, publication expenses and other appropriated special assessment proceeding costs. The Village Board of Trustees further determines that all said improvements specially benefit the property described in Paragraph 1 above.
- 4) The assessments against affected property owner(s) may be paid in cash or in the number of installments to be determined at the Public Hearing on the proposed assessments and according to the final resolution of the Village Board of Trustees of the Village of Fox Crossing as may be hereinafter adopted.
- 5) The Village Engineers are directed to prepare an Engineer's Report consisting of:
  - a) Preliminary estimates for the entire cost of the proposed construction and installation, including cost of construction, material, engineering fees, attorney fees, publication expenses and other appropriate cost of special assessment proceedings.

- b) A schedule of proposed assessments against affected property prepared under the term and conditions of Chapter 66.0703 of the WI Statutes.
- c) The Engineer's Report shall state that all such assessments are based upon a reasonable basis being total construction and material costs and that all said special assessments benefit the property(s) being assessed.

Upon completing said Engineer's Report the Village Engineers are directed to file a copy of the same in the office of the Village Clerk for public inspection.

- 6) Upon receiving the Engineer's Report of said Village Engineers, the Village Clerk is directed to prepare and publish a Class One Notice of a Public Hearing on said Engineer's Report and upon the Preliminary Special Assessment Resolution as specified in Chapter 66.0703 of the WI Statutes which Notice of Public Hearing shall state the place and time at which the report may be inspected and the place and time at which all persons interested or their agents or attorneys may appear before the Village Board for the Village of Fox Crossing and be heard concerning the matters contained in the Special Assessment preliminary resolution and the Village Engineers' Report at the Public Hearing. A copy of the Notice of Public Hearing together with a scale map (*if available*) showing the general boundary areas of the proposed assessment district/area shall be mailed at least ten (10) days before the hearing date to all interested persons whose post office addresses are known. The Public Hearing shall commence no less than ten (10) days, nor more than forty (40) days after publication. A Public Hearing shall be held in the Arden Tews Assembly Room at the Village of Fox Crossing Municipal Complex, 2000 Municipal Drive, Neenah, WI 54956, Winnebago County, State of WI, on the **24<sup>th</sup> day of April, 2023 at 6:00 p.m.**, or shortly thereafter, during the regularly scheduled Village Board Meeting.

Adopted this 27<sup>th</sup> day of March, 2023

*Requested by: Darla M. Fink, Village Clerk*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

ORD #230327-1:ORD *First Reading, Second Reading and Adoption*

**CREATE VILLAGE OF FOX CROSSING MUNICIPAL CODE CHAPTER § 310 RIGHTS-OF-WAY MANAGEMENT; RIGHTS-OF-WAY OF STREETS, SIDEWALKS AND OTHER PUBLIC PLACES IN THE VILLAGE OF FOX CROSSING, WINNEBAGO COUNTY, WISCONSIN**

*The Village Board of the Village of Fox Crossing, Winnebago County, Wisconsin does ordain as follows:*

Part I. Chapter § 310 Rights-of-Way Management is hereby created to manage obstructions and excavations in Village right-of-ways of streets, sidewalks, and other public places. It reads as follows:

**CHAPTER § 310 RIGHTS-OF-WAY MANAGEMENT**

**Section 310-1. Findings and Purpose.**

- (a) In the exercise of its police powers, the Village has priority over all other uses of the public Rights-of-Way. The Village desires to anticipate and minimize the number of obstructions and excavations taking place in the public Rights-of-Way to ensure that the Rights-of-Way remain available for public services and safe for public use. The taxpayers of the Village bear the financial burden for the upkeep of the rights-of-way and a primary cause for the early and excess deterioration the public Rights-of-Way is the frequent excavation by Persons who place facilities therein.

The Village finds that there has been an increase in the use of the public Rights-of-Way and, as a result, increased costs to the taxpayers of the Village and that these costs are likely to continue into the foreseeable future.

The Village finds that excavation and occupancy of the public Rights-of-Way causes direct and indirect costs to be borne by the Village and its taxpayers, including but not limited to:

1. Administrative costs associated with public Right-of-Way projects, such as registration, permitting, inspection and supervision, supplies and materials.
2. Management costs associated with ongoing management activities necessitated by public Right-of-Way users.
3. Repair costs to the roadway associated with the actual excavation into the public Right-of-Way.
4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public Rights-of-Way.

In response to the foregoing facts, the Village hereby enacts this new ordinance relating to administration of and permits to excavate obstruct and/or occupy the public Rights-of-Way, together with an ordinance making necessary revisions to other Code provisions. This ordinance imposes reasonable regulations on the placement and maintenance of facilities

currently within its Rights-of-Way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the Village a legal framework within which to regulate and manage the public Rights-of-Way, and to provide for recovery of costs. This ordinance provides for the health, safety and welfare of the residents of the Village as they use the Rights-of-Way of the Village, as well as to ensure the structural integrity of the public Rights-of-Way.

Under this Chapter, all Persons who excavate, obstruct and/or occupy the public Rights-of-Way will reimburse the Village's administrative, ongoing management and degradation costs. Rights-of-Way users will bear a fair share of the financial responsibility for the integrity of the public Rights-of-Way.

### **Section 310-2. Definitions.**

The following definitions apply in this ordinance. References hereafter to "sections" are, unless otherwise specified, references to sections in this ordinance. Defined terms remain defined terms whether or not capitalized.

"Applicant" means any person requesting permission to excavate, obstruct and/or occupy a Right-of-Way.

"Village" means the Village of Fox Crossing, Wisconsin, a Wisconsin municipal corporation.

"Degradation" means the accelerated depreciation of the Right-of-Way, caused by an excavation of the Right-of-Way, resulting in the need to reconstruct such Right-of-Way earlier than would be required if the excavation did not occur.

"Department" means the Village's Street Superintendent and/or designee.

"Department Inspector" means any person authorized by the Department to carry out inspections related to the provisions of this Chapter.

"Emergency" means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property or (2) requires immediate repair or replacement in order to restore service to a customer.

"Excavate" means to dig into or in any way remove or physically disturb or penetrate any part of a Right-of-Way.

"Facilities" means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

"In", when used in conjunction with "Right-of-Way," means over, above, in, within, on or under a Right-of-Way.

"Local Representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Chapter.

"Obstruct" means to place any object in a Right-of-Way so as to hinder free and open passage over/under on or in that or any part of the Right-of-Way.

"Occupy" means to dwell or reside above, on, in, or below the boundaries of the public Rights-of-Way.

"Permittee" means any person to whom a permit to excavate or occupy a right-of way has been granted by the Village under this Chapter.

"Person" means, municipality, corporation, company, including a "Company" as defined in Wis. Stat. § 182.017(1g)(b), association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

"PSCW" means the Public Service Commission of Wisconsin.

"Public Utility" has the meaning provided in Wis. Stat. §196.01(5).

"Registrant" means any Person who has registered with the Village (1) to have its facilities located within any Right-of-Way or (2) to use or seek to occupy or use the Right-of-Way or any facilities in the Right-of-Way.

"Repair" means to perform construction work necessary to make the Right-of-Way useable for travel, according to department specifications, or to return facilities to an operable condition that is in as good or better condition as the facilities were before the work commenced.

"Repair Bond" means a performance bond, a letter of credit, or cash deposit posted to ensure the availability of sufficient funds to assure that Right-of-Way excavation repair work is completed in both a timely and quality manner, per Department specifications.

"Right-of-Way" means the surface and space above and below a public roadway, highway, street, bicycle lane, landscape terrace, shoulders, side slopes, and public sidewalk in which the Village has an interest, including other dedicated Rights-of-Way for travel purposes.

"Rights-of-Way User" means a person owning or controlling a facility in the public Right-of-Way, or seeking to own or control a facility in the public Right-of-Way.

"Service" or "Utility Service" includes services such as municipal sewer and water services and services provided by a Public Utility or a Company subject to Wis. Stat. § 182.017 and other similar services.

"Supplementary Application" means an application made to excavate or obstruct more of the Right-of-Way than allowed in, or to extend, a permit that has already been issued.

"Unusable Facilities" means facilities in the Right-of-Way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using them within the next twenty-four (24) months or a potential purchaser or user of the facilities.

### **Section 310-3. Administration.**

The Department is responsible for the administration of the Rights-of-Way, and the permits and ordinances related thereto.

### **Section 310-4. Registration for Right-of-Way Occupancy.**

- (a) Registration. Each service, utility service or Right-of-Way user who occupies, uses, or seeks to occupy or use, the Right-of-Way or any facilities in the Right-of-Way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any Right-of-Way shall register with the Department and pay the fee set forth in Section 310-6. Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons exclusively utilizing facilities provided by another Right-of-Way user.
- (b) Registration Prior to Work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any Right-of-Way without first being registered with the Department.
- (c) Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a Village ordinance requiring persons to plant or maintain the tree lawn in the area of the Right-of-Way between their property and the street curb, construct sidewalks, install street signs or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this Chapter.

### **Section 310-5. Registration Information.**

- (a) Information Required. The information provided to the Department at the time of registration shall include, but not be limited to:

Each registrant's name, Diggers Hotline registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.

The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

All Right-of-Way users shall demonstrate to the satisfaction of the Village the financial capability to cover any liability that might arise out of their presence in the Right-of-Way. If the person is a corporation, a LLC or LLP, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified by the Secretary of State.

A copy of the person's certificate of authority from the PSCW or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

Execution of an indemnification agreement in a form prescribed by the Department.

- (b) Notice of Changes. The registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the registrant has knowledge of any change.

#### **Section 310-6. Registration Fee.**

- (a) Annual Registration Fee. Each registrant shall annually renew its registration or discontinue and properly abandon its facilities. The Department shall establish the Registration Fee in an amount sufficient to recover the costs incurred by the Village for processing registrants. This fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration.
- (b) Fee Computation. The Department may recalculate and establish a new Registration Fee each year.

#### **Section 310-7. Reserved.**

#### **Section 310-8. Excavation Permit Requirement.**

- (a) Excavation Permit Required. Except as otherwise provided in this Chapter or other Chapters of the Village Code, no person shall excavate any Right-of-Way or place facilities in a Right-of-Way without first having obtained an excavation permit from the Department.

No person shall excavate the Right-of-Way or maintain an excavation in the Right-of-Way beyond the date or area specified in the permit unless such person makes a supplementary application for another excavation permit before the expiration of the initial permit, pursuant to Section 310-16, and a new permit or permit extension is granted.

- (b) Distinct Project Permit Areas (DPPAs). Any utility project that exceeds one (1) mile in cumulative corridor length or one (1) square mile in total area of Village impact (not area of disturbance) shall be permitted incrementally, by distinct project permit areas (DPPAs). A DPPA shall not exceed one (1) square mile in size of Village impact. Each DPPA will be permitted and approved separately, and the Village will make the determination of how many DPPAs can be permitted and active at one time. Village staff will release a DPPA for construction once the initial utility design has been approved and there is capacity for

additional DPPAs. Village staff will not release a new DPPA until an active DPPA has been closed out.

- (c) Permit Display. A copy of any permit issued under this Chapter shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the Department upon request.

### **Section 310-9. Excavation Permit Application.**

- (a) Application for a permit shall be made to the Department. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(1) Registration with the Department as required by this Chapter;

(2) Submission of a completed permit application form, including the following:

- (i) If the proposed project involves the installation of a pole or tower in the Right-of-Way, the applicant must submit scaled drawings of the proposed pole or tower and all proposed attachments.
- (ii) The applicant shall identify in detail the location of the proposed project and any affected Right-of-Way, public utility easements, and the location of all existing and proposed facilities within the project area in addition to installation details, traffic control plans and other details requested by the Department.
- (iii) If the proposed project involves the installation of a pole or tower in the Right-of-Way, the applicant must submit evidence sufficient to demonstrate that the applicant is prohibited from using an existing pole or tower (either owned by the applicant or a third party) because such use is technically infeasible, economically prohibitive, or prohibited by law.
- (iv) If the proposed project involves the installation of a pole or tower in the Right-of-Way that is greater than ten (10) feet taller than existing poles or towers in nearby Right-of-Way, the applicant must submit evidence sufficient to demonstrate that:
  - a. The greater height is required to accomplish the applicant's purposes;
  - b. The applicant is prohibited from using existing poles or towers (either owned by applicant or a third party) to accomplish its purposes because such use is technically infeasible, economically prohibitive, or prohibited by law; and
  - c. The pole or tower, due to its height and size, poses no greater danger to the health, safety, and welfare of the public than existing poles in nearby Right-of-Way.

- (3) Payment of all money due to the Village for:
- (i) Applicable permit fees and costs as set forth below;
  - (ii) Unpaid fees or costs due for prior excavations; and
  - (iii) Any loss, damage, or expense suffered by the Village because of applicant's prior excavations of the Rights-of-Way or any emergency actions taken by the Village.
- (4) A statement on forms provided by the Department that the registrant will comply with all local, state and federal codes including but not limited to safety, building, traffic control codes and the Manual of Uniform Traffic Control Devices (MUTCD).
- (5) Furnish a certificate of liability insurance compliant with standards of the Department.
- (6) Post a repair bond. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a repair bond for the additional facilities is insufficient, the posting of an additional or larger repair bond for the additional facilities may be required.

**Section 310-10. Excavation Permit Fee.**

- (a) Fee Calculation. The Excavation Permit Fee shall be established by the Department in an amount sufficient to recover the costs incurred by the Village. This fee shall recover costs incurred by the Village for Administrative, Repair and Degradation costs.
- (b) Village Exemption. The Village and its contracted contractors shall not pay administrative and degradation fees.
- (c) Payment of Permit Fees. No excavation permit shall be issued without payment of applicable fees, unless the applicant shall agree to pay such fees within thirty (30) days of billing therefor.
- (d) Fee Computation. The Department may recalculate and establish a new fee structure each year.
- (e) Non-refundable. Permit fees paid for a permit that the Department has revoked for a breach as stated in Section 310-18 are not refundable.

**Section 310-11. Right-of-Way Repair.**

- (a) The work to be done under the excavation permit, and the repair of the Right-of-Way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the Permittee or when work was prohibited as unseasonable or unreasonable under Section 310-13.

- (b) In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department. The Department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the Department.
- (c) A Permittee may request to have the Village repair the Right-of-Way.
- (1) Village Repair. If the Permittee requests to have the Village repair the Right-of-Way, the Village may accept or reject the request at its sole option. If the Village accepts, the Permittee shall be billed for the Village's costs, and shall pay the amount thereof within thirty (30) days of billing.
- (2) Permittee Repair. If the Permittee chooses to repair the Right-of-Way, it shall, at the time of application for an excavation permit, post a repair bond in an amount determined by the Department to be sufficient to cover the cost of repairing the Right-of-Way to Department specifications. If, thirty-six (36) months after completion of the repair of the Right-of-Way, the Department determines that the Right-of-Way has been properly repaired, the surety on the repair bond shall be released.
- (d) Standards. The Permittee shall perform repairs according to the specifications of the Department and/or in accordance with the conditions specified in the permit. The Department shall have the authority to prescribe the manner and extent of the repair and may do so in written procedures of general application or on a case-by-case basis.
- (e) Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion, except for organic material, which shall be maintained for twelve (12) months. During either period, the Permittee shall, upon notification from the Department, correct all repair work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 310-13.
- (f) Failure to Repair. If the Permittee fails to repair the Right-of-Way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all repair required by the Department, the Department at its option may do such work. In that event the Permittee shall pay to the Village, within thirty (30) days of billing, the cost of repairing the Right-of-Way. If the Permittee fails to pay as required, the Village may exercise its rights under the repair bond.

**Section 310-12. Inspection.**

- (a) Notice of Completion. When the work under any permit issued hereunder is completed, the Permittee shall notify the Department.

- (b) Site Inspection. The Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- (c) Authority of Department. At the time of inspection, the Village may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public. The Village may issue an order to the registrant for any work that does not conform to the applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the registrant shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to Section 310-18.

### **Section 310-13. Allowed Work Schedule**

- (a) In general, normal work hours of 7:00 AM – 7:00 PM are allowed Monday through Friday. Occasionally, the Village has special events throughout the course of the year, including various marathon / 5K runs. These events attract large gatherings of people whereby traveling safely is of utmost importance. Review of work near special event sites may involve adjusting schedules of when work can be performed. No work is allowed on weekends or holidays without prior approval from the Village.
- (b) Excavation work may take place from the Spring thaw until the ground freezes again in Winter. The Village will determine these dates each year based on weather conditions. All hardscape restoration must be completed by October 31st of any given year.

### **Section 310-14. Fall Radius/Breakaway Requirements.**

- (a) Poles and other utility structures over sixty (60) feet in height shall be located so that all residential, commercial, retail or other occupied buildings are outside the fall radius of the structure.
- (b) Rigid non-breakaway poles and other utility structures shall be located a minimum of ten (10) feet from roadway curbs or shoulders and behind existing or future sidewalks.

### **Section 310.15. Joint Applications.**

- (a) Joint Application. Registrants may jointly apply for permits to excavate the Right-of-Way at the same place and time.
- (b) With Village Projects. Registrants who join in a scheduled excavation performed by the Village, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the degradation portion of the excavation permit fee.
- (c) Shared Fees. Registrants who apply for permits for the same excavation, which the Department does not perform, may share in the payment of the excavation permit fee.

Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

### **Section 310.16. Supplementary Applications.**

- (a) **Limitations on Area.** An excavation permit is valid only for the area of the Right-of-Way specified in the permit. No Permittee may perform any work or excavate outside the area specified in the permit, except as provided herein. Any Permittee which determines that an area greater than that specified in the permit must be excavated must, before working in that greater area (1) make application for a permit extension and pay any additional fees required thereby and (2) be granted a new permit or permit extension.
- (b) **Limitation on Dates.** An excavation permit is valid only for the dates specified in the permit. No Permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a Permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs and receive the new permit or an extension of the old permit before working after the end date of the previous permit.
- (c) **Fees for Supplementary Applications.** A Permittee shall pay administration costs for any additional permits. A Permittee is not required to pay an additional degradation fee for the same excavation, if such fee has already been paid on the original permit.

### **Section 310-17. Other Obligations.**

- (a) **Compliance with Other Laws.** Obtaining a permit to excavate and/or occupy the Right-of-Way does not relieve a Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other Village, County, State, or Federal rules, laws, or regulations. A Permittee shall comply with all requirements of local, state, and federal laws. A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the Right-of-Way pursuant to its permit, regardless of who does the work.
- (b) **Prohibited Work.** Except in an emergency, or with the approval of the Department, no Right-of-Way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- (c) **As-built Plans.** Utility owner or contractor will need to provide an electronic shapefile as-built of the entire utility project in order to close out the project. If a utility project required the initiation of Distinct Project Permit Areas (DPPAs), then as part of the closeout process for each DPPA, the proposed contractor must provide as-builts of the utilities installed, that accurately show the utilities as installed.

### **Section 310-18. Revocations, Suspensions, Refusals to Issue or Extend Permits.**

- (a) Grounds. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:
- (1) The applicant or Permittee is required by Section 310-5 to be registered and has not done so or the permit application is otherwise incomplete;
  - (2) The applicant or Permittee is seeking to perform work not included in its construction and major maintenance plan required under Section 310-9; which work was reasonably foreseeable by the applicant or Permittee at the time said plan was filed;
  - (3) Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival, or other event;
  - (4) Misrepresentation of any fact by the applicant or Permittee;
  - (5) Failure of the applicant or Permittee to maintain required bonds and/or insurance;
  - (6) Failure of the applicant or Permittee to complete work in a timely manner;
  - (7) The proposed activity is contrary to the public health, safety or welfare;
  - (8) The extent to which space is available in the Right-of-Way for which the permit is sought;
  - (9) The competing demands for the particular space in the Right-of-Way;
  - (10) The availability of other locations in the Right-of-Way or in other Rights-of-Way for the facilities of the Permittee or applicant;
  - (11) If the Permittee or applicant proposes to install a new pole or tower in the Right-of-Way, the availability of other existing poles or towers owned by the Permittee or applicant or by a third party;
  - (12) The applicability of ordinances or other regulations of the Right-of-Way that affect location of facilities in the Right-of-Way;
  - (13) The condition and age of the Right-of-Way, and whether and when it is scheduled for total or partial reconstruction; or
  - (14) The applicant or Permittee is otherwise not in full compliance with the requirements of this Chapter or state or federal law.

- (a) Discretionary Issuance. Notwithstanding Section § 310-18(a)(2), the Department may issue a permit where issuance is necessary (a) to prevent substantial economic hardship to a customer of the Permittee or applicant, or (b) to allow such customer to materially improve its Public Utility service, or (c) to allow the Permittee or applicant to comply with state or federal law or Village ordinance or an order of a court or administrative agency.
- (b) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review first with the Village Manager and then the Village Board. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the Village Manager or Village Board may affirm, reverse or modify the decision of the Department.

**Section 310-19. Work Done Without a Permit.**

- (a) Emergency Situations. Each registrant shall immediately notify the Village by verbal notice on an emergency phone number provided by the Village of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this Chapter. If the Village becomes aware of an emergency regarding a registrant's facilities, the Department may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The Village may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.
- (b) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a Right-of-Way must subsequently register and apply for an excavation permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this Chapter or other Chapters of the Village Code, deposit with the Department the fees necessary to correct any damage to the Right-of-Way and comply with all of the requirements of this Chapter. If a subsequent permit is denied or is not approved, the registrant shall discontinue and abandon its facilities.

**Section 310-20. Supplementary Notification.**

If the excavation of the Right-of-Way begins later or ends sooner than the date given on the permit, the Permittee shall notify the Department of the accurate information as soon as this information is known.

**Section 310-21. Location of Facilities.**

- (a) **Undergrounding.** Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old existing facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) **Corridors.** The Department may assign specific corridors within the Right-of-Way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the Village expects will someday be located within the Right-of-Way. All excavation, obstruction, or other permits issued by the Village involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Department's assignment. Any registrant who has facilities in the Right-of-Way in a position at variance with the corridors established by the Village shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the Right-of-Way, unless this requirement is waived by the Village for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.
- (c) **Limitation of Space.** To protect health, safety, and welfare, or when necessary to protect the Right-of-Way and its current use, the Department may prohibit or limit the placement of new, replacement or additional facilities within the Right-of-Way if there is insufficient space to accommodate all of the requests of Persons to occupy and use the Right-of-Way. In making such decisions, the Village shall strive to the extent possible to accommodate all existing and potential users of the Right-of-Way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the Right-of-Way, the time of year with respect to essential utilities, the protection of existing facilities in the Right-of-Way, and future Village plans for public improvements and development projects which have been determined to be in the public interest.

#### **Section 310-22. Relocation of Facilities.**

Except as prohibited by State or Federal law, a Registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the Right-of-Way whenever the Department requests such removal and relocation, and shall restore the Right-of-Way to the same condition it was in prior to said removal or relocation. The Department may make such request to prevent interference by the Company's facilities with (i) a present or future Village use of the Right-of-Way, (ii) a public improvement undertaken by the Village, (iii) an economic development project in which the Village has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the Right-of-Way.

Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any Right-of-Way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

### **Section 310-23. Interference with Other Facilities during Municipal Construction.**

When the Village performs work in the Right-of-Way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the Village shall notify the local representative. The registrant shall meet with the Village's representative within 24-hours and coordinate the protection, maintenance, supporting, and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within 72-hours, unless the Village agrees to a longer period. In the event that the registrant does not proceed to maintain, support, shore, or move its facilities, the Village may arrange to do the work and bill the registrant, said bill to be paid within thirty (30) days.

### **Section 310-24. Indemnification.**

By registering with the Village, or by accepting a permit under this Chapter, a registrant or Permittee, as the case may be, agrees to indemnify, defend, and hold harmless the Village, its officers, boards, committees, commissions, elected officials, employees and agents (collectively, "Indemnified Parties"), from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon an Indemnified Party for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the Village or its agents or employees.

### **Section 310-25. Abandoned Facilities.**

- (a) Discontinued Operations. A registrant who has determined to discontinue its operations in the Village must either:
- (1) Provide information satisfactory to the Department that the registrant's obligations for its facilities under this Chapter have been lawfully assumed by another registrant; or
  - (2) Submit to the Department a proposal and instruments for dedication of its facilities to the Village. If a registrant proceeds under this clause, the Village may, at its option:
    - (i) Accept the dedication for all or a portion of the facilities; or
    - (ii) Require the registrant, at its own expense, to remove the facilities in the Right-of-Way at ground or above ground level; or
    - (iii) Require the registrant to post a bond or provide payment sufficient to reimburse the Village for reasonably anticipated costs to be incurred in removing the facilities.

However, any registrant who has unusable and abandoned facilities in any Right-of-Way shall remove it from that Right-of-Way within two (2) years, unless the Department waives this requirement.

(b) Abandoned Facilities. Facilities of a registrant who fails to comply with Section § 310-25(a), and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the Village may, at its option (i) abate the nuisance, (ii) take possession of the facilities, or (iii) require removal of the facilities by the registrant, or the registrant's successor in interest.

(c) Public Utilities. This section shall not apply to a Public Utility that is required to follow the provisions of Wis. Stat. § 196.81.

**Section 310-26. Reservation of Regulatory and Police Powers.**

The Village, by the granting of a permit to excavate, obstruct and/or occupy the Right-of-Way, or by registering a person under this Chapter does not surrender or to any extent lose, waive, or impair, the lawful powers and rights, which it has now or maybe hereafter granted to the Village under the Constitution and statutes of the State of Wisconsin to regulate the use of the Right-of-Way by the Permittee; and the Permittee by its acceptance of a permit to excavate, obstruct and/or occupy the Right-of-Way or of registration under this Chapter agrees that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the Village, shall be in full force and effect and subject to the exercise thereof by the Village at any time. A Permittee or registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the Village to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the Village pursuant to such powers.

**Section 310-27. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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: \_\_\_\_\_

Date Adopted: \_\_\_\_\_

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

DRAFT

ORD #230327-2 *First Reading*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER §364-2 SPEED ZONES, TO REDUCE THE SPEED LIMIT ON EAST SHADY LANE FROM CLAYTON AVENUE TO IRISH ROAD FROM 55 MILES PER HOUR TO 45 MILES PER HOUR**

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

Part I. Chapter §364-2 Speed Zones, is hereby amended to read as follows (amendment in red):

**§364-2 Speed Zones.**

A. The maximum permissible speed at which vehicles may be operated on the various Village of Fox Crossing streets is as follows, contingent upon erection of proper signing:

(1) Twenty-five miles per hour. All streets in the Village of Fox Crossing except the following:

(a) State, federal and county highways (limits set by other jurisdictions).

(b) Ten miles per hour:

[1] All roads within Village of Fox Crossing parks.

[2] Gail Lane.

[3] Helene Drive.

[4] Gregory Lane.

[5] Stephanie Lane.

[6] Dena Lane.

[7] Marcy Drive.

[8] Warbler Lane.

[9] Allison Drive between Gail Lane and Gregory Lane.

[10] Tumblebrook Road between Shady Lane and Gregory Lane.

(c) Fifteen miles per hour:

Name of Street
Elru Drive
East/West Portion of Brighton Beach Road
Happy Valley Drive
Paradise Lane
Sleepy Hollow

(d) Thirty miles per hour:

Name of Street	Location
Calumet Street	From Oneida Street westerly to the City of Appleton municipal boundary
North Lake Street	From Blair Avenue southerly to the City of Neenah municipal boundary

(e) Thirty-five miles per hour:

Name of Street	Location
Airport Road	Between Racine Street and State Trunk Highway 47
American Drive	Between Prospect and Copperhead Drive
American Drive	Between Green Bay Road and 10 miles north of Jacobsen Road
Cold Spring Road	Between American Drive and Allison Drive
East Shady Lane	Between American Drive and Municipal Drive
Irish Road	Between Jacobsen Road and Mimosa Lane
Jacobsen Road	Between North Lake Street and Clayton Avenue
Northern Road	Entire length
North Lake Street	Between Jacobsen Road and Blair Avenue
Stroebe Road	Between Northern Road and Harry's Gateway
West Butte des Morts Beach Road	From Lake Street northerly to the point where Millbrook Creek crosses West Butte des Morts Beach Road

(f) Forty-five miles per hour:

Name of Street	Location
Clayton Avenue	Between Prospect Avenue (CTH BB) and Winchester Road
Cold Spring Road	Between Allison Drive and Prospect Avenue (CTH BB)
East Shady Lane	From Municipal Drive to <del>Irish Road</del> Clayton Avenue
Irish Road	Between Prospect Avenue (CTH BB) and Mimosa Lane

(g) Fifty-five miles per hour: ~~East Shady Lane between Irish Road and Clayton Avenue.~~  
 None

(h) Special speed limits.

[1] Fifteen miles per hour:

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[a] Marked school zones.

[b] Marked construction zones.

[2] Section 346.57, Speed restrictions, of the Wisconsin Statutes is hereby adopted by reference, as applicable.

B. Modification of speed restrictions. All modifications of any existing speed restriction within the Village of Fox Crossing (excluding limits set by other jurisdictions: state, federal and county highways) shall require the following:

- (1) There shall be a completed engineering and traffic investigation which states the change is reasonable, safe and prudent, and the engineering and traffic investigation shall be completed by the state, or any other qualified engineer approved by the Village Board.
- (2) Any increase or decrease in the speed limit of more than 10 miles per hour shall require approval of the State of Wisconsin Department of Transportation, and no signs giving notice of a modification of the speed limit shall be erected until such approval has been received.

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 27, 2023

Date Adopted: \_\_\_\_\_

*Requested by: Scott Blashka, Chief of Police*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #230327-4

**AWARD BID – NINTH STREET WATER MAIN IMPROVEMENT PROJECT**

WHEREAS, on March 16, 2023, sealed bids for the Ninth Street Water Main Improvement 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)

<u>Contractor</u>	<u>Base Bid</u>
David Tenor Corporation	\$292,889.00
Donald Hietpas & Sons, Inc.	\$296,640.00
Alfson Excavating, LLC	\$316,550.00
Robert J. Immel Exc., Inc.	\$323,457.50
Kruczek Construction, Inc.	\$324,000.00
Advanced Construction, Inc.	\$328,774.00
Dorner, Inc.	\$342,462.00
Wood Sewer & Exc., Inc.	\$346,076.00
PTS Contractors, Inc.	\$349,100.00
Jossart Brothers, Inc.	\$351,590.00
Carl Bowers & Sons Const Co., Inc.	\$389,800.00
Superior Sewer and Water, Inc.	\$427,124.00

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 \$292,889.00, 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 Ninth Street Water Main Improvement project, to the lowest responsible bidder, **David Tenor Corporation, 2759 Dewey Decker Drive, Green Bay, Wisconsin**, for the total amount of **\$292,889.00**.

Adopted this 27<sup>th</sup> day of March, 2023

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

\_\_\_\_\_  
Dale A. Youngquist, Village President

\_\_\_\_\_  
Attest: Darla M. Fink, Village Clerk

RES #230327-5

**AWARD BID – SAND POINT STORMWATER POND CONSTRUCTION PROJECT**

WHEREAS, on March 16, 2023, sealed bids for the Sand Point Stormwater Pond Construction project were due in the office of the Street Department by 2:00 p.m., at which time they were publicly opened and read; and

WHEREAS, five (5) bids were received: (bid tabulation enclosed)

<u>Contractor</u>	<u>Base Bid</u>
Advanced Construction, Inc.	\$ 886,315.63
MCC, Inc.	\$ 974,510.64
Superior Sewer & Water, Inc.	\$1,034,336.87
Relyco Plus, LLC	\$1,070,875.96
Michels Road & Stone, Inc.	\$1,079,635.19

WHEREAS, it is the recommendation of Engineer Shawn Jandrey and Street Superintendent Gallow to award the Base Bid to the lowest responsible bidder, Advanced Construction, Inc., in the total amount of \$886,315.63, 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 Sand Point Stormwater Pond project, to the lowest responsible bidder, **Advanced Construction, Inc., 2141 Woodale Avenue, Green Bay, Wisconsin**, for the total amount of **\$886,315.63**.

Adopted this 27<sup>th</sup> day of March, 2023

*Requested by: Randy Gallow, Street Superintendent*

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

\_\_\_\_\_  
Dale A. Youngquist, Village President

\_\_\_\_\_  
Attest: Darla M. Fink, Village Clerk

RES #230327-6

**AWARD BID – 2023 ROAD RESURFACING PROGRAM TO INCLUDE THE RESURFACING OF EAST SHADY LANE WEST OF IRISH ROAD, THE FIRE STATION #40 PARKING LOT PROJECT, THE FRITSE PARK PARKING LOT ADDITION, THE FRIENDSHIP TRAIL PAVING PROJECT, AND THE GAVIN ROAD CURB RAMP INSTALLATION**

WHEREAS, on March 14, 2023, sealed bids for the 2023 Road Resurfacing Program to include the Resurfacing of East Shady Lane West of Irish Road, the Fire Station #40 Parking Lot Project, the Fritse Park Parking Lot Addition, the Friendship Trail Paving Project, and the Gavin Road Curb Ramp Installation, 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	\$1,220,490.70	\$1,390,652.35
Supplement #1	\$ 78,997.30	\$ 94,419.00
Supplement #2	\$ 8,463.25	\$ 10,255.50
Total:	\$1,307,951.25	\$1,495,326.85

WHEREAS, it is the recommendation of Engineer Lee Reibold and Street Superintendent Randy Gallow to award the Base Bid, Supplement Bid #1, and Supplement Bid #2 to the lowest responsible bidder, Northeast Asphalt, Inc., in the amount of \$1,307,951.25, 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, and Supplement Bid #2 for the 2023 Road Resurfacing Program to include Resurfacing of East Shady Lane West of Irish Road, the Fire Station #40 Parking Lot Project, the Fritse Park Parking Lot Addition, the Friendship Trail Paving Project, and the Gavin Road Curb Ramp Installation, to the lowest responsible bidder, **Northeast Asphalt, Inc., W6380 Design Drive, Greenville, Wisconsin, 54942** for the total amount of **\$1,307,951.25**.

Adopted this 27<sup>th</sup> day of March, 2023

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

\_\_\_\_\_  
Dale A. Youngquist, Village President

\_\_\_\_\_  
Attest: Darla M. Fink, Village Clerk

RES #230327-7

**AWARD BID – 2023 CRACK SEALING PROGRAM**

WHEREAS, on March 14, 2023, sealed bids for the 2023 Crack Sealing 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, four (4) bids were received (bid tabulation enclosed):

	Asphalt Seal & Repair, Inc.	Thunder Road, LLC	Fahrner Asphalt Sealers, LLC	American Pavement Solutions
<b>Unit Price per Pound</b>	<b>\$1.78</b>	<b>\$1.78</b>	<b>\$1.85</b>	<b>\$1.98</b>
<b>Total Pounds</b>	<b>22,475</b>	<b>22,475</b>	<b>21,622</b>	<b>20,202</b>

; and

WHEREAS, Asphalt Seal & Repair, Inc. and Thunder Road, LLC submitted identical low bids at \$1.78 per pound; and

WHEREAS, on March 23, 2023, with the approval of both contractors, a coin flip was held between the two (2) lowest bidders to determine the winner of the bid; and

WHEREAS, Asphalt Seal & Repair, Inc. won the coin toss, and hence is determined to be the successful bidder for the contract; and

WHEREAS, it is the recommendation of Village Engineer Lee Reibold and Street Superintendent Randy Gallow to award the bid to the lowest responsible bidder, Asphalt Seal & Repair, Inc., for the unit price of \$1.78/lb for a total of 22,475 pounds.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to hereby award the 2023 Crack Sealing Program to **Asphalt Seal & Repair, Inc., 2077 Enterprise Drive, De Pere, Wisconsin** in the contract amount of **\$1.78/lb for 22,475 pounds** for the Village of Fox Crossing.

Adopted this 27<sup>th</sup> day of March, 2023

*Requested by: Randy Gallow, Street Superintendent*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #230327-8

**AWARD BID – 2023 CONCRETE WORK PROGRAM TO INCLUDE TRAIL RAMP REPLACEMENTS**

WHEREAS, on March 21, 2023, sealed bids for the 2023 Concrete Work Program to include Trail Ramp Replacements, 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, three (3) bids for the Base Bid were received: (bid tabulation enclosed)

<u>Contractor</u>	<u>Base Bid</u>	<u>Supplement Bid #1</u>	<u>Supplement Bid #2</u>	<u>Total</u>
Sommers Construction Co., Inc.	\$121,392.90	\$11,765.00	\$2,170.00	\$135,327.90
Al Dix Concrete, Inc.	\$130,325.00	\$11,385.00	\$1,960.00	\$143,670.00
Jim Fischer, Inc.	\$140,100.00	\$11,110.00	\$1,820.00	\$153,030.00

WHEREAS, it is the recommendation of Engineer Lee Reibold and Street Superintendent Randy Gallow to award the Base Bid, Supplement Bid #1, and Supplement Bid #2 to the lowest responsible bidder, Sommers Construction Co., Inc., in the amount of \$135,327.90, 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, Supplement Bid #1, and Supplement Bid #2 for the 2023 Concrete Work Program to include Trail Ramp Replacements, to the lowest responsible bidder, **Sommers Construction Co., Inc., W7841 Smith Street, Shiocton, Wisconsin**, for the total amount of **\$135,327.90**.

Adopted this 27<sup>th</sup> day of March, 2023

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #230327-9

**APPROVE OUT-OF-STATE TRAINING REQUEST FOR THE POLICE  
DEPARTMENT**

WHEREAS, the Ohio Crime Prevention Association is holding their conference from April 2 – April 5, 2023, in Dublin, Ohio; and

WHEREAS, Police Officer Dan Wiechman is a Board member of the Wisconsin Crime Prevention Practitioner’s Association; and

WHEREAS, Officer Wiechman, along with Town of Winneconne Police Chief Pete Ehlert, have been invited by the Ohio Crime Prevention Association to their conference to accept a Partnership Award for Officer Wiechman’s and Chief Ehlert’s Fraud Squad initiative/public education program that was created with Verve Credit Union last year; and

WHEREAS, the Ohio Crime Prevention Association will be covering Officer Wiechman’s cost of the attendance to the conference and the hotel room, with the Village paying only for meals.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the out-of-state training request for Police Officer Dan Wiechman to attend the Ohio Crime Prevention Association Conference in Dublin, Ohio from April 2 – 5, 2023.

Adopted this 27<sup>th</sup> day of March, 2023

*Requested by: Scott Blashka, Police Chief*

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

\_\_\_\_\_  
Dale A. Youngquist, Village President

\_\_\_\_\_  
Attest: Darla M. Fink, Village Clerk

RES #230327-10

**EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$3,525,445.37

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

Pending:		
General Fund	\$	135,339.83
Special Revenue Fund	\$	14,817.21
Debt Fund	\$	-
Capital Projects Fund	\$	8,522.90
Water Fund	\$	16,920.67
Sewer Fund	\$	5,176.48
Stormwater Fund	\$	7,414.90
Trust & Agency Fund	\$	-
Special Processed Payments	\$	3,337,253.38
Total:	\$	<u>3,525,445.37</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 March, 2023.

*Requested by: Jeremy Searl, Finance Director*  
*Submitted by: Dale A. Youngquist, Village President*

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

**VILLAGE OF FOX CROSSING**  
**2000 Municipal Drive**  
**Neenah, WI 54956**

**EXPENDITURE SUMMARY**

For Accounts Payable Period Ending: March 21, 2023  
 For Village Board Meeting of: March 27, 2023

<b>REGULAR PROCESSED CHECKS</b>	<b>AMOUNT</b>
General Fund	\$135,339.83
Special Revenue Funds	\$14,817.21
Debt Fund	\$0.00
Capital Projects Fund	\$8,522.90
Water Fund	\$16,920.67
Sewer Fund	\$5,176.48
Stormwater Fund	\$7,414.90
Trust & Agency Fund	\$0.00
<b>Total Bills for</b>	<b>March 27, 2023</b>
	<u><u>\$188,191.99</u></u>

**SPECIAL PROCESSED PAYMENTS**

<b>CHECK #</b>	<b>PAYEE</b>	<b>CHECK #</b>	<b>DEPT. /PURPOSE</b>	<b>AMOUNT</b>
	Village Specials	3/8-3/21/2023	**See Attached Listing**	\$183,524.96
ACH	Employee Benefits Corp	3/9-3/20/2023	Flex Spending Claims	\$2,620.15
ACH	WI DOT	3/14-3/15/2023	Suspension Fees	\$42.00
ACH	WI Deferred Comp	3/16/2023	Deferred Comp	\$6,240.66
ACH	State of WI	3/16/2023	Annual TID Fees	\$750.00
ACH	Paymentus	3/16/2023	Feb CC Fees	\$4,653.14
ACH	DTCC	3/21/2023	GO Prin Payments	\$2,905,000.00
46430-46433	Payroll	3/16/2023	Payroll	\$2,958.54
ACH	Payroll	3/16/2023	Payroll	\$164,547.04
ACH	Payroll	3/16/2023	Taxes	\$66,916.89
<b>Total Special Processed Payments</b>				<u><u>\$3,337,253.38</u></u>
<b>GRAND TOTAL</b>				<u><u>\$3,525,445.37</u></u>