

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, April 12, 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**
 - a) Governor's Proclamation of Municipal Treasurer's Appreciation Week April 18 – 24, 2021 – Village President Dale Youngquist
3. **Public Hearings**
 - a) Amend Chapter § 218 Article VIII of the Fox Crossing Municipal Code to Regulate Open Burning in the Village of Fox Crossing, to Include the Prohibition of the Burning of Leaves
4. **Minutes to Approve/ Minutes and Correspondence to Receive**

Minutes to Approve

 - a) Regular Village Board Meeting – March 22, 2021

Minutes and Correspondence to Receive

 - b) Neenah Menasha Sewerage Commission – February 23, 2021
 - c) April 6, 2021 Spring Election Results
 - d) Water Pumpage Reports – January 2021, February 2021
 - e) Water Main Break Reports – January 2021, February 2021 & March 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) 210412-1 Street and Utility Acceptance for Mary Lane Road and Utility Extension
 - b) 210412-1:ORD Amend Fox Crossing Municipal Code Chapter § 302-8 Loud and Unnecessary Noise, to Restrict the Use of Jake Brakes *First Reading*
 - c) 210412-2:ORD Amend Fox Crossing Municipal Code Chapter § 350-50(B) In-Ground Private Residential Swimming Pool Requirements, to Allow Certain Pool Covers In-Lieu of Fencing Requirements *First Reading*
 - d) 210412-2 Appointment of Village Representative to the Fox Cities Sports Facility Advisory Committee – Parks & Recreation Director Amanda Geiser
 - e) 210412-3 Acceptance of a 2021 Task Force Speed/Aggressive Driving Grant
 - f) 210412-4 A Resolution to Designate the Month of May, 2021, as No Mow May
 - g) 210412-5 Operator License Applicants
 - h) 210412-6 Expenditures
9. **Reports**
 - a) President Dale Youngquist – Open Book will be held Tuesday, April 27 from 4:00 p.m. to 7:00 p.m., Thursday, April 29 from 9:00 a.m. to 4:00 p.m., and Monday, May 3 from 4:00 p.m. to 7:00 p.m.
 - b) Trustee Kris Koeppel – Spring Electronic Recycling Event will be held Saturday, April 17, 2021 from 8:00 a.m. to Noon at the Municipal Complex
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 #210412-1

STREET AND UTILITY ACCEPTANCE FOR MARY LANE ROAD AND UTILITY EXTENSION

WHEREAS, the Village of Fox Crossing entered into a Development Agreement with John R. Depies, regarding the development of the Mary Lane Road and Utility Extension project; and

WHEREAS, in accordance with the Development Agreement, John R. Depies, was required to construct the required street, sanitary sewer, and water improvements to Village specification standards; and

WHEREAS, the required street improvements have been completed by John R. Depies to gravel conditions, and reviewed and approved by the Street Superintendent; and

WHEREAS, the required sanitary sewer and water improvements have been completed by John R. Depies, and reviewed and approved by the Utility Superintendent; and

WHEREAS, Street Superintendent Randy Gallow recommends preliminary acceptance of the street located in the Mary Lane extension project (as shown on attached map), to a gravel condition; and

WHEREAS, Utility Superintendent David Tracey recommends final acceptance of the water and sanitary sewer utilities, located in the Mary Lane extension project (as shown on attached map).

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby preliminarily accepts the Mary Lane street extension to a gravel condition, as shown on the attached map.

BE IT FURTHER RESOLVED, that the Village of Fox Crossing Board of Trustees authorizes final acceptance of the sanitary sewer and water utilities located in the Mary Lane extension project area, as shown on the attached map.

Adopted this 12th day of April, 2021

Requested by: Randy Gallow, Street Superintendent

David Tracey, Utility Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #210412-1 *First Reading*

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 302-8 LOUD AND UNNECESSARY NOISE, TO RESTRICT THE USE OF JAKE BRAKES

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

Part I. Chapter § 302-8 Loud and Unnecessary Noise, is hereby amended to read as follows (amendment in red):

§ 302-8. Load and unnecessary noise.

A. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

B. Operation of motor vehicles.

(1) It shall be a violation of this section for a person to operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively.

(2) It shall be a violation of this section for a person of a truck or truck-tractor trailer to activate or use a “Jake” brake, as defined below, within the village limits except in an emergency situation when there is an imminent danger of collision with property, persons or animals. “Jake” brakes are defined as auxiliary or compression engine brakes which produce any noise in addition to normal operating engine noise.

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: April 12, 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

ORD #210412-2 *First Reading*

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 350-50(B) IN-GROUND PRIVATE RESIDENTIAL SWIMMING POOL REQUIREMENTS, TO ALLOW CERTAIN POOL COVERS IN-LIEU OF FENCING REQUIREMENTS

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

Part I. Chapter § 383-50(B) In-Ground Private Residential Swimming Pool Requirements, is hereby amended to read as follows (amendments in red):

§ 383-50(B). In-ground private residential swimming pool requirements.

- (1) The inside edge of the wall of any in-ground private swimming pool shall not be closer than seven feet to any side lot line or rear lot line. The accessory building structure or pool equipment shall not be closer than seven feet to any side or rear lot line.
- (2) Swimming pools that are filled with water before permanent fence is installed must be protected by a temporary enclosure. This in no case shall exceed 30 days from the time the pool is filled with water.
- (3) Permanent fencing shall be no less than four feet nor more than six feet in height and shall have gates of equal height with the latches designed to prevent entrance of children under the age of seven years. The gates shall be securely latched at all times whether the pool is or is not in use. In-ground swimming pools may utilize a pool cover in-lieu of the above fencing requirements. These covers must meet the following standards:
 - a. The pool cover must meet the standards of the American Society of Testing and Materials (ASTM).
 - b. The pool cover must be motorized, other locking types are prohibited.
 - c. The switch to operate/activate the cover must be installed at a height no less than 60" above the pool deck, placed in a lockable case or require a key or code operated touch pad to operate/activate the cover.
 - d. The switch to operate the cover must be set in a location that the operator has a full unobstructed view of the pool area and surroundings.
 - e. The cover must meet all minimum standards identified by the ASTM listing, including and not limited to, operating controls, minimum cover loads, perimeter deflection, surface drainage, and minimum size of openings.
 - f. When the pool is not in use the cover must be securely placed over the pool. Pool covers should be checked periodically for any failure mechanically or other issues that may compromise the integrity of the cover.
 - g. The cover must be maintained per the manufacturer's specifications and directions. Any modifications outside of the manufacturer's specifications and directions are strictly prohibited.

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- h. A method of closing the pool cover must be available if a power failure occurs. There shall be at minimum a manual method of closing and securing the cover and/or a battery backup system.
 - i. Any new or replacement cover shall be approved by the Building Department prior to installation.
 - j. The owner of the pool cover shall provide the Building Department with a written verification that the cover is functioning correctly on an annual basis.
 - k. If the Building Department does not receive the above written verification, or the pool cover is found to be uncovered without adult supervision, the Building Inspector can require the installation of a fence meeting the requirements of this ordinance.

(4) Pools completely enclosed by a structure with secure doors to prevent the entry of children under the age of seven years shall not be required to meet the fencing requirements established hereunder.

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: April 12, 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 #210412-2

APPOINTMENT OF VILLAGE REPRESENTATIVE TO THE FOX CITIES SPORTS FACILITY ADVISORY COMMITTEE – PARKS & RECREATION DIRECTOR AMANDA GEISER

WHEREAS, on June 11, 2018, the Village Board approved the Cooperation Agreement for the Fox Cities Sports Facility, to partner with nine (9) other local municipalities to finance and construct the Fox Cities Sports Facility located in Grand Chute; and

WHEREAS, a Sports Facility Advisory Committee was established to provide the participating communities an opportunity to advise on the operations of the Fox Cities Sports Facility and ensure that the facility is operated for its intended tourism generating purpose at the highest possible standards; and

WHEREAS, the Village of Fox Crossing is authorized one (1) representative on the advisory committee; and

WHEREAS, the Charter for the committee states that “appointees will serve at the pleasure of the highest elected official in the municipality”; and

WHEREAS, Village President Youngquist is the current Fox Crossing representative to the Committee, with his term expiring December 31, 2021; and

WHEREAS, Village President Youngquist is stepping down from his position on the Committee due to personal time commitment reasons; and

WHEREAS, Village President Youngquist nominates Parks & Recreation Director Amanda Geiser to serve the remainder of the vacant three (3) year term on the Fox Cities Sports Advisory Committee beginning January 1, 2019, and ending December 31, 2021.

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby appoints Parks & Recreation Director Amanda Geiser to the remainder of a three (3) year term on the Fox Cities Sports Advisory Committee beginning January 1, 2019, and ending December 31, 2021.

Adopted this 12th day of April, 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

RES #210412-3

ACCEPTANCE OF A 2021 TASK FORCE SPEED/AGGRESSIVE DRIVING GRANT

WHEREAS, a task force has been created to decrease the incidence of targeted driving violations, related crashes, and to increase voluntary compliance with traffic regulations thereby decreasing fatalities and serious injury collisions by way of a proactive and highly visible enforcement effort; and

WHEREAS, high-risk behaviors increase the likelihood of a crash and of significant injury or death occurring; these include speeding, aggressive driving, and failure to wear seatbelts; and

WHEREAS, the Winnebago County Sheriff's Office has been awarded a \$30,000 multi-jurisdictional federal task force speed grant passed through the State of Wisconsin; and

WHEREAS, these grants would pay for the associated overtime costs related to speed enforcement; and

WHEREAS, the Village is required to provide a 25% match for this activity, which can be met during normal patrols; and

WHEREAS, the grant runs from June 1, 2021 through August 31, 2021.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Village of Fox Crossing Board of Trustees hereby accepts the 2021 Speed/Aggressive Enforcement Task Force Grant, with the Village providing 25% match for the activity.

BE IT FURTHER RESOLVED, that the Village of Fox Crossing Board of Trustees authorizes paying Police Lieutenants a stipend of \$52.00 per hour, while working assignments related to the Speed/Aggressive driving grant during regularly scheduled time off from June 1, 2021 through August 31, 2021.

Adopted this 12th day of April, 2021

Requested by: Tim G. Seaver, Chief of Police

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210412-4

A RESOLUTION TO DESIGNATE THE MONTH OF MAY, 2021, AS NO MOW MAY

WHEREAS, the Village of Fox Crossing is in a unique position, to significantly increase pollinator-friendly habitat by encouraging pollinator-friendly lawn-care practices and by encouraging its citizens to take direct and meaningful action on their own properties, and

WHEREAS, ideal pollinator-friendly habitat is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season, is free or nearly free of pesticides, is comprised of undisturbed spaces including leaf and brush piles, un-mown fields or field margins, fallen trees and other dead wood for nesting and overwintering; and provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, the formative period for establishment of pollinator and other insect species, and the many songbirds and other urban wildlife species which depend upon them, occurs in late spring and early summer when they emerge from dormancy and require flowering plants as crucial foraging habitat; and these opportunities are dramatically reduced with early spring leaf-litter removal and grass-mowing.

NOW, THEREFORE BE IT RESOLVED, that the Village of Fox Crossing, along with Pollenablers-Fox Cities (pollenablersfoxcities@gmail.com), recognize No Mow May to actively promote and educate the community about the critical period of pollinator emergence, generation of crucial pollinator-supporting habitat and early spring foraging opportunities.

BE IT FURTHER RESOLVED, that for the duration of the month of May, the Village of Fox Crossing shall suspend the enforcement of ordinance Chapter § 287-4(D)(2,3 and 4) to voluntarily delay homeowner lawn-care practices until June 1st, 2021 to allow pollinator species to emerge and early flowering grasses to establish, which may result in ground-cover exceeding established ordinance height restrictions.

BE IT FURTHER RESOLVED, that provisions of Chapter § 287-4(D)(1,5,6, and 7) will remain in effect for the month of May, 2021, and that the removal of noxious weeds shall still be enforced.

Adopted this 12th day of April, 2021

*Requested by: Kris Koeppe, Village Board Trustee and Sustainability Committee Chair
Submitted by: Dale A. Youngquist, Village President*

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210412-5

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:

Ram Gaire - Approved
Mackenzie Hennes - Approved
Amy Isajiw - Approved
Eric Jackson - Approved
Izaak Jones-Mangione - Approved
Suman Kandel - Approved
Kellie Kaufman – Approved
Destinie Lepsch - Approved
Megan Miller – Approved
Jason Rayens - Approved
Scott Strandberg – Approved
Sierra Will - 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 12th day of April, 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 #210412-6

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$4,475,273.10

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

Pending:		
General Fund	\$	96,999.08
Special Revenue Fund	\$	35,806.95
Debt Fund	\$	-
Capital Projects Fund	\$	105,788.17
Water Fund	\$	44,740.47
Sewer Fund	\$	19,394.02
Stormwater Fund	\$	8,382.10
Trust & Agency Fund	\$	-
Special Processed Payments	\$	4,164,162.31
Total:	\$	<u>4,475,273.10</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 12th day of April, 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