

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, April 26, 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) Introduction and Ceremonial Swearing-In of Newly-Elected Officials – Village Clerk Darla Fink
 - b) Governor's Proclamation of Municipal Clerk's Appreciation Week May 2 – 8, 2021 – Village President Dale Youngquist
 - c) Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting – Village President Youngquist and Finance Director Piergrossi
 - d) Tree City USA Award Presentation – Director of Parks & Recreation Amanda Geiser
 - e) Consultant Bart Sexton of Sand County Environmental, Inc. – Methane Mitigation Effort Update
3. **Public Hearings**
4. **Minutes to Approve/ Minutes and Correspondence to Receive**

Minutes to Approve

 - a) Village Board Workshop – March 29, 2021
 - b) Special Village Board Meeting – April 12, 2021
 - c) Regular Village Board Meeting – April 12, 2021

Minutes and Correspondence to Receive

 - d) Water Pumpage Report – March 2021
 - e) Park Commission – March 10, 2021
 - f) Planning Commission – March 17, 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) 210426-1: Proclamation of National Police Week 2021
 - b) 210426-1:ORD Amend Fox Crossing Municipal Code Chapter § 435 Zoning Ordinance – Rezone 1755, 1761, & 1781 Golf Bridge Drive by Reapplication for Planned Development District *First Reading*
 - c) 210426-2 Certified Survey Map – 858 & 860 Highland Park Road
 - d) 210426-2:ORD Amend Fox Crossing Municipal Code Chapter § 218 Article VIII, to Regulate Open Burning in the Village of Fox Crossing, to Include the Prohibition of the Burning of Leaves *First Reading*
 - e) 210426-3 Preliminary Street Acceptance and Final Utility Acceptance for Jacobsen Meadows 3 Subdivision
 - f) 210426-4 Appointment of Personnel Committee Member
 - g) 210426-5 Affirm Appointment of Representative to the Fox West Sewerage Commission – Village President Dale Youngquist
 - h) 210426-6 Reappointment of Planning Commission Chairman – Dennis Jochman
 - i) 210426-7 Reappointment of Planning Commission Member – Aaron Sabel
 - j) 210426-8 Reappoint Community Development Director George Dearborn to the Fox Cities Room Tax Commission
 - k) 210426-9 2021 Village of Fox Crossing Arbor Week Celebration
 - l) 210412-1:ORD Amend Fox Crossing Municipal Code Chapter § 302-8 Loud and Unnecessary Noise, to Restrict the Use of Jake Brakes *Second Reading & Adoption*
 - m) 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 *Second Reading & Adoption*

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.

- n) 210426-10 Operator License Applicants
- o) 210426-11 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 – Results of Electronic Recycling Event held on April 17, 2021
- c) Parks & Recreation Director Amanda Geiser – Upcoming Parks & Recreation Programs Update

10. Closed Session

11. Adjourn

RES #210426-1

PROCLAMATION OF NATIONAL POLICE WEEK 2021

WHEREAS, in 1962, President John F. Kennedy designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls, as National Police Week; and

WHEREAS, the members of the Village of Fox Crossing Police Department play an essential role in safeguarding the rights and freedoms of the Village of Fox Crossing; and

WHEREAS, it is important for all citizens to understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and all members of our law enforcement agency to recognize their duty to serve the people by: safeguarding life and property, protecting them against violence and disorder, and protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Village of Fox Crossing Police Department unceasingly provide a vital public service.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees calls upon all citizens of the Village of Fox Crossing to observe the week of May 9-15, 2021, as National Police Week. During this week, citizens are encouraged to join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

BE IT FURTHER RESOLVED, that the Village of Fox Crossing Board of Trustees call upon all citizens of the Village of Fox Crossing to observe Saturday, May 15, 2021, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Dated this 26th 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

ORD #210426-1:ORD *First Reading*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 435 ZONING
ORDINANCE – REZONE 1755, 1761, & 1781 GOLF BRIDGE DRIVE BY
REAPPLICATION FOR 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 1755, 1761, & 1781 Golf Bridge Drive through a reapplication for a Planned Development District (PDD), as shown in Attachment 1.

Part II. The Planned Development District will contain the following conditions:

1. The PDD shall substantially comply with the plans provided by the applicant with no more than 46 dwelling units.
2. The east side of the townhomes shall be screened from the adjacent single-family homes with landscaping. The landscaping will be addressed in the site plan review of this project.
3. The site plan shall be reviewed and approved by the Site Plan Review committee.
4. The stormwater and erosion control plan shall be reviewed and approved by the Village.
5. Building permits shall be submitted and approved by the Village.
6. The project shall meet all other Local and State requirements.

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

Part IV. 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: April 26, 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 #210426-2

CERTIFIED SURVEY MAP – 858 & 860 HIGHLAND PARK ROAD

WHEREAS, the applicant, Mr. Pat Gambsky, requests approval of a Certified Survey Map (CSM) to combine the lot located at 858 Highland Park Road with the lot located at 860 Highland Park Road, to create one (1) lot on which a currently constructed duplex home sits;

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their April 21, 2021 meeting and recommended approval of the Certified Survey Map with the following conditions:

1. All taxes and assessments shall be paid prior to the Village affixing signatures on the Certified Survey Map.
2. The applicant shall provide the Village with a final copy of the recorded CSM.

Planning Commission: 7 Aye 0 Nay 0 Excused 0 Abstain

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby recommends approval of the Certified Survey Map with the above conditions.

Adopted this 26th day of April, 2021

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 #210426-2 *First Reading*

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 218 ARTICLE VIII, TO REGULATE OPEN BURNING IN THE VILLAGE OF FOX CROSSING, TO INCLUDE THE PROHIBITION OF THE BURNING OF LEAVES

WHEREAS, Environmental Protection Agency (EPA) studies show that leaf burning raises air pollutants to the degree that it does not meet federal air quality standards; and

WHEREAS, smoke and fumes from controlled burns can also have adverse effects on people living in surrounding homes during the exercise; and

WHEREAS, the cause of smoke and fumes from controlled burns causes a Public Nuisance as defined in Chapter § 287 of the Village Ordinances; and

WHEREAS, the Board of Trustees finds that this ordinance is necessary to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Fox Crossing; and

WHEREAS, the Fox Crossing Fire Department, Village Code Enforcement Officer, or the Police Department is the appropriate agency to enforce violations of this ordinance.

NOW, THEREFORE BE IT ORDAINED by the Village of Fox Crossing Board of Trustees:

Part I. The Village Board of Trustees hereby adopts the amendments to Chapter § 218, Article VIII, as attached.

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 26, 2021

Date Adopted: _____

Requested by: Dale McNamee, Village Trustee #5

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

Article VIII Open Burning

§ 218-27 **Scope.**

The provisions of this article shall cover all fires that result in products of combustion being released into the atmosphere regardless of whether they pass through a stack or chimney from an enclosed chamber. Burning is classified as a cooking, recreational or maintenance fire. Burning as part of an industrial operation regulated by other agencies is not included as part of this article.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Fox Crossing due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

§ 218-28 **General.**

~~A person shall not kindle or maintain or authorize to be kindled or maintained any burning unless conducted and approved in accordance with this article. Except as permissible by this chapter, no person, firm or corporation shall build any outdoor fire within the corporate limits of Village of Fox Crossing.~~ Fireplaces, wood stoves or similar wood-burning devices/appliances within a structure are exempt from the provisions of this article unless the emission from these devices creates a public nuisance.

§ 218-29 **Definitions.**

The following definitions shall apply to this article:

ACCELERANT

A flammable or combustible liquid that will increase the rate of burning of a material. Note: Under no circumstances may any flammable or combustible liquid be used to start or promote any non-cooking fire to burn.

APPROVED CONTAINER

An approved container shall be: one that is purchased from a retailer that has been pre-approved by a manufacturer for open burning. Fire pits that are manufactured from blocks, bricks or stone are also permissible so long as they are solely used for the provisional burning allowed under § 218-30 of this chapter.

~~A. Self-manufactured—A container made from noncombustible materials that has all openings on the sides and top covered with wire screening, the wire of which shall not be smaller than No. 8 wire or the meshes of which shall not be more than one inch across.~~

~~B. Commercially manufactured—A container made by a professional manufacturer that is made from noncombustible materials such as steel, iron, copper or ceramic. The burn bowl of the device may not be any larger than 36 inches in diameter and may or may not contain a protective wire mesh cover.~~

ATTENDANCE

All fires shall be constantly attended until the fire is completely extinguished.

BONFIRE

A "bonfire" is an outdoor fire utilized for ceremonial purposes.

CLEARANCE

The distance from the edge of the fire area or outside perimeter of the approved container, including a vertical overhead clearance to open sky.

COMBUSTIBLES

Any material that is capable of igniting and burning. Combustible materials shall include but not be limited to structures, landscaping, trees, etc.

COOKING FIRE

A fire for the purpose of cooking food either in a manufactured device such as a grill or in a firepit.

EXTINGUISHING ABILITY

A minimum of one portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, shall be available for immediate utilization.

FUEL

Fuel for any fires identified under this article shall only consist of dry natural wood materials, charcoal, LP or natural gas. Materials for fires shall not include rubbish, garbage, trash, grass, leaves, any material made of or coated with rubber, plastic, leather, paint or petroleum-based materials and shall not contain any flammable or combustible liquids. Maintenance fires are allowed on residential and agricultural properties two acres or greater in size. Maintenance fires for industrial or commercial occupancy are not permitted.

PORTABLE COOKING DEVICE

Described as any cooking device that may be carried or wheeled by a single person and that does not have a permanently affixed fuel source.

PROHIBITED AREAS

Any fire may not be maintained in any right-of-way, ditch or swale, roadway or along any shoreline. No fires of any kind except cooking fires in a commercially manufactured cooking device are allowed on commercial properties.

RECREATIONAL FIRE

An outside fire used for the purpose of enjoyment by a family, friends, or organization.

RESPONSIBLE PERSON

At least one responsible person of age 16 years or older must be in attendance of all fires.

§ 218-30 Provisions for burning.

A. Bonfires.

- (1) Bonfire size is to be determined by the Fire Chief/Fire Marshal and must be inspected prior to the event.
- (2) Bonfires shall not be closer than 25 feet to combustible materials or lot lines.

- (3) Bonfires ~~may be conducted after dusk and~~ must be completely extinguished at the end of the event. The “end of the event” is determined as the time when there is no responsible person supervising the fire.
- (4) Bonfires may not be started with any type of accelerant.
- (5) There must be an ability to control or extinguish the bonfire at all times.
- (6) A responsible person must be present during the construction and burning of a bonfire.
- (7) Bonfires may not be conducted in any prohibited areas.

B. Recreational fires/cooking fires.

- (1) Cooking fires shall be in portable cooking devices, legitimate firepits or commercially manufactured devices.
- (2) Recreational/cooking fires shall not be larger than three feet in diameter and the fuel may not be stacked higher than two feet tall. ~~The firepit shall be a below-ground pit with a minimum depth of 10 inches.~~ The firepit shall be surrounded on the outside, aboveground, by a noncombustible material such as concrete block or rock.
- (3) Recreational/cooking fires, including commercially manufactured devices, shall not be conducted within 15 feet of a structure, combustible materials, or property lines.
- (4) Recreational/cooking fires ~~may be conducted after dusk.~~ must be completely extinguished at the end of the event. The “end of the event” is determined as the time when there is no responsible person supervising the fire.
- (5) Recreational/cooking fires may not be started with any type of accelerant.
- (6) There must be an ability to control or extinguish all fires at all times.
- (7) All fires must be completely extinguished at the end of the event.
- (8) A responsible person must be present during the recreational/cooking fire.
- (9) Recreational fires may not be conducted in any prohibited areas.

C. Maintenance fires.

- (1) Maintenance fires may be conducted on any property owner's site which is two acres or greater in area. All maintenance fires must be approved by the Fire Chief or Fire Marshal before taking place.
- (2) The location of maintenance fires shall not be less than 30 feet from any structure, combustibles or property lines, and provisions shall be made to prevent the fire from spreading to within 30 feet of any structure.

- (3) Maintenance fires are limited to one pile per parcel. A "parcel" is described as any contiguous property owned by a single individual.
- (4) Maintenance fires may not be conducted after dusk.
- (5) Maintenance fires may not be started with any type of accelerant.
- (6) There must be an ability to control or extinguish the maintenance fire at all times.
- (7) Maintenance fires must be completely extinguished before dusk.
- (8) A responsible person must be present during the maintenance fire.
- (9) Maintenance fires may not be conducted in any prohibited areas.

~~D.—Burning of leaves.~~

- ~~(1) Burning of leaves shall be conducted in an approved container, not on the ground at any time.~~
- ~~(2) The location of a fire for leaf burning shall not be less than 15 feet from any structure, combustibles or property lines.~~
- ~~(3) Containers for leaf burning are limited to one container per parcel. A "parcel" is described as any contiguous property owned by a single individual.~~
- ~~(4) Leaf burning may not be conducted after dusk.~~
- ~~(5) Leaf burning may not be started with any type of accelerant.~~
- ~~(6) There must be an ability to control or extinguish a leaf fire at all times.~~
- ~~(7) Leaf burning must be completely extinguished before dusk.~~
- ~~(8) A responsible person must be present during the burning of leaves.~~
- ~~(9) Burning of leaves may not be conducted in any prohibited areas. Exception: Homeowners whose parcel is one acre or greater in size may burn leaves under the provisions of a maintenance fire, provided they can meet all the provisions of a maintenance fire.~~

§ 218-31 Safety considerations.

The following shall be adhered to for burning:

- A. Atmospheric conditions. Fires will be limited to the following atmospheric conditions. No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds 10 mph, as measured at the Appleton International Airport.
- B. Prohibited burning. Burning that will be offensive or objectionable (creating a public nuisance as defined in Chapter **287** of the Village Code) due to smoke or odor emissions

when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. A fire department officer, village code enforcement officer, or a police department officer is authorized to order the extinguishment by either the party in control of the fire or the fire department when burning creates or adds to a hazardous or objectionable situation. For these reasons, the only allowed burning is seasoned dry wood, use of charcoal, and the use of propane/natural gas fuel appliances or manufactured pellets.

(1) The burning of leaves is prohibited.

§ 218-32 **Portable cooking devices.**

- A. Portable cooking devices, regardless of cooking fuel, shall not be operated within 15 feet of combustible construction.
- B. Exceptions:
 - (1) One- and two-family dwellings.
 - (2) Where buildings and decks are protected by an automatic sprinkler system.
- C. Prohibited locations. Portable cooking devices are prohibited on the balcony of any multifamily residential dwelling.

§ 218-33 **Exempt fires.**

The following described fires shall be exempt from the requirements described in this article:

- A. Approved training for fire protection purposes. The Fox Crossing Fire Department shall be the authority to determine approval of all such fires.
- B. Approved prairie grass burns may be allowed with permission of the Fire Chief or Fire Marshal to manage prairie grass plots.

§ 218-34 **Emergency powers of Fire Chief.**

- A. When the Fire Chief, or his/her designee, determines there are environmental conditions likely to produce a serious threat of fire to life and property, it shall be the duty of the Fire Chief of the Fire Department to impose a burning ban and burning restrictions and require that no person may:
 - (1) Set, build or maintain any fire or light and use any fireworks, as defined per Wisconsin Statutes.
 - (2) Throw, discard or drop matches, ashes or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.
- B. The ban described above shall be lifted when the serious threat is no longer present.

§ 218-35 **Violations and penalties.**

See § **218-50** of this chapter.

RES #210426-3

**PRELIMINARY STREET ACCEPTANCE AND FINAL UTILITY ACCEPTANCE FOR
JACOBSEN MEADOWS 3 SUBDIVISION**

WHEREAS, the Village of Fox Crossing entered into a Development Agreement with Decker Rusch Development, Inc., regarding the development of the Jacobsen Meadows 3 Subdivision; and

WHEREAS, in accordance with the Development Agreement, Decker Rusch Development, Inc., constructed the required street, sanitary sewer, water, and storm sewer improvements to Village specification standards; and

WHEREAS, the preliminary street, and required sanitary sewer, water, and storm sewer improvements have been completed by Decker Rusch Development, Inc., and reviewed and approved by the Street Superintendent and Utility Superintendent; and

WHEREAS, Street Superintendent Randy Gallow recommends preliminary acceptance of gravel conditions for Brenda Lane, located in the Jacobsen Meadows 3 Subdivision (as shown in attached map); and

WHEREAS, Utility Superintendent David Tracey recommends final acceptance of the sanitary sewer and water utilities located within the Jacobsen Meadows 3 Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the preliminary acceptance of Brenda Lane to gravel conditions, and the final acceptance of the sanitary sewer and water utilities, located in the Jacobsen Meadows 3 Subdivision, as attached.

Adopted this 26th 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

RES #210426-4

APPOINTMENT OF PERSONNEL COMMITTEE MEMBER

WHEREAS, the Fox Crossing Personnel Committee consists of the Village President, the Village Manager, and one (1) Village Trustee appointed by the Village Board; and

WHEREAS, the term of Village Trustee #6 Barbara Hanson on the Personnel Committee expires on April 19, 2021; and

WHEREAS, at the April 26, 2021 Board meeting, the Village President will take nominations from the Board to appoint a successor member to the Personnel Committee.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, to hereby approve the appointment of _____ to the Village of Fox Crossing Personnel Committee for a term beginning April 20, 2021, and ending with the expiration of his or her term of office.

Adopted this 26th 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 #210426-5

AFFIRM APPOINTMENT OF REPRESENTATIVE TO THE FOX WEST SEWERAGE COMMISSION – VILLAGE PRESIDENT DALE YOUNGQUIST

WHEREAS, pursuant to the Fox West Sewerage Commission, Article II, Section 202: Membership, representation by three (3) Village of Fox Crossing Board members on the Fox West Sewerage Commission is required; and

WHEREAS, in accordance with the Fox West Ordinance Contract, the Village President shall be a commissioned member of the Fox West Sewerage Commission; and

WHEREAS, Dale Youngquist was elected to serve as the Village President of the Village of Fox Crossing for a two-year term, beginning April 20, 2021 and ending April 17, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby affirms Village President Dale Youngquist will represent the Village of Fox Crossing on the Fox West Sewerage Commission, effective April 20, 2021 through April 17, 2023.

BE IT FURTHER RESOLVED, this appointment shall coincide with his respective, individual term of office as Village President of the Village Fox Crossing under the Fox West Sewerage Commission Ordinance Contract.

Adopted this 26th 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 #210426-6

REAPPOINTMENT OF PLANNING COMMISSION CHAIRMAN – DENNIS JOCHMAN

WHEREAS, the term of Planning Commission Chairman Dennis Jochman expires on April 30, 2021; and

WHEREAS, Chairman Jochman has expressed interest in reappointment to the Village of Fox Crossing Planning Commission; and

WHEREAS, Dale Youngquist, Village President of the Fox Crossing Board of Trustees, recommends Dennis Jochman's reappointment as Chairman to the Planning Commission.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, that Dennis Jochman be reappointed to a three (3) year term as Planning Commission Chairman on the Village of Fox Crossing Planning Commission commencing May 1, 2021 and ending April 30, 2024.

Adopted this 26th 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 #210426-7

REAPPOINTMENT OF PLANNING COMMISSION MEMBER – AARON SABEL

WHEREAS, Planning Commissioner Aaron Sabel’s current term expires April 30, 2021; and

WHEREAS, Commissioner Aaron Sabel has expressed interest in reappointment to the Village of Fox Crossing Planning Commission; and

WHEREAS, Dale Youngquist, Village President of the Village of Fox Crossing Board of Trustees recommends Aaron Sabel’s reappointment to the Planning Commission.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, that Aaron Sabel be reappointed to a three (3) year term on the Village of Fox Crossing Planning Commission commencing May 1, 2021 and ending April 30, 2024.

Adopted this 26th day of April, 2021

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #210426-8

REAPPOINT COMMUNITY DEVELOPMENT DIRECTOR GEORGE DEARBORN TO THE FOX CITIES ROOM TAX COMMISSION

WHEREAS, the Village of Fox Crossing is a member of the Fox Cities Room Tax Commission, which was created in 2001 to address the room tax and bond financing of the Fox Cities Performing Arts Center; and

WHEREAS, the Room Tax Commission and Tourism Zone Agreement was amended and restated in 2015, by all participating municipalities; and

WHEREAS, the Village of Fox Crossing has one (1) seat on this commission; and

WHEREAS, paragraph 10(b) of the Room Tax Commission and Tourism Zone Agreement states that members of the Fox Cities Room Tax Commission shall be appointed by the principal elected official in the municipality and shall be confirmed by a majority vote of the members of the municipality's governing body, who are present when the vote is taken; and

WHEREAS, Community Development Director Dearborn currently serves as the Village's representative to the Room Tax Commission with a term expiring May 31, 2021.

WHEREAS, Village President Dale Youngquist hereby nominates Community Development Director Dearborn, to be reappointed for a one (1) year term beginning June 1, 2021 through May 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that George Dearborn, Director of Community Development for the Village of Fox Crossing, is hereby reappointed to the Fox Cities Room Tax Commission, to represent the Village for a one (1) year term beginning June 1, 2021 and ending May 31, 2022.

Adopted this 26th 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 #210426-9

2021 VILLAGE OF FOX CROSSING ARBOR WEEK CELEBRATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture, that a special day be set aside for the planting of trees; and

WHEREAS, the holiday - called Arbor Day - was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, it has been proven that trees: reduce the erosion of top soil by wind and water, reduce the amount of water needed for lawns, lower heating and cooling costs, moderate temperatures, clean the air, produce oxygen and provide wildlife habitat; and

WHEREAS, it has been proven that trees increase property values, enhance the economic vitality of business areas and beautify our community.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees has established the week of April 26, 2021 as the Village of Fox Crossing's Arbor Week Celebration.

BE IT FURTHER RESOLVED by the Village of Fox Crossing Board of Trustees that the Parks and Recreation Department will observe Arbor Day with a tree planting celebration on Thursday, April 29, 2021.

Adopted this 26th day of April, 2021

Requested by: Amanda Geiser, Director of Parks & Recreation

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #210412-1 *Second Reading & Adoption*

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 *Second Reading & Adopt*

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 #210426-10

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:

Stacy Berman – Approved
Joshua Berman – Approved
Matthew Tiede – Approved
Elizabeth Tyson – 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 26th 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 #210426-11

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$1,308,886.04

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

Pending:		
General Fund	\$	151,210.61
Special Revenue Fund	\$	71,922.75
Debt Fund	\$	-
Capital Projects Fund	\$	319.23
Water Fund	\$	137,569.42
Sewer Fund	\$	17,329.18
Stormwater Fund	\$	5,215.22
Trust & Agency Fund	\$	-
Special Processed Payments	\$	925,319.63
Total:	\$	<u>1,308,886.04</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 26th 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