

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, May 9, 2022 - 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) Promotion of Police Lieutenant Timothy Callan to Police Captain Presentation – Police Chief Scott Blashka
3. **Public Hearings**
4. **Minutes to Approve/ Minutes and Correspondence to Receive**

Minutes to Approve

 - a) Special Village Board Meeting – April 25, 2022
 - b) Regular Village Board Meeting – April 25, 2022

Minutes and Correspondence to Receive

 - c) Neenah-Menasha Sewerage Commission Meeting Minutes – March 22, 2022
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) 220509-1 Proclamation of National Police Week 2022
 - b) 220509-2 Developer Agreement – Stingray Holdings 4, LLC
 - c) 220509-3 Adopt Winnebago County Hazard Mitigation Plan: 2022 – 2026
 - d) 220509-1:ORD Amend Fox Crossing Municipal Code Chapter § 154-5 Dogs/Cats Not to Run at Large, to Address the Use of Dog Parks *First Reading*
 - e) 220509-2:ORD Amend Fox Crossing Municipal Code Chapter § 372-6 Solid Waste Restrictions and Prohibitions, to Clarify Prohibition of Dumping in Municipal Dumpsters *First Reading*
 - f) 220509-4 Reappointment of Housing Appeals Board Member – Aaron Meloan
 - g) 220425-1:ORD Amend Fox Crossing Municipal Code Chapter § 435 Zoning Ordinance – Rezone 931 & 933 Highland Park Road from R-3 Suburban Medium Density District to Planned Development District *Second Reading & Adoption*
 - h) 220425-2:ORD Amend Fox Crossing Municipal Code Chapter § 435 Zoning Ordinance – Rezone 1818 & 1822 Midway Road, and Vacant Parcel #760159700, from A-2 General Agriculture to B-3 Regional Business District *Second Reading & Adoption*
 - i) 220425-3:ORD Amend Fox Crossing Municipal Code Chapter § 435 Zoning Ordinance – Rezone Vacant Parcel #121021007 Located on Clayton Avenue from A-2 General Agriculture to R-4 Suburban High Density District *Second Reading & Adoption*
 - j) 220509-5 Operator License Applicants
 - k) 220509-6 Expenditures
9. **Reports**
 - a) President Dale Youngquist – Board of Review will be held Monday, June 6, 2022 at 4:30 p.m. at the Municipal Complex in the Arden Tews Assembly Room, 2000 Municipal Drive, Neenah; Objectors shall provide Written or Oral Notice of Intent to Object to their Assessment to the Village Clerk at least 48 Hours in Advance of Board of Review
 - b) Trustee Kris Koeppe – Results of Electronic Recycling Event held on April 30, 2022

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 #220509-1

PROCLAMATION OF NATIONAL POLICE WEEK 2022

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 15-21, 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 Sunday, May 15, 2022, 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 9th day of May, 2022

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 #220509-2

DEVELOPER AGREEMENT – STINGRAY HOLDINGS 4, LLC

WHEREAS, Stingray Holdings 4, LLC (the Developer), plans on constructing a multi-family development located near Golf Bridge Drive (on parcel #12102640701) within the Village of Fox Crossing; and

WHEREAS, the Developer has asked for financial assistance from the Village to offset certain costs associated with issues raised by the Department of Natural Resources concerning wetlands on the subject property; and

WHEREAS, the Village is willing to provide financial assistance up to a maximum total of \$100,000 if and only if Developer complies with the terms and conditions stated herein this Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the Village President is authorized to sign the Developer Agreement between the Village of Fox Crossing and Stingray Holdings 4, LLC, as attached.

Adopted this 9th day of May, 2022

Requested by: George Dearborn, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #220509-3

ADOPT WINNEBAGO COUNTY HAZARD MITIGATION PLAN: 2022 - 2026

WHEREAS, the United States Congress passed the Disaster Mitigation Act of 2000 (DMA2K), which requires that a local unit of government must have an approved all hazard mitigation plan before it can receive Federal grant monies from the Federal Emergency Management Agency for pre-disaster mitigation projects; and

WHEREAS, the Village of Fox Crossing worked with Winnebago County Emergency Management to update the countywide mitigation plan, initially adopted in 2004; and

WHEREAS, the Fox Crossing Village Board makes the following findings:

1. Natural disasters do pose a tangible threat to residents and property.
2. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to residents and property and save taxpayer dollars.
3. Preparation of this plan is in the public interest.
4. This plan is intended to serve as a general strategy and may be amended from time to time.
5. Nothing in this plan obligates the Village of Fox Crossing to undertake any of the recommended activities and/or projects.

NOW THEREFORE, BE IT RESOLVED, the Village of Fox Crossing Board of Trustees hereby adopts the Winnebago County Natural Hazards Mitigation Plan: 2022-2026 (5-Year Update); and

BE IT FURTHER RESOLVED, the Village Clerk is directed to send a signed copy of this resolution, at her earliest convenience to: Eric Rasmussen, Director; Winnebago County Emergency Management; 4311 Jackson Street; Oshkosh, Wisconsin 54901.

Adopted this 9th day of May, 2022

Requested by: Brian Harbison, Fire Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #220509-1 *First Reading*

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 154-5 DOGS/CATS NOT TO RUN AT LARGE, TO ADDRESS THE USE OF DOG PARKS

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

Part I. Chapter § Dogs/Cats Not to Run at Large, is hereby amended to read as follows (amendment in red):

§ 154-5 Dogs/Cats Not to Run at Large.

- A. No person shall permit their dog/cat to run at large within the Village of Fox Crossing at any time. A dog/cat shall not be considered running at large if the dog/cat is within the limits of the owner's premises, or when the dog/cat is under immediate control with a leash, except that no dog/cat shall be allowed in any public park in Fox Crossing at any time, unless the dog/cat is on a designated Village of Fox Crossing trail.
- B. Notwithstanding the above, dogs are allowed unleashed in any designated Village of Fox Crossing or Winnebago County dog park, subject to the park rules established by the Village Park Commission and/or Winnebago County Park Department.

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: May 9, 2022

Date Adopted: _____

Requested by: Amanda Geiser, Director of Parks and Recreation

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 372-6 SOLID WASTE RESTRICTIONS AND PROHIBITIONS, TO CLARIFY PROHIBITION OF DUMPING IN MUNICIPAL DUMPSTERS

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

Part I. Chapter § 372-6 Solid Waste Restrictions and Prohibitions, is hereby amended to read as follows (amendments in red):

§ 372-6. Restrictions and Prohibitions.

- A. Anti-scavenging. It shall be unlawful for any person other than authorized Village employees or persons having written authorization by the Village Manager to go through, sort or take anything from any solid waste or recyclables that have been set out in bags, cans, or other approved containers for the purpose of being picked up by Village's refuse/recycling hauler.
- B. Dumping. No person, firm or corporation owning land, leasing it or having any interest therein whatsoever which is located in the Village of Fox Crossing shall dump or allow to be dumped any solid waste material (excluding animal waste used as a fertilizer) or waste liquids of any kind on his/her property or on any property which is located in the Village of Fox Crossing, unless express permission has been granted by the owner, in writing, and when the dumping complies with all federal, state and local restrictions.
- C. Village landfill. No individual, person, firm, or corporation shall use or dispose of any solid waste or yard waste materials in the former Village of Fox Crossing landfill site.
- D. Littering prohibited. No person shall throw, place, distribute or deposit any solid waste or yard waste in any street, alley, public place, or private property within the limits of the Village of Fox Crossing, Winnebago County, Wisconsin, except in proper containers for disposal and collection as described herein.
- E. Load limitations. No person shall operate a vehicle on a Village road or other road in the Village of Fox Crossing unless such vehicle is so constructed, loaded and covered or secured as to prevent its contents from dropping, shifting, leaking or otherwise escaping.
- F. Nonresident refuse disposal. No person residing outside the Village limits shall bring into the Village for disposal or collection any solid waste, yard waste, waste oil, tires, oversized items, as defined herein, or any banned landfill materials.
- G. Nuisance. No person shall permit any solid waste, recyclable waste, yard waste or other substance tending to create a nuisance to be thrown out or distributed on or about their premises, including adjacent property, streets, alleys, lakes or streams within the Village. When it has been determined that a property owner's or resident's solid waste or other substance becomes a nuisance to adjoining property owners, including Village streets, by being scattered, the Director of Community Development, or his/her designee, shall require the owner of the facility to provide an adequate enclosure, including fencing, to prevent solid waste or other substances from being blown or scattered to adjoining properties and the Village streets.
- H. Private dump site. No private dump site shall be allowed in the Village of Fox Crossing.

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- I. Recyclable materials separated for recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste facility any of the materials defined in the policy as "recyclable waste" which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- J. **Municipal Dumpsters.** It shall be unlawful for any person other than authorized Village employees or persons having written authorization by the Village Manager, or his/her designated employee, to dump any solid waste material or waste liquids of any kind into dumpsters located at Village of Fox Crossing municipal facilities, to include but not limited to, the Municipal Complex, Community Center, fire stations, utility office, water plants, lift stations, wastewater department shop, and parks.

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: May 9, 2022

Date Adopted: _____

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #220509-4

REAPPOINTMENT OF HOUSING APPEALS BOARD MEMBER – AARON MELOAN

WHEREAS, the term of Housing Appeals Board member Aaron Meloan expires on June 30, 2022; and

WHEREAS, Village President Dale Youngquist is recommending the reappointment of Aaron Meloan for a three (3) year term commencing July 1, 2022 and expiring June 30, 2025; and

WHEREAS, upon reappointment, an Oath of Office shall be administered by the Village Clerk.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to approve the reappointment of Aaron Meloan to the Housing Appeals Board for a three (3) year term, commencing on July 1, 2022 and expiring on June 30, 2025.

Adopted this 9th day of May, 2022

Requested by: Dale A. Youngquist, Village President

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #220425-1:ORD *Second Reading & Adoption*

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 435 ZONING

**ORDINANCE – REZONE 931 & 933 HIGHLAND PARK ROAD FROM R-3 SUBURBAN
MEDIUM DENSITY DISTRICT TO PLANNED DEVELOPMENT DISTRICT**

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

Part I. Chapter § 435, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by rezoning 931 & 933 Highland Park Road from R-3 (Suburban Medium Density District) to PDD (Planned Development District) as shown in Attachment 1.

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

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

Date Introduced: April 25, 2022

Date Adopted: _____

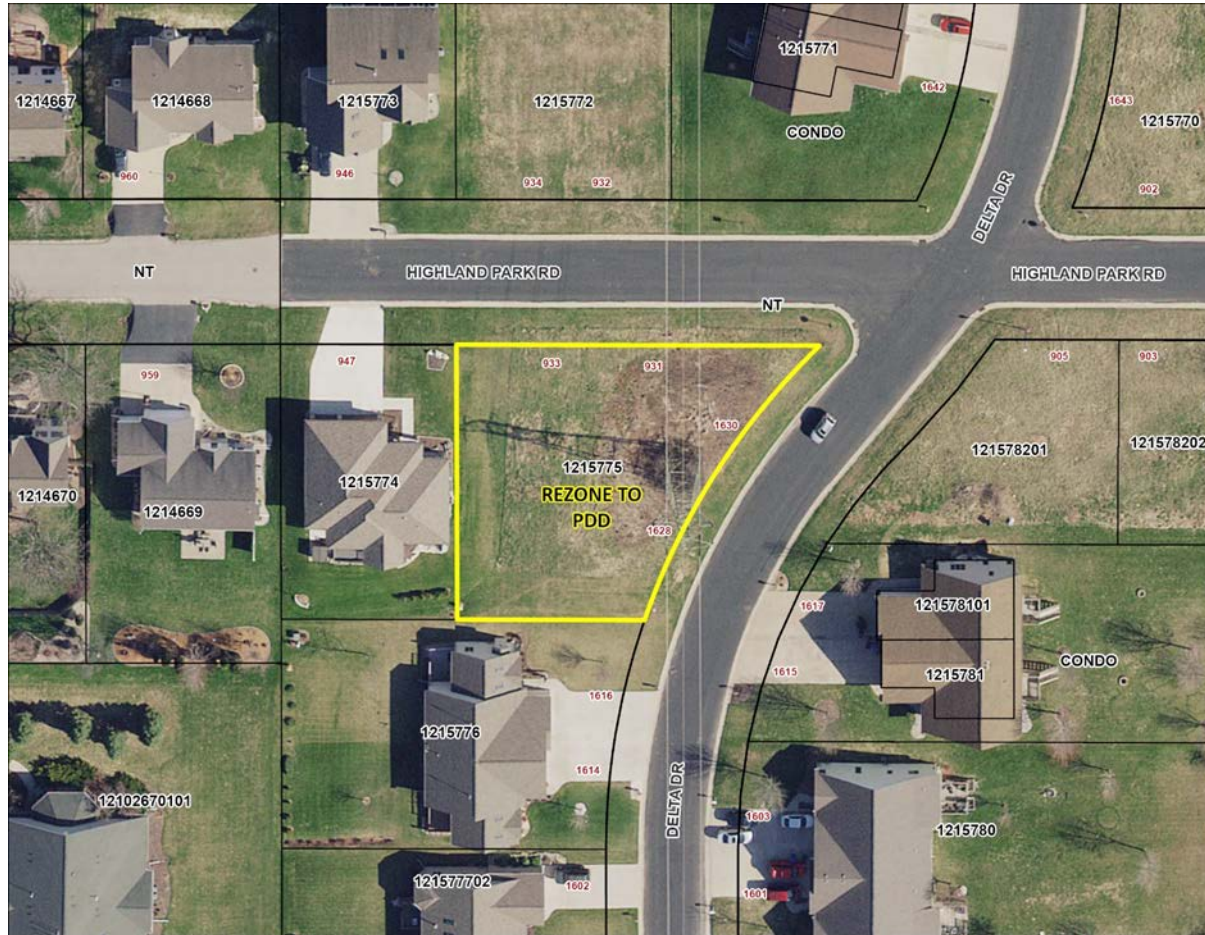
Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ATTACHMENT 1: Proposed Zoning Map Amendment



ORD #220425-2:ORD *Second Reading & Adoption*
AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 435 ZONING
ORDINANCE – REZONE 1818 & 1822 MIDWAY ROAD, AND VACANT PARCEL
#760159700, FROM A-2 GENERAL AGRICULTURE TO B-3 REGIONAL BUSINESS
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 1818 & 1822 Midway Road, and Vacant Parcel #760159700, from A-2 (General Agriculture) to B-3 (Regional Business District) as shown in Attachment 1.

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

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

Date Introduced: April 25, 2022

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 #220425-3:ORD *Second Reading & Adoption*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 435 ZONING
ORDINANCE – REZONE VACANT PARCEL #121021007 LOCATED ON CLAYTON
AVENUE FROM A-2 GENERAL AGRICULTURE TO R-4 SUBURBAN HIGH
DENSITY DISTRICT**

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

Part I. Chapter § 435, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by rezoning vacant parcel #121021007 located on Clayton Avenue from A-2 (General Agriculture) to R-4 (Suburban High Density District) as shown in Attachment 1.

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

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

Date Introduced: April 25, 2022

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 #220509-5

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:

Alexis Borsche – Approved
Paul Rew – Approved
James Hadler – Approved
Heidi James – Approved
Tami Morrow – Approved
Henry Burgos – 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 9th day of May, 2022

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 #220509-6

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$2,356,654.44

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

Pending:		
General Fund	\$	46,206.72
Special Revenue Fund	\$	2,670.65
Debt Fund	\$	-
Capital Projects Fund	\$	160.27
Water Fund	\$	49,869.78
Sewer Fund	\$	20,336.24
Stormwater Fund	\$	5,959.63
Trust & Agency Fund	\$	2,487.70
Special Processed Payments	\$	2,228,963.45
Total:	\$	<u>2,356,654.44</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 9th day of May, 2022.

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

VILLAGE OF FOX CROSSING
2000 Municipal Drive
Neenah, WI 54956

EXPENDITURE SUMMARY

For Accounts Payable Period Ending: May 3, 2022
 For Village Board Meeting of: May 9, 2022

REGULAR PROCESSED CHECKS	AMOUNT
General Fund	\$46,206.72
Special Revenue Funds	\$2,670.65
Debt Fund	\$0.00
Capital Projects Fund	\$160.27
Water Fund	\$49,869.78
Sewer Fund	\$20,336.24
Stormwater Fund	\$5,959.63
Trust & Agency Fund	\$2,487.70
	<hr/>
Total Bills for	May 9, 2022
	<u><u>\$127,690.99</u></u>

SPECIAL PROCESSED PAYMENTS

CHECK #	PAYEE	DEPT. /PURPOSE	AMOUNT
	Village Specials	4/20-5/3/2022	\$106,483.61
		See Attached Listing	
ACH	Employee Benefits Corp	4/21-4/29	\$1,269.31
ACH	DTCC	4/30/2022	\$1,590,000.00
ACH	WI DOT	4/26/2021	\$3.00
ACH	DTCC	5/2/2022	\$294,129.38
ACH	WI Deferred Comp	4/28/2022	\$6,950.27
VOID	40467	4/27/2022	(\$70.00)
VOID	40958	4/27/2022	(\$60.00)
VOID	40021	4/28/2022	(\$5.62)
VOID	40447	4/28/2022	(\$60.00)
43212-43216	Payroll	4/28/2022	\$467.62
ACH	Payroll	4/28/2022	\$163,627.75
ACH	Payroll	4/28/2022	\$66,228.13
			<hr/>
Total Special Processed Payments			<u><u>\$2,228,963.45</u></u>
GRAND TOTAL			<u><u>\$2,356,654.44</u></u>