

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, May 10, 2021 - 6:00 p.m.
Municipal Complex - Arden Tews Assembly Room
2000 Municipal Drive, Neenah WI 54956
Agenda

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive
Minutes to Approve
 - a) Special Village Board Meeting – April 26, 2021
 - b) Regular Village Board Meeting – April 26, 2021Minutes and Correspondence to Receive
 - c) Neenah Menasha Sewerage Commission – March 23, 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) 210510-1:ORD An Ordinance Attaching Certain Lands from the City of Appleton, Outagamie County to the Village of Fox Crossing, Winnebago County, Wisconsin – Kloehn Attachment *First Reading, Second Reading & Adoption*
 - 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 *Second Reading & Adoption*
 - c) 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 *Second Reading & Adoption*
 - d) 210510-1 Reappointment of Housing Appeals Board Member – Jeff Donato
 - e) 210510-2 Operator License Applicants
 - f) 210510-3 Expenditures
9. **Reports**
 - a) President Dale Youngquist – Board of Review will be held Monday, June 7, 2021 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
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.

ORD #210510-1:ORD *First Reading, Second Reading & Adoption*
**AN ORDINANCE ATTACHING CERTAIN LANDS FROM THE CITY OF APPLETON,
OUTAGAMIE COUNTY TO THE VILLAGE OF FOX CROSSING, WINNEBAGO
COUNTY, WISCONSIN – KLOEHN ATTACHMENT**

WHEREAS, the City of Appleton Clerk's office coordinated with the petitioner to publish a Class 1 Notice of her Intention to Circulate a Petition of Detachment, which was published on February 25, 2021.

WHEREAS, the petitioner filed a Petition for Detachment with a legal description, exhibit map, and GIS maps with the Appleton City Clerk on March 1, 2021.

WHEREAS, the Appleton City Plan Commission met and recommended approval of the Petition for Detachment on March 23, 2021.

WHEREAS, the Appleton City Council adopted a detachment ordinance on April 7, 2021, which was published on April 12, 2021.

WHEREAS, the Village wishes to attach the subject land and complete the detachment and attachment process in accordance Wis. Stat. §66.0227 via this Ordinance.

NOW THEREFORE, the Village Board of the Village of Fox Crossing does ordain as follows:

Part 1: Territory Attached. In accordance with Section 66.0227(2) of the Wisconsin Statutes for 2019 – 2020, the following described territory in the City of Appleton, Outagamie County, Wisconsin, lying contiguous to the Village of Fox Crossing, is hereby attached to the Village of Fox Crossing, Wisconsin.

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows: Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary highwater mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Area of Property to be attached contains 0.835 acres m/l.

Outagamie County Parcel Id Numbers: 31-4-9003-00, 31-4-9004-00 & 31-4-9005-00.

The population of such territory is 0.

Part 2: Effect of Attachment. From and after the date of this ordinance the territory described in Part 1 shall be a part of the Village of Fox Crossing for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Fox Crossing.

Part 3: Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given without the invalid or unconstitutional provision or application.

Part 4: Effective Date. This ordinance shall take effect upon passage and posting.

Date Introduced: May 10, 2021

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

ORD #210426-1:ORD *Second Reading & Adoption*
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

ATTACHMENT 1: Proposed Zoning Map Amendment



ORD #210426-2 *Second Reading & Adoption*

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 #210510-1

REAPPOINTMENT OF HOUSING APPEALS BOARD MEMBER – JEFF DONATO

WHEREAS, the term of Housing Appeals Board member Jeff Donato expires on June 30, 2021;
and

WHEREAS, Village President Dale Youngquist is recommending the reappointment of Jeff Donato for a three (3) year term commencing July 1, 2021 and expiring June 30, 2024; 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 Jeff Donato to the Housing Appeals Board for a three (3) year term, commencing on July 1, 2021 and expiring on June 30, 2024.

Adopted this 10th day of May, 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 #210510-2

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:

Brenda Feathers - Approved
Kirsten Laffoon – Approved
Erin Proctor – Approved
Garrett Peterson - Approved
Jeanette Steeves – Approved
Grace Witt - 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 10th day of May, 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 #210510-3

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$2,544,155.63

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

Pending:		
General Fund	\$	28,637.18
Special Revenue Fund	\$	8,397.46
Debt Fund	\$	-
Capital Projects Fund	\$	3,965.23
Water Fund	\$	23,880.04
Sewer Fund	\$	24,245.18
Stormwater Fund	\$	12,988.52
Trust & Agency Fund	\$	-
Special Processed Payments	\$	2,442,042.02
Total:	\$	<u>2,544,155.63</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 10th day of May, 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