

**Village of Fox Crossing Board of Trustees Regular Meeting**  
**Monday, June 8, 2020 - 6:00 p.m.**  
**Municipal Complex - Arden Tews Assembly Room**  
**2000 Municipal Drive, Neenah WI 54956**  
**Agenda**

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive  
Minutes to Approve
  - a) Regular Village Board Meeting – May 18, 2020
  - b) Special Village Board Meeting – May 18, 2020Minutes and Correspondence to Receive
  - c) Fox West Regional Sewerage Commission – May 6, 2020
  - d) Neenah Menasha Sewerage Commission – March 24, 2020
  - e) Neenah Menasha Sewerage Commission – April 28, 2020
  - f) Park Commission Meeting – May 13, 2020
  - g) Board of Review – June 1, 2020
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) 200608-1:ORD Ordinance to Provide for COVID-19 Temporary Outdoor Seating Areas and Authorize Village Staff Review and Approval of Temporary Outdoor Seating Areas and Expansion of Licensed Premises for Taverns and Restaurants *First Reading, Second Reading & Adoption*
  - b) 200518-1:ORD Amend Fox Crossing Municipal Code Chapter 31 Zoning Ordinance – Text Amendment for Article 3-02 Land Use Definitions, Section 4.07 Definition of Retirement Home *Second Reading & Adoption*
  - c) 200608-1 Resolution Waiving Interest on Property Tax Payment Installments Due and Payable after April 1, 2020
  - d) 200608-2 Reappointment of Park Commission Member – James Beson
  - e) 200608-3 Reappointment of Sustainability Committee Member – Michael Scheibe
  - f) 200608-4 Reappointment of Sustainability Committee Member – Veronica Kasperek
  - g) 200608-5 Reappointment of Sustainability Committee Member – Susan Garcia-Franz
  - h) 200608-6 Issue Class "A" Beer Retail License – Speedway 7187, 670 N. Green Bay Road
  - i) 200608-7 Annual Alcohol Beverage License Renewal Applications for the Term July 1, 2020 - June 30, 2021
  - j) 200608-8 Annual Beer Garden License Renewal Applications for the Term July 1, 2020 - June 30, 2021
  - k) 200608-9 Annual Mechanical Amusement License Renewal Applications for the Term July 1, 2020 - June 30, 2021
  - l) 200608-10 Expenditures
9. **Reports**
  - a) Village Manager Jeffrey Sturgell – Clayton Utilities Update

**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.*

## 10. Closed Session

Motion for the Village of Fox Crossing Board of Trustees to convene into Closed Session, pursuant to WI Statute 19.85(1)(g), specifically to confer with legal counsel regarding the potential annexation of, and potential extension of utility services to, land located in the Town of Neenah currently being purchased by the Neenah Joint School District.

Pursuant to WI Statute 19.85(2), the Village Board will convene into open session.

- a) 200608-1:ORD CL An Ordinance Attaching Certain Lands from the Town of Neenah, Winnebago County to the Village of Fox Crossing, Winnebago County, Wisconsin – Wirth Annexation *First Reading, Second Reading & Adoption*

## 11. Adjourn

RES #200608-1

**RESOLUTION WAIVING INTEREST ON PROPERTY TAX PAYMENT INSTALLMENTS DUE AND PAYABLE AFTER APRIL 1, 2020**

WHEREAS, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin ("COVID-19 Pandemic"); and

WHEREAS, the federal government, state governments, and local governments are working together to contain the further spread of the disease and treat existing cases; and

WHEREAS, on January 31, 2020 the United States Department of Health and Human Services declared a Public Health Emergency; on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; on March 12, 2020, the Governor of the State of Wisconsin declared a Health Emergency in the state, on March 19, 2020 Fox Crossing Village President Dale Youngquist and Village Manager Jeffrey Sturgell declared a public health emergency for the Village of Fox Crossing, and on March 20, 2020 Winnebago County Executive Mark Harris declared a local state of emergency; and

WHEREAS, the federal and local governments have enacted various laws and regulations in response to the COVID-19 pandemic including, the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act; and

WHEREAS, because of the COVID-19 pandemic, on March 24, 2020, Wisconsin Department of Health Services Secretary-designee Andrea Palm issued Emergency Order #12, Safer at Home Order ("Safer at Home Order") requiring that everyone in Wisconsin stay at their home or place of residence, except in limited circumstances until April 24, 2020; and

WHEREAS, on April 16, 2020, Secretary-designee Palm extended the Safer at Home Order, with certain modifications, to May 26, 2020, pursuant to Emergency Order #28; and

WHEREAS, federal, state, local, and individual responses to the COVID-19 pandemic, and the uncertainty as to the effectiveness of those responses in mitigating the duration of the COVID-19 pandemic, have created economic hardship and uncertainty in the Village's business community, households, and for every Village taxpayer; and

WHEREAS, in response to the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, and the various emergency orders and regulations implemented by state and local governments, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 ("Act 185"), which Governor Evers signed on April 16, 2020; and

WHEREAS, Section 105(25) of Act 185 authorizes, among other things, a taxation district to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020 until October 1, 2020 after their County has issued a similar resolution; and

WHEREAS, a resolution authorizing the above referenced waiver must also establish criteria for determining hardship that would qualify a property taxpayer for the waiver; and

WHEREAS, on May 19, 2020 Winnebago County approved Resolution 20-052020, which authorized any taxation district located in Winnebago County to waive interest on installment payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185, provided the taxation district adopts a similar resolution and otherwise satisfies all conditions precedent to waiver contained in Act 185 and the County resolution, and declared that all taxpayers in Winnebago County would be considered to be experiencing hardship as a result of the economic conditions associated with the COVID-19 pandemic, the various federal laws and regulations implemented as a result of COVID-19, the various emergency orders and regulations implemented by state and local governments, and Act 185.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that pursuant to Section 105(25) of Act 185 and Winnebago County Resolution 20-052020:

Section 1: Because of the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185, the Village finds that every property taxpayer is experiencing hardship as that term is used in Section 105(25) of Act 185.

Section 2: The Village of Fox Crossing will waive interest for property taxes payable in 2020 for an installment payment that has not yet been paid and is due and payable after April 1, 2020, until October 1, 2020.

Section 3: All prior resolutions, rules or other actions of the Village Board of Trustees or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 8<sup>th</sup> day of June, 2020

*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 #200608-2

**REAPPOINTMENT OF PARK COMMISSION MEMBER – JAMES BESON**

WHEREAS, Park Commissioner James Beson's current term on the Fox Crossing Park Commission expires on June 30, 2020; and

WHEREAS, it is the recommendation of the Village President to reappoint James Beson to the Park Commission for a seven-year term commencing July 1, 2020 and expiring June 30, 2027; and

WHEREAS, upon appointment and acceptance of the position, 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 hereby approve the reappointment of James Beson to the Park Commission for the seven-year term commencing July 1, 2020 and expiring June 30, 2027.

Adopted this 8<sup>th</sup> day of June, 2020

*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 #200608-3

**REAPPOINTMENT OF SUSTAINABILITY COMMITTEE MEMBER – MICHAEL SCHEIBE**

WHEREAS, the term of Sustainability Committee member Michael Scheibe expires on June 30, 2020; and

WHEREAS, the Village President has recommended the reappointment of Michael Scheibe to the Sustainability Committee for a two (2) year term, commencing July 1, 2020 and expiring June 30, 2022.

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

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the reappointment of Michael Scheibe to the Sustainability Committee for a two (2) year term, commencing on July 1, 2020 and expiring June 30, 2022.

Adopted this 8<sup>th</sup> day of June, 2020

*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 #200608-4

**REAPPOINTMENT OF SUSTAINABILITY COMMITTEE MEMBER – VERONICA KASPEREK**

WHEREAS, the term of Sustainability Committee member Veronica Kasperek expires on June 30, 2020; and

WHEREAS, the Village President has recommended the reappointment of Veronica Kasperek to the Sustainability Committee for a two (2) year term, commencing July 1, 2020 and expiring June 30, 2022.

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

NOW, THEREFORE, BE IT RESOLVED, that the Village of Fox Crossing Board of Trustees hereby approves the reappointment of Veronica Kasperek to the Sustainability Committee for a two (2) year term, commencing on July 1, 2020 and expiring June 30, 2022.

Adopted this 8<sup>th</sup> day of June, 2020

*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 #200608-5

**REAPPOINTMENT OF SUSTAINABILITY COMMITTEE MEMBER – SUSAN GARCIA-FRANZ**

WHEREAS, the term of Sustainability Committee member Susan Garcia-Franz expires on June 30, 2020; and

WHEREAS, the Village President has recommended the reappointment of Susan Garcia-Franz to the Sustainability Committee for a two (2) year term, commencing July 1, 2020 and expiring June 30, 2022.

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

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the reappointment of Susan Garcia-Franz to the Sustainability Committee for a two (2) year term, commencing on July 1, 2020 and expiring June 30, 2022.

Adopted this 8<sup>th</sup> day of June, 2020

*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 #200608-6

**ISSUE CLASS “A” BEER RETAIL LICENSE – SPEEDWAY 7187, 670 N. GREEN BAY ROAD**

WHEREAS, Speedway LLC d/b/a Speedway 7187 has made proper application with the Village Clerk’s office for a Class “A” Beer license and the applicant has paid the appropriate fees; and

WHEREAS, license issuance is pending satisfactory inspections by the Village of Fox Crossing Fire and Building Departments, Community Development, Winnebago County Health Departments, background check by the Police Department, and a report from the Finance Department indicating that real estate taxes, personal property taxes and all outstanding claims are paid in full; and

WHEREAS, the Clerk’s office submits the following for Village Board approval:

*Class “A” Beer Retail License*  
Speedway 7187  
670 N. Green Bay Road  
Shanna L. David, Agent

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the Class “A” Beer Retail license is hereby granted to Speedway 7187, pending the above conditions, for the current licensing period ending on June 30, 2020.

Adopted this 8<sup>th</sup> day of June, 2020

*Requested by: Darla M. Fink, Village Clerk*  
*Submitted by: Dale A. Youngquist, Village President*

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

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

RES #200608-7

**ANNUAL ALCOHOL BEVERAGE LICENSE APPLICATIONS FOR THE TERM  
JULY 1, 2020 - JUNE 30, 2021**

WHEREAS, the following alcohol beverage license applicants have made proper application with the Village Clerk's Office for the licensing term beginning July 1, 2020 through June 30, 2021, and the proper fees have been paid and received; and

WHEREAS, the Police Department has performed background checks on all applicants and have no reason to withhold any license; and

WHEREAS, inspections have been completed by the Fire Department, Building Department, and Winnebago County Health Department, and all properties are compliant; and

WHEREAS, the Finance Department reported that outstanding invoices, taxes, and claims have been satisfied; and

WHEREAS, the Village Clerk submits the following license renewal applications for approval:

Class "A" Fermented Malt

Quinto Sol 2, LLC d/b/a Quinto Sol 2 (Supermarket), 135 W. Calumet Street; Maria G. Lopez Garcia, Agent  
Speedway, LLC d/b/a Speedway 7187, 670 N. Green Bay Road, Shanna L. David, Agent

"Class A" Liquor & Class "A" Fermented Malt

AV Foodmart Inc. d/b/a AV Food Mart, 975 Racine Road; Parmjit Singh, Agent  
Banee Corporation d/b/a BB Convenience Center, 2675 American Drive; Parmmeet K. Arora, Agent  
Kailash Investment LLC d/b/a Good to Go Menasha, 2005 S. Oneida Street, Tuk P. Regmi, Agent  
GCS Operations, LLC d/b/a GCS Menasha Shell, 1370 Jacobsen Road; Daniel J. Pamperin, Agent  
Kwik Trip, Inc. d/b/a Kwik Trip #883, 1400 West American Drive; William E. Rank, Agent  
Menasha Gas, Inc. d/b/a Menasha Gas, 901 Appleton Road; Satnam Gill, Agent  
Niemuth's South Side Market, LLC d/b/a Niemuth's Southside Market, 2121 S. Oneida Street; Richard R. Niemuth, Agent

"Class B" Liquor & Class "B" Fermented Malt

Bubba's Pub, 500 Ninth Street; Robert R. Smith, Owner  
Dick's Wheel Inn Inc. d/b/a Dick's Wheel Inn, 1105 Appleton Road; Richard J. Pataska, Agent  
George's Steak House, Inc. d/b/a George's Steak House, 2208 S. Memorial Drive; Bradley Quimby, Agent  
Michiels Menasha Inn, Inc. d/b/a Michiels Bar & Grill, 1100 Appleton Road; Jennifer Michiels, Agent  
Sanjim Inc. d/b/a Saint James Cocktail Lounge, 1525 West American Drive; Michelle L. Kersten, Agent  
Ulrich-Gosz PTC Corporation d/b/a Prime Time Club, 1150 Valley Road; Randy J. Ulrich, Agent

Reserve "Class B" Liquor & Class "B" Fermented Malt

Patterson Bowl, LLC d/b/a Sabre Lanes, 1330 Midway Road; Daniel Patterson, Agent  
Cinderella21, LLC d/b/a Rella, 1151 Valley Road; Kimberly A. Halbach, Agent  
Fox Crossing Hotel Group, LLC d/b/a Wissota Chophouse, 1465 Bryce Drive, Brian J. Wogernese, Agent  
TLR Vang d/b/a Passion Restaurant and Bar, 236 W. Calumet Street, Suite 2 & 3; Thongchan Vang, Agent  
Tomsons of Appleton, Inc. d/b/a Holidays Pub & Grill, 1395 West American Drive, Suite B; Jeffrey Kennedy, Agent  
Xe 54 LLC d/b/a Xe 54 Wine Bar, 1350 West American Drive, Suite C, Pamela M. Barnes, Agent

Class "B" Fermented Malt & Class "C" Wine

Missing Links Indoor Golf, LLC d/b/a Missing Links Indoor Golf, 976 American Drive, Suite 11; Joseph W. Nichols, Agent

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the licenses are hereby granted to the above applicants for the licensing period of July 1, 2020 through June 30, 2021.

Adopted this 8<sup>th</sup> day of June, 2020

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

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

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

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

RES #200608-8

**ANNUAL BEER GARDEN LICENSE RENEWAL APPLICATIONS FOR THE TERM  
JULY 1, 2020 – JUNE 30, 2021**

WHEREAS, the annual Beer Garden License applicants listed below have made proper application with the Village Clerk's Office, and the proper fees have been paid and received; and

WHEREAS, an approved site plan is on file in the Community Development Department; and

WHEREAS, satisfactory inspections have been reported by the Police and Fire Departments, and a report from the Finance Department indicates real estate, personal property taxes, and all other outstanding claims have been paid; and

WHEREAS, the Village Clerk submits the following licenses for Village Board approval:

Beer Garden Licenses

Bubba's Pub, 500 Ninth Street

Dick's Wheel Inn, 1105 Appleton Road

Holidays Pub & Grill, 1395 West American Drive, Suite B

Michiels Bar & Grill, 1100 Appleton Road

Prime Time Club, 1150 Valley Road

Rella, 1151 Valley Road

Wissota Chophouse, 1465 Bryce Drive

Xe 54 Wine Bar, 1350 West American Drive, Suite C

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the Beer Garden Licenses are hereby granted to the above applicants for the licensing period of July 1, 2020 through June 30, 2021.

Adopted this 8<sup>th</sup> day of June, 2020

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

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

---

Dale A. Youngquist, Village President

---

Attest: Darla M. Fink, Village Clerk

RES #200608-9

**ANNUAL MECHANICAL AMUSEMENT LICENSE RENEWAL APPLICATIONS FOR  
THE TERM JULY 1, 2020 – JUNE 30, 2021**

WHEREAS, the annual Mechanical Amusement License applicants listed below have made proper application with the Village Clerk's office and the proper fees have been paid and received; and

WHEREAS, satisfactory inspections were conducted by the Village Code Compliance Officer and no reason was found to withhold the issuance of any license; and

WHEREAS, the Village Clerk submits the following for Village Board approval:

Mechanical and Other Amusements

BB Convenience Center, 2675 American Drive  
Bubba's Pub, 500 Ninth Street  
Burial Chamber Haunted Complex, 500 N. Lake Street  
Dick's Wheel Inn, 1105 Appleton Road  
GCS Menasha Shell, 1370 Jacobsen Road  
Good to Go Menasha, 2005 S. Oneida Street  
Holidays Pub & Grill, 1395 West American Drive, Suite B  
Menasha Gas, 901 Appleton Road  
Michiels Bar & Grill, 1100 Appleton Road  
Missing Links Indoor Golf, 976 American Drive, Suite 11  
Passion Restaurant and Bar, 236 W. Calumet Street, Suites 2 & 3  
Prime Time Club, 1150 Valley Road  
Rella, 1151 Valley Road  
Sabre Lanes, 1330 Midway Road  
Tom's Drive In, 1395 West American Drive, Suite A  
U.R. Washinstuff, 1575 Appleton Road

NOW, THEREFORE, BE IT RESOLVED, the Village Board of Trustees hereby grants annual Mechanical Amusement Licenses to the above applicants for the licensing period of July 1, 2020 through June 30, 2021.

Adopted this 8<sup>th</sup> day of June, 2020

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

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

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

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

RES #200608-10

**EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling:     \$     3,767,573.61

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

Pending:		
General Fund	\$	205,229.34
Special Revenue Fund	\$	4,217.45
Debt Fund	\$	-
Capital Projects Fund	\$	374,545.90
Water Fund	\$	333,229.23
Sewer Fund	\$	264,532.22
Stormwater Fund	\$	60,614.66
Trust & Agency Fund	\$	216.78
Park Commission Processed Payments	\$	43,288.64
Special Processed Payments	\$	2,481,699.39
Total:	\$	<u><u>3,767,573.61</u></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 8th day of June, 2020

*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