

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, July 13, 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) Special Board Workshop – June 15, 2020
 - b) Regular Village Board Meeting – June 22, 2020Minutes and Correspondence to Receive
 - c) Park Commission – June 10, 2020
 - d) Park Commission – June 24, 2020
 - e) Sustainability Commission Meeting – June 3, 2020
 - f) Neenah Menasha Sewerage Commission – May 26, 2020
 - g) Fox West Regional Sewerage Commission – June 3, 2020
 - h) Pumpage Report – June, 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) 200713-1:ORD An Ordinance to Adopt a Revision and Codification of the General Ordinances of the Village of Fox Crossing
First Reading, Second Reading & Adoption
 - b) 200713-1 Adoption of the Village of Fox Crossing Records Retention Schedule
 - c) 200713-2 Adoption of the Village of Fox Crossing Fee Schedule
 - d) 200713-3 Adoption of the Village of Fox Crossing Bond Schedule
 - e) 200713-4 Reorganization of the Village of Fox Crossing Park Commission
 - f) 200713-5 First Amendment to Agreement for the Provision of Water Service between the Town of Clayton and the Village of Fox Crossing
 - g) 200713-6 Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2021
 - h) 200713-7 Annual Mobile Home Park Renewal Applications for the Term August 1, 2020 - July 31, 2021
 - i) 200713-8 Operator License Applicants
 - j) 200713-9 Expenditures
9. **Reports**
 - a) Clerk Darla Fink – Partisan Primary Election on Tuesday, August 11, 2020, with Polls Open from 7:00 a.m. to 8:00 p.m.
 - b) Parks & Recreation Director Amanda Geiser – Filthy Fun Kids Run Canceled for 2020, Kids Can Still Sign Up for a Virtual Event and Earn a Medal and T-Shirt
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 #200713-1 *First Reading, Second Reading & Adoption*

AN ORDINANCE TO ADOPT A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE VILLAGE OF FOX CROSSING

The Village Board of the Village of Fox Crossing does hereby ordain as follows:

§ 1-4. Code adopted; continuation of existing provisions.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Fox Crossing of a general and permanent nature adopted by the Village Board of the Village of Fox Crossing, as revised and codified as Chapters 1 through 435, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Village of Fox Crossing, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances.

§ 1-5. Prior Code superseded.

This ordinance and the Code adopted hereby shall supersede and replace the Town of Menasha Municipal Code adopted September 27, 1976, and as subsequently amended, except such portions of the Code as are herein expressly saved from repeal or continued in force.

§ 1-6. Code on file; notice and publication.

- A. A copy of the Code has been on file and open for inspection at the office of the Village Clerk for not less than two weeks prior to the adoption of this ordinance pursuant to § 66.0103, Wis. Stats., and such copy shall remain on file and available for inspection in the office of the Village Clerk during all times while said Code is in effect.
- B. The Village Clerk shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. The publication of notice of the adoption of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Additions and amendments.

Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Fox Crossing" or "Village of Fox Crossing Municipal Code" shall be understood to include such additions and amendments.

§ 1-8. Altering or tampering with Code.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Fox Crossing to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-3 of the Code.

§ 1-9. Severability.

Each section of this ordinance and of the Code is an independent section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this ordinance or the Code or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-10. Repealer.

Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Fox Crossing which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-11. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-10 shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 20, 2016, the date of incorporation of the Village of Fox Crossing.
- B. Any charter ordinance, including Ordinance No. 160425-1 (Charter Ordinance No. 1), adopted April 25, 2016, as amended.
- C. Appendix A, Records Retention Schedule, of the former Municipal Code and any ordinance or portion of an ordinance establishing or amending a Records Retention Schedule.
- D. Appendix B, Fee Schedule, of the former Municipal Code and any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Village.
- E. Appendix D, Ordinance Bond Schedule, of the former Municipal Code and any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- F. Any ordinance or portion of an ordinance establishing or amending rates or charges for water, sewer or other utility service.
- G. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- H. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- I. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

- J. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- K. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- L. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness, or adopting or amending a budget.
- M. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- N. The levy or imposition of taxes, assessments or charges.
- O. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- P. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- Q. All currently effective ordinances pertaining to personnel policies and the rate and manner of payment of salaries and compensation of officers and employees.
- R. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-12. Adoption of Schedule of Fines.

The Schedule of Fines included in the Appendix of the Code of the Village of Fox Crossing as Chapter A450 is hereby adopted.

§ 1-13. When effective.

This ordinance shall take effect upon passage and publication as required by law.

Date Introduced: _____

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 #200713-1

ADOPTION OF THE VILLAGE OF FOX CROSSING RECORDS RETENTION SCHEDULE

WHEREAS, the updated Municipal Code removes the Village of Fox Crossing Records Retention Schedule from the Code (the Records Retention Schedule was previously listed as Appendix A in the former Code); and

WHEREAS, it is necessary to adopt and maintain the Records Retention Schedule by resolution to ensure the continuity of the Village's Records Retention Schedule; and

WHEREAS, as the Records Retention Schedule has not been reviewed in several years, the Schedule was reviewed by Village Attorney Jim Macy to ensure the Schedule met standards set by State Statute and the Wisconsin Municipal Records Schedule (WMRS); and

WHEREAS, modifications were recommended by Attorney Macy which are included in the proposed Records Retention Schedule, as attached.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby adopts the Village of Fox Crossing Records Retention Schedule, as attached.

Adopted this 13th day of July, 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 #200713-2

ADOPTION OF THE VILLAGE OF FOX CROSSING FEE SCHEDULE

WHEREAS, the updated Municipal Code removes the Village of Fox Crossing Fee Schedule from the Code (the Fee Schedule was previously listed as Appendix B in the former Code); and

WHEREAS, it is necessary to adopt and maintain the Fee Schedule by resolution to ensure the continuity of the Village's Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby adopts the Village of Fox Crossing Fee Schedule, as attached.

Adopted this 13th day of July, 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 #200713-3

ADOPTION OF THE VILLAGE OF FOX CROSSING BOND SCHEDULE

WHEREAS, the updated Municipal Code removes the Village of Fox Crossing Bond Schedule from the Code (the Bond Schedule was previously listed as Appendix D in the former Code); and

WHEREAS, it is necessary to adopt and maintain the Bond Schedule by resolution to ensure the continuity of the Village's Bond Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby adopts the Village of Fox Crossing Bond Schedule, as attached.

Adopted this 13th day of July, 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 #200713-4

REORGANIZATION OF THE VILLAGE OF FOX CROSSING PARK COMMISSION

WHEREAS, the updated Municipal Code restructures the terms of Park Commission members by adjusting the length of the terms from seven (7) year terms to three (3) year terms; and

WHEREAS, the number of Park Commission members remains at seven (7) members; and

WHEREAS, Village President Youngquist nominates the current Park Commission members for the following restructured terms:

One (1) Year Term – July 13, 2020 through June 30, 2021

James Wise
Rhonda Elliott

Two (2) Year Term – July 13, 2020 through June 30, 2022

Paul Vandenberg
Kathleen Sylvester

Three (3) Year Term – July 13, 2020 through June 30, 2023

Jason Patzwald
Steve Otto
Jim Beson

and;

WHEREAS, upon completion of these initial terms, all subsequent terms become three (3) year terms.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby appoints Park Commission members for their respective terms, as listed above.

BE IT FURTHER RESOLVED that upon the completion of these initial terms, all subsequent terms become three (3) year terms.

Adopted this 13th day of July, 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 #200713-5

FIRST AMENDMENT TO AGREEMENT FOR THE PROVISION OF WATER SERVICE BETWEEN THE TOWN OF CLAYTON AND THE VILLAGE OF FOX CROSSING

WHEREAS, the Town of Clayton, the Town of Clayton Sanitary District No., 1, and the Village of Fox Crossing (jointly the “Parties”) entered into an “Agreement for the Provision of Water Service between the Town of Clayton and the Village of Fox Crossing” (the “Agreement”) with an effective date of January 27, 2020; and

WHEREAS, the Parties have agreed to modify certain provisions of the Agreement related to the provision of meters in order to be consistent with the Village’s existing water tariffs on file with the Public Service Commission of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the First Amendment to the Agreement for the Provision of Water Service between the Town of Clayton and the Village of Fox Crossing, as attached.

Adopted this 13th day of July, 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 #200713-6

**INTERGOVERNMENTAL AGREEMENT TO SATISFY ELIGIBILITY FOR
RECYCLING CONSOLIDATION GRANT FOR CALENDAR YEAR 2021**

WHEREAS, Act 10 and Act 32 legislation, passed in 2011, amended state statutes and administrative codes governing the State of Wisconsin municipal recycling programs and created a new grant identified as the “Recycling Consolidation Grant”; and

WHEREAS, for the Village of Fox Crossing to qualify for the “Recycling Consolidation Grant” for the grant period January 1, 2021 to December 31, 2021, the Village must enter into an Intergovernmental Agreement with other Responsible Units (RUs) to demonstrate the intent to effectively and efficiently provide for the recycling needs of village citizens; and

WHEREAS, the cities of Menasha and Omro, the villages of Winneconne and Fox Crossing, and the towns of Algoma, Black Wolf, Clayton, Neenah, Nekimi, Omro, Vinland, Winneconne, and Wolf River, each of which is a municipal corporation, and each of which is a Responsible Unit (RU) as defined in Section 287.01(9) of the Wisconsin Statutes, entered into a County/Municipal Recycling Agreement in 1992, to effectively and efficiently process and market recyclable materials; and

WHEREAS, by entering into the attached Intergovernmental Agreement, the Village of Fox Crossing plans to qualify for the Recycling Consolidation Grant for the grant period of January 1, 2021 through December 31, 2021. We will work with the above RUs to distribute and make available to our residents a Tri-County Recycling Guide, to improve the education of our residents and in turn improve the processing and marketing of recyclables in a more cost efficient manner.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Intergovernmental Agreement, as attached, in order to qualify for the Recycling Consolidation Grant for the grant period of January 1, 2021 through December 31, 2021.

BE IT FURTHER RESOLVED, the Village of Fox Crossing Board of Trustees authorizes the Village President and the Village Clerk to sign and execute the necessary paperwork.

Adopted this 13th day of July, 2020

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 #200713-7

ANNUAL VILLAGE MOBILE HOME PARK LICENSE RENEWALS FOR AUGUST 1, 2020 THROUGH JULY 31, 2021

WHEREAS, the mobile home park license applicants listed below have made proper application with the Village Clerk's office and the proper fees have been paid and receipted; and

WHEREAS, Municipal Code Chapter 11 requires the applicant/owner of the mobile home park to comply to specific regulations including maintaining the park for the health, safety, morals, and the welfare of its residents; and

WHEREAS, Chapter 11.13 further requires in every mobile home park that there shall be an on-site manager in residence for the residents well-being, available on a daily basis with reasonable hours; and

WHEREAS, should any mobile home park be found that they are not in conformity with Chapter 11, the applicant/owner shall see that the mobile home park complies in all respects before a license shall be issued; and

WHEREAS, the Village Clerk submits the following license applications for Village Board approval provided the above conditions are met per the Village's code:

Meadows Development Group, LLC
Reeseville Associates, LLC
Jim's Friendly Village, LLC

Harbor Lights, 960 Happy Valley Drive
Bridgeview Gardens, 888 E. Shady Lane
Jim's Friendly Village, 370 Ninth Street

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, the annual mobile home park licenses are hereby granted to the above applicants, pending satisfactory inspections, and a report from the Finance Department that all outstanding invoices and taxes have been satisfied, with the above conditions, for the licensing period of August 1, 2020 – July 31, 2021.

Adopted this 13th day of July, 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 #200713-8

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:

Monica Allen	Michelle Martinez
Marissa Barden	Thornton McCormick
Camille Biagini De Oliveira	Monte Michiels
Brian Burr	Morgan Pagel
Sherry Christie	Kimberley Peterson
Jenna Compton	Catherine Radtke
Sheila Frank	Bryanne Sauberlich
Trevor Gmeiner	Mandeep Singh
Anamarisa Haefs	Katherine Stieg
Morgan Kapp	Robin Strasser
Calvin Klapa	Carrie Szprejda
Kayla Kuranda	Amanda Torres

WHEREAS, at the June 22 Village Board meeting, the Village Board voted to deny an operator license to applicant Jamie Deroso based on a recommendation of denial from Police Chief Tim Seaver; and

WHEREAS, since the June 22 meeting, Ms. Deroso has contacted Chief Seaver and submitted additional information to the Chief, and is requesting a second review of her license application; and

WHEREAS, Ms. Deroso has agreed to repeat and successfully complete a state-approved alcohol awareness training program; and

WHEREAS, Police Chief Seaver recommends approval of Jamie Deroso's operator license contingent upon Ms. Deroso's repeat and successful completion of a state-approved alcohol awareness training program.

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**.

BE IT FURTHER RESOLVED, that the Village of Fox Crossing Board of Trustees approves an operator license for Jamie Deroso, contingent upon her repeat and successful completion of a state-

approved alcohol awareness training program, for the licensing period beginning **July 1, 2020 - June 30, 2022.**

Adopted this 13th day of July, 2020

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 #200713-9

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 1,738,173.19

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

Pending:		
General Fund	\$	310,864.96
Special Revenue Fund	\$	24,969.48
Debt Fund	\$	-
Capital Projects Fund	\$	334,461.11
Water Fund	\$	97,800.36
Sewer Fund	\$	64,863.96
Stormwater Fund	\$	155,681.75
Trust & Agency Fund	\$	2,139.00
Park Commission Processed Payments	\$	10,716.23
Special Processed Payments	\$	736,676.34
Total:	\$	<u>1,738,173.19</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 13th day of July, 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