

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, August 24, 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 – July 27, 2020
 - b) Special Village Board Meeting – August 10, 2020
 - c) Regular Village Board Meeting – August 10, 2020Minutes and Correspondence to Receive
 - d) Park Commission Meeting – July 8, 2020
 - e) August 11, 2020 Partisan Primary Results
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
 - a) 2020 Borrowing for Capital Projects Update – Finance Director Myra Piergrossi
7. Unfinished Business
8. New Business- Resolutions/Ordinances/Policies
 - a) 200824-1 Preliminary Assessment Resolution Declaring Intent to Exercise Special Assessments for the Installation of Water Mains and Laterals, and Sanitary Sewer Mains and Laterals, for the East Shady Lane Project Phase II
 - b) 200824-2 Approve Solid Waste and Yard Waste Collection Agreement
 - c) 200824-3 Certified Survey Map – 210 Gruenwald Avenue & 1008 North Street
 - d) 200824-1:ORD Amend Fox Crossing Municipal Code Chapter 435 Zoning Ordinance – Addition of Article 15 Floodplain Zoning Ordinance for the Village of Fox Crossing, Wisconsin *First Reading, Second Reading & Adoption*
 - e) 200824-4 Resolution to Apply to Participate in the National Flood Insurance Program
 - f) 200824-5 Operator License Applicants
 - g) 200824-6 Expenditures
9. Reports
 - a) Trustee Kris Koeppel – Electronics Recycling Event at Fox Crossing Municipal Complex, 2000 Municipal Drive, to be held on Saturday, October 10, 2020 from 8:00 a.m. to Noon
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 #200824-1

PRELIMINARY ASSESSMENT RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENTS FOR INSTALLATION OF WATER MAINS AND LATERALS, AND SANITARY SEWER MAINS AND LATERALS, FOR THE EAST SHADY LANE PROJECT PHASE II

A preliminary assessment resolution declaring intent to exercise special assessment powers under Chapter 66.0703 of the WI Statutes.

BE IT RESOLVED by the Board of Trustees of the Village of Fox Crossing, located in Winnebago County, Wisconsin, as follows:

- 1) That the Village Board of Trustees hereby declares its intent pursuant to Chapter 66.0703 of the WI Statutes to levy special assessments upon property within the following described area for improvements upon said property. (*Exhibit A attached*).
 - a) **DESCRIPTION OF SPECIAL ASSESSMENT PROJECT:**
Work shall consist of construction of 2,254 lineal feet of new water main, 2,254 lineal feet of new sanitary sewer main, and water and sanitary sewer laterals to certain properties located along East Shady Lane.
 - b) **AREA OF SPECIAL ASSESSMENT IMPROVEMENTS:**
East Shady Lane from the west lot lines of parcels 1210198 and 1210204 to Clayton Avenue. Refer to Exhibit A attached.
- 2) Said improvements shall include the required cost of construction and installation, including contract costs, engineering fees, attorney fees and publication expenses of the municipality.
- 3) The Village Board of Trustees shall hereby determine that all such municipal improvements shall be made under Chapter 66.0703 of the WI Statutes and that the amount to be assessed against each affected parcel is based upon a reasonable basis being total construction and material cost including engineering fees, attorney's fees, publication expenses and other appropriated special assessment proceeding costs. The Village Board of Trustees further determines that all said improvements specially benefit the property described in Paragraph 1 above.
- 4) The assessments against affected property owner(s) may be paid in cash or in the number of installments to be determined at the Public Hearing on the proposed assessments and according to the final resolution of the Village Board of Trustees of the Village of Fox Crossing as may be hereinafter adopted.
- 5) The Village Engineers are directed to prepare an Engineer's Report consisting of:
 - a) Preliminary estimates for the entire cost of the proposed construction and installation, including cost of construction, material, engineering fees, attorney fees, publication expenses and other appropriate cost of special assessment proceedings.

- b) A schedule of proposed assessments against affected property prepared under the term and conditions of Chapter 66.0703 of the WI Statutes.
- c) The Engineer's Report shall state that all such assessments are based upon a reasonable basis being total construction and material costs and that all said special assessments benefit the property(s) being assessed.

Upon completing said Engineer's Report the Village Engineers are directed to file a copy of the same in the office of the Village Clerk for public inspection.

- 6) Upon receiving the Engineer's Report of said Village Engineers, the Village Clerk is directed to prepare and publish a Class One Notice of a Public Hearing on said Engineer's Report and upon the Preliminary Special Assessment Resolution as specified in Chapter 66.0703 of the WI Statutes which Notice of Public Hearing shall state the place and time at which the report may be inspected and the place and time at which all persons interested or their agents or attorneys may appear before the Village Board for the Village of Fox Crossing and be heard concerning the matters contained in the Special Assessment preliminary resolution and the Village Engineers' Report at the Public Hearing. A copy of the Notice of Public Hearing together with a scale map (*if available*) showing the general boundary areas of the proposed assessment district/area shall be mailed at least ten (10) days before the hearing date to all interested persons whose post office addresses are known. The Public Hearing shall commence no less than ten (10) days, nor more than forty (40) days after publication. A Public Hearing shall be held in the Arden Tews Assembly Room at the Village of Fox Crossing Municipal Complex, 2000 Municipal Drive, Neenah, WI 54956, Winnebago County, State of WI, on the **28th day of September, 2020 at 6:00 p.m.** during the regularly scheduled Village Board Meeting.

Adopted this 24th day of August, 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#200824-2

APPROVE SOLID WASTE AND YARD WASTE COLLECTION AGREEMENT

WHEREAS, the current Solid Waste and Yard Waste collection agreement between the Village of Fox Crossing and Advanced Disposal Solid Waste Midwest, LLC (formerly Veolia Environmental Services, LLC) for solid waste and yard waste collection will expire on December 31, 2020; and

WHEREAS, the Village solicited a Request for Proposals (RFP) for Solid Waste and Yard Waste collection services to provide for a successor vendor to serve the Village beginning January 1, 2021; and

WHEREAS, all proposals were due and opened on July 28, 2020 at 2:00 p.m.; and

WHEREAS, the Village received three (3) proposals:

2020 Garbage & Recycling Proposals								
Vendor	Automated Refuse	Automated Recycling	Yard Waste No Leaf Supp	Yard Waste With Leaf Supp	Total No Leaf Supp	Total With Leaf Supp	Fuel Surcharge Base Cost	Fuel Credit Base Cost
Harter's Fox Valley Disposal	\$ 4.55	\$ 2.65	\$ 1.44	\$ 1.00	\$ 8.64	\$ 8.20	\$ 3.50	\$ 2.25
Great American Disposal	\$ 4.92	\$ 3.18	\$ 0.99	\$ 0.99	\$ 9.09	\$ 9.09	\$ 3.00	\$ 2.00
Advanced Disposal	\$ 5.01	\$ 2.89	\$ 2.25	\$125/Hour	\$ 10.15	\$7.90 + Yard	\$ 3.25	\$ 2.00
Automated Refuse Collection Based on one (1) container per household collected weekly.								
Automated Recycling Collection Based on one (1) container per household collected bi-weekly.								
Yard Waste Collection with No Supplemental Leaf Collection Program from Village.								
Yard Waste Collection with Supplemental Collection Program from Village.								
Fuel Surcharge will be calculated by applying (1/2%) for each \$0.10 diesel fuel increase over base amount.								
Fuel Credit will be calculated by applying (1/2%) for each \$0.10 diesel fuel decrease under base amount.								

WHEREAS, the Village has negotiated a Solid Waste and Yard Waste Agreement (Attachment A) with Harter's Fox Valley Disposal, the vendor that offered the lowest cost proposal best fitting the needs of the Village, effective January 1, 2021 through December 31, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Village of Fox Crossing Board of Trustees that the Solid Waste and Yard Waste Agreement between the Village of Fox Crossing and Harter's Fox Valley Disposal is hereby approved effective January 1, 2021 through December 31, 2023, as attached.

BE IT FURTHER RESOLVED the agreement is contingent upon the Village receiving the financial guarantee as set forth in the agreement and approval by the Village Attorney.

Adopted this 24th day of August, 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 #200824-3

CERTIFIED SURVEY MAP – 210 GRUENWALD AVENUE & 1008 NORTH STREET

WHEREAS, the applicant, the James Heidke Trust, requests approval of a Certified Survey Map (CSM) to split vacant parcel 1210797, and merge the north half of the parcel with parcel 1210796 (210 Gruenwald Avenue), and the south half with parcel 1210798 (1008 North Street); and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their August 19, 2020 meeting and recommended approval of the Certified Survey Map with the following conditions:

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

Planning Commission: 7 Aye 0 Nay 0 Excused 0 Abstain

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

Adopted this 24th day of August, 2020

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 #200824-1 *First Reading, Second Reading & Adoption*
AMEND FOX CROSSING MUNICIPAL CODE CHAPTER 435 ZONING ORDINANCE
- ADDITION OF ARTICLE 15 FLOODPLAIN ZONING ORDINANCE FOR THE
VILLAGE OF FOX CROSSING, WISCONSIN

WHEREAS, Winnebago County currently administers the Floodplain ordinance within the Village of Fox Crossing; and

WHEREAS, as an incorporated community, the Village of Fox Crossing needs to adopt its own governing ordinance to manage floodplains; and

WHEREAS, adopting the Floodplain ordinance, as attached, allows the Village of Fox Crossing to join the National Flood Insurance Program, thereby granting the ability for Village residents to acquire flood insurance through the program.

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

Part I. Amend Chapter 435 Zoning Ordinance by adding Article 15 Floodplain Zoning Ordinance for the Village of Fox Crossing, Wisconsin, 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: August 24, 2020

Date Adopted: _____

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 #200824-4

RESOLUTION TO APPLY TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, Village of Fox Crossing residents are currently unable to acquire flood insurance from the National Flood Insurance Program (NFIP) since the Village incorporated in 2016; and

WHEREAS, certain areas of the Village of Fox Crossing are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the Village Board to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to the Village of Fox Crossing.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary in those areas having flood or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions, including:
 - a. Require permits for all proposed construction or other development in the community so that it may determine whether such construction or other development is proposed with the floodplain.
 - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.
 - c. Review and maintain all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - d. Review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations.
2. Vests the Department of Community Development with the responsibility, authority, and means to:
 - a. Assist the Administrator, at his request, in his delineation of the limits of the area having special flood or flood-related erosion hazards.
 - b. Provide such information as the Administrator may request concerning present uses and

occupancy of the floodplain or flood-related erosion areas.

- c. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation or existing hazards.
 - d. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
 - e. Upon occurrence, notify the Administrator, in writing, whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Rate Maps and Flood Insurance Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
 - f. Ensure that the community's Flood Insurance Rate Maps are maintained and kept current by providing the Federal Emergency Management Agency with any new or updated flood risk data or any modified data reflecting natural or man-made changes to the floodplain.
3. Appoints the Director of Community Development to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed the elevation (in relation to mean sea level) to which the structure was flood proofed.
 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Adopted this 24th day of August, 2020

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 #200824-5

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:

Malak Atitallah – Approved
Yasmine Burmeister – Approved
Angela Cook – Approved
Courtney Gill – Approved
Randall Schraeder - Approved
Ryan Vaughan – Approved
Brooke Wiitanen – Approved
Jessica Young – 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 24th day of August, 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 #200824-6

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$3,853,803.26

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

Pending:		
General Fund	\$	47,999.37
Special Revenue Fund	\$	79,493.07
Debt Fund	\$	-
Capital Projects Fund	\$	64,294.79
Water Fund	\$	50,295.78
Sewer Fund	\$	90,758.91
Stormwater Fund	\$	30,874.51
Trust & Agency Fund	\$	332.60
Special Processed Payments	\$	3,489,754.23
Total:	\$	<u>3,853,803.26</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 24th day of August, 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