

**Village of Fox Crossing Board of Trustees Regular Meeting**  
**Monday, September 12, 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**
3. **Public Hearings**
4. **Minutes to Approve/ Minutes and Correspondence to Receive**  
**Minutes to Approve**
  - a) Regular Village Board Meeting – August 22, 2022**Minutes and Correspondence to Receive**
  - b) Neenah-Menasha Sewerage Commission Meeting Minutes – July 26, 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) 220912-1 Resolution Authorizing the Issuance of \$2,474,000 General Obligation Promissory Notes and the Issuance and Sale of a \$2,474,000 Note Anticipation Note in Anticipation Thereof
  - b) 220912-2 2022 Budget Amendment to Provide Funds for the Fiber Optic Installation Project
  - c) 220912-3 Approve Fiber Optic Maintenance Agreement Between the Neenah Joint School District and the Village of Fox Crossing
  - d) 220912-4 2022 Budget Amendment to Provide Funds for Operating Software for the Municipal Complex HVAC System, and a Replacement Concrete Saw for the Street Department
  - e) 220912-5 Authorization to Order a Street Department Replacement 20 Ton Trailer in 2022 for Delivery in 2023
  - f) 220912-6 Authorization to Order a Police Department Replacement F-150 Truck, and Two (2) Ford Explorer Squads in 2022 for Delivery in 2023
  - g) 220912-7 Authorization to Order a Parks & Recreation Replacement One (1) Ton Truck in 2022 for Delivery in 2023
  - h) 220912-8 Village of Fox Crossing Appeal to Badgers, LLC, 2022 Manufacturing Real Estate Assessment Objection
  - i) 220912-9 Temporary Class "B"/"Class B" Retailer's License – St. Mary's Catholic Schools
  - j) 220912-10 Operator License Applicants
  - k) 220912-11 Expenditures
9. **Reports**
  - a) Trustee Kris Koeppel – Fall Electronic Recycling Event will be held on Saturday, October 8, 2022 from 8:00 a.m. to Noon at the Municipal Complex
  - b) Fire Chief Brian Harbison – Fire Safety Day will be held on Saturday, September 17, 2022 from 10:00 a.m. to 2:00 p.m. at Fire Station #40, 1326 Cold Spring Road
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 #220912-1

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,474,000 GENERAL OBLIGATION PROMISSORY NOTES AND THE ISSUANCE AND SALE OF A \$2,474,000 NOTE ANTICIPATION NOTE IN ANTICIPATION THEREOF**

WHEREAS, on August 8, 2022, the Village Board of the Village of Fox Crossing, Winnebago County, Wisconsin (the "Village") adopted a resolution (the "Set Sale Resolution"), providing for the sale of a note anticipation note for public purposes, including paying the cost of stormwater projects, sanitary sewer projects and water main projects (the "Project");

WHEREAS, the Village Board hereby finds and determines that the Project is within the Village's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, it is the finding of the Village Board that it is necessary, desirable and in the best interest of the Village to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

WHEREAS, the Securities have not yet been issued or sold;

WHEREAS, villages are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities;

WHEREAS, it is the finding of the Village Board that it is necessary, desirable and in the best interest of the Village to authorize the issuance and sale of a note anticipation note pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Note"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Project; and

WHEREAS, it is the finding of the Village Board that it is necessary, desirable and in the best interest of the Village to sell the Note to \_\_\_\_\_ (the "Purchaser"), pursuant to the terms and conditions of the Final Term Sheet attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Authorization of Securities. The Village hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying the cost of the Project. There is hereby levied on all the taxable property in the Village a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Note. In anticipation of the sale of the Securities, for the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of TWO MILLION FOUR HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$2,474,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the President and Village Clerk or

other appropriate officers of the Village are authorized and directed to execute an acceptance of the Proposal on behalf of the Village. To evidence the obligation of the Village, the President and Village Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the Village, the Note in the principal amount of TWO MILLION FOUR HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$2,474,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Note. The Note shall be designated a "Note Anticipation Note"; shall be issued in the principal amount of \$2,474,000; shall be dated October 3, 2022; shall be in the denomination of \$100,000 or any integral multiple of \$1,000 in excess thereof; shall be numbered R-1; and shall bear interest at the rate per annum and shall mature on December 1, 2023 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2023. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Note shall be subject to redemption prior to maturity, at the option of the Village, on January 1, 2023 or on any date thereafter. Said Note shall be redeemable as a whole or in part, and if in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption. In the event that only a portion of the Note is redeemed, the remaining outstanding principal amount of the Note must be at least \$100,000 unless or until redeemed or paid in full.

Section 5. Form of the Note. The Note shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 6. Security. The Note shall in no event be a general obligation of the Village and does not constitute an indebtedness of the Village nor a charge against its general credit or taxing power. No lien is created upon the Project or any other property of the Village as a result of the issuance of the Note. The Note shall be payable only from (a) any proceeds of the Note set aside for payment of interest on the Note as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the Village Clerk and expended solely for the payment of the principal of and interest on the Note until paid. The Village hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Note when due, if necessary, the Village will pay such deficiency out of its annual general tax levy or other available funds of the Village; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the Village to make any such appropriation or any further payments.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There shall be and there hereby is established in the treasury of the Village, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting

principles. Debt service or sinking funds established for obligations previously issued by the Village may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Note Anticipation Note, dated October 3, 2022" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Note is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the Village at the time of delivery of and payment for the Note; (ii) any proceeds of the Note representing capitalized interest on the Note or other funds appropriated by the Village for payment of interest on the Note, as needed to pay the interest on the Note when due; (iii) proceeds of the Securities (or other obligations of the Village issued to pay principal of or interest on the Note); (iv) such other sums as may be necessary at any time to pay principal of and interest on the Note when due and which are appropriated by the Village Board for that purpose; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Note until all such principal and interest has been paid in full and the Note canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until the Note is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Note has been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the Village, unless the Village Board directs otherwise.

Section 8. Covenants of the Village. The Village hereby covenants with the owners of the Note as follows:

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Note;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Note until paid. After the payment of principal of and interest on the Note in full, said trust fund may be used for such other purposes as the Village Board may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$2,474,000

authorized for the issuance of the Securities to provide for the payment of the Note shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Note; Segregated Borrowed Money Fund. The proceeds of the Note (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the Village and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Note has been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code or the Regulations and an officer of the Village, charged with the responsibility for issuing the Note, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Note to the Purchaser which will permit the conclusion that the Note is not an "arbitrage bond," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws. (a) The Village represents and covenants that the projects financed by the Note and the ownership, management and use of the projects will not cause the Note to be a "private activity bond" within the meaning of Section 141 of the Code. The Village further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Note including, if applicable, the rebate requirements of Section 148(f) of the Code. The Village further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Note) if taking, permitting or omitting to take such action would cause any of the Note to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Note to be included in the gross income of the recipients thereof for federal income tax purposes. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Note shall provide an appropriate certificate of the Village certifying that the Village can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The Village also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Note provided that in meeting such requirements the Village will do so only to the extent consistent with the proceedings authorizing the Note and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Designation as Qualified Tax-Exempt Obligation. The Note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 13. Execution of the Note; Closing; Professional Services. The Note shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Note may be imprinted on the Note in lieu of the manual signature of the officer but, unless the Village has contracted with a fiscal agent to authenticate the Note, at least one of the signatures appearing on the Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Note and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The Village hereby authorizes the officers and agents of the Village to enter into, on its behalf, agreements and contracts in conjunction with the Note, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Note is hereby ratified and approved in all respects.

Section 14. Payment of the Note; Fiscal Agent. The principal of and interest on the Note shall be paid by the Village Clerk or the Village Treasurer (the "Fiscal Agent").

Section 15. Persons Treated as Owners; Transfer of Note. The Village shall cause books for the registration and for the transfer of the Note to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the President and Village Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The Village shall cooperate in any such transfer, and the President and Village Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 16. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Note (the "Record Date"). Payment of interest on the Note on any interest payment date shall be made to the registered owners of the Note as they appear on the registration book of the Village at the close of business on the Record Date.

Section 17. Record Book. The Village Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Note in the Record Book.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village Board 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 12<sup>th</sup> day of September, 2022

*Requested by: Jeremy Searl, Finance Director*  
*Submitted by: Dale A. Youngquist, Village President*

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Dale A. Youngquist, President

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Attest: Darla M. Fink, Village Clerk

(SEAL)

EXHIBIT A

Proposal

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT



EXHIBIT B

Debt Service Schedule

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

(Form of Note)

NUMBER	UNITED STATES OF AMERICA STATE OF WISCONSIN WINNEBAGO COUNTY VILLAGE OF FOX CROSSING NOTE ANTICIPATION NOTE	DOLLARS	
R-1		\$_____	
MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
December 1, 2023	October 3, 2022	_____ %	_____
REGISTERED OWNER:	_____		
PRINCIPAL AMOUNT:	_____ DOLLARS (\$_____)		

FOR VALUE RECEIVED, the Village of Fox Crossing, Winnebago County, Wisconsin (the "Village"), hereby acknowledges itself to owe and promises to pay to the registered owner identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2023 until the aforesaid principal amount is paid in full.

This Note is payable as to principal upon presentation and surrender hereof at the office of the Village Clerk or Village Treasurer. Payment of interest shall be made to the registered owner hereof whose name shall appear on the registration books on the fifteenth calendar day preceding the interest payment date.

This Note is issued by the Village pursuant to the provisions of Section 67.12(1)(b), Wisconsin Statutes, in anticipation of the sale of general obligation promissory notes (the "Securities"), to provide interim financing for public purposes, including paying the cost of stormwater projects, sanitary sewer projects and water main projects (the "Project"), as authorized by a resolution adopted on September 12, 2022. Said resolution is recorded in the official minutes of the Village Board for said date.

This Note shall be payable only from (a) any proceeds of the Note set aside for payment of interest on the Note as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds have been declared to constitute a special trust fund and to be held by the Village Clerk or Village Treasurer and expended solely for the payment of the principal of and interest on the Note until paid.

The Village has authorized the issuance of the Securities and has covenanted to issue the Securities in an amount sufficient to repay the Note pursuant to said resolution. **THE NOTE IS NOT A GENERAL OBLIGATION OF THE VILLAGE AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE VILLAGE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION OR PROVISION NOR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. NO LIEN IS CREATED UPON THE PROJECT OR ANY OTHER PROPERTY OF THE VILLAGE AS A RESULT OF THE ISSUANCE OF THE NOTE.**

The Note is subject to redemption prior to maturity, at the option of the Village, on January 1, 2023 or on any date thereafter. Said Note is redeemable as a whole or in part, and if in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption. In the event that only a portion of the Note is redeemed, the remaining outstanding principal amount of the Note must be at least \$100,000 unless or until redeemed or paid in full.

Before the redemption of the Note, unless waived by the registered owner, the Village shall give written notice of such redemption by registered or certified mail at least thirty (30) days prior to the date fixed for redemption to the registered owner of the Note to be redeemed, in whole or in part, at the address shown on the registration books. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Note shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit with the registered owner at that time. Upon such deposit of funds for redemption the Note shall no longer be deemed to be outstanding.

The Note is issued in registered form in the denomination of \$100,000 or any integral multiple of \$1,000 in excess thereof. This Note may be exchanged at the office of the Village Clerk or Village Treasurer for a like aggregate principal amount of Note of the same maturity in other authorized denominations.

This Note is transferable by a written assignment duly executed by the registered owner hereof or by such owner's duly authorized legal representative. Upon such transfer a new registered Note, in authorized denomination or denominations and in the same aggregate principal amount, shall be issued to the transferee in exchange hereof.

The Village may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof, premium, if any, hereon and interest due hereon and for all other purposes, and the Village shall not be affected by notice to the contrary.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time. The Village has authorized and covenanted to issue and sell the Securities, the sale of which this Note anticipates, as soon as practicable and to set aside the proceeds of the Securities into a special trust fund for the payment of the principal of and interest on this Note.

This Note has been designated by the Village Board as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the Village of Fox Crossing, Winnebago County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

VILLAGE OF FOX CROSSING  
WINNEBAGO COUNTY, WISCONSIN

By: \_\_\_\_\_  
Dale A. Youngquist  
President

(SEAL)

By: \_\_\_\_\_  
Darla M. Fink  
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Registered Owner)

NOTICE: This signature must correspond with the name of the registered owner as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)

\*The Internal Revenue Code of 1986 (IRC Section 149) requires that for interest on a municipal obligation with a term greater than one year to be exempt from federal income tax, the obligation must be issued and remain in registered form.

Section 67.09, Wisconsin Statutes provides that the Village Clerk of the Village when acting as the registrar shall record the registration of each note or bond in its bond registrar. Therefore, if this Note is to be assigned, the Village Clerk of the Village should be notified and a copy of this Assignment should be sent to the Village Clerk of the Village for his or her records.

RES #220912-2

**2022 BUDGET AMENDMENT TO PROVIDE FUNDS FOR THE FIBER OPTIC  
INSTALLATION PROJECT**

WHEREAS, Village Manager Jeffrey Sturgell requests funds to conduct the Fiber Optic Installation project to install a seventy-two (72) strand fiber optic line from Spring Road School to the new Neenah High School and Clayton Avenue along County Highway II (CTH II); and

WHEREAS, the project will cost approximately the following:

Use of Neenah Joint School District fiber optic conduit system:	\$ 48,330
Installation of seventy-two (72) strand fiber optic line along CTH II:	\$ 63,670
Purchase of fiber optic material:	<u>\$ 39,940</u>
Total:	\$151,940

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the 2022 Village of Fox Crossing budget is amended to provide funds for the Fiber Optic Installation project, as attached.

Adopted this 12<sup>th</sup> day of September, 2022

*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 #220912-3

**APPROVE FIBER OPTIC MAINTENANCE AGREEMENT BETWEEN THE NEENAH JOINT SCHOOL DISTRICT AND THE VILLAGE OF FOX CROSSING**

WHEREAS, the Neenah Joint School District is currently constructing a new high school located off County Highway II (CTH II) in the Village of Fox Crossing; and

WHEREAS, the School District plans to upgrade their fiber optic line that runs along CTH II from Spring Road School to the new high school location on CTH II; and

WHEREAS, the Village of Fox Crossing desires to install a seventy-two (72) fiber optic line along CTH II that will eventually connect the high school to the Village of Fox Crossing Police Department located in the Village Municipal Complex; and

WHEREAS, the School District and Village agree to conduct a joint fiber optic installation project in which the two entities will concurrently install fiber optic lines along CTH II; and

WHEREAS, the Village agrees to remit \$48,330 to the School District for the utilization of the already existing School District fiber optic conduit system along CTH II; and

WHEREAS, the School District agrees to approve a Change Order to their current Fiber Optic project being conducted by DeLuca & Tobin Cable Contractors, Inc., for an estimated amount of \$63,670 to install the Village's desired seventy-two (72) fiber optic line, at the Village's cost; and

WHEREAS, a fiber optic maintenance agreement that addresses the installation and responsibilities of future maintenance of the fiber optic lines has been drafted.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Fiber Optic Maintenance Agreement between the Neenah Joint School District and the Village of Fox Crossing, as attached.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Jeffrey Sturgell, Village Manager*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #220912-4

**2022 BUDGET AMENDMENT TO PROVIDE FUNDS FOR OPERATING SOFTWARE FOR THE MUNICIPAL COMPLEX HVAC SYSTEM, AND A REPLACEMENT CONCRETE SAW FOR THE STREET DEPARTMENT**

WHEREAS, Street Superintendent Randy Gallow requests funds to update the operating software for the Municipal Complex Heating, Venting, and Air Conditioning (HVAC) System; and

WHEREAS, the software will cost approximately \$42,000; and

WHEREAS, Superintendent Gallow additionally requests to purchase a replacement concrete saw for the Street Department; and

WHEREAS, a replacement concrete saw is currently scheduled in the Equipment Replacement Fund (ERF) to be purchased in 2023, but by purchasing a saw in 2022, Superintendent Gallow can purchase the saw for \$8,500 as opposed to \$10,000 in 2023.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the 2022 Village of Fox Crossing budget is amended to provide funds to update the operating software for the Municipal Complex Heating, Venting, and Air Conditioning (HVAC) System, as well as funds for a replacement concrete saw, as attached.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Randy Gallow, Street Superintendent*

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

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

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



RES #220912-5

**AUTHORIZATION TO ORDER A STREET DEPARTMENT REPLACEMENT 20 TON TRAILER IN 2022 FOR DELIVERY IN 2023**

WHEREAS, according to the Village's Equipment Replacement Schedule, the Street Department twelve (12) ton trailer is scheduled to be replaced with a twenty (20) ton trailer this year (in 2022); and

WHEREAS, due to material and supply shortages, the cost for a replacement 20 ton trailer has increased to \$38,000, and will not be delivered until 2023; and

WHEREAS, the Equipment Replacement Fund currently has \$20,000 scheduled for the replacement of the trailer; and

WHEREAS, Street Superintendent Gallow seeks authorization to order a replacement 20 ton trailer in 2022, with delivery of the trailer to occur in 2023; and

WHEREAS, additional funds for the replacement trailer will be placed in the Equipment Replacement Fund during the 2023 Budget process.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that Superintendent Gallow is authorized to order a replacement 20 ton trailer for the Street Department in 2022, for delivery scheduled in 2023.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Randy Gallow, Street Superintendent*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #220912-6

**AUTHORIZATION TO ORDER A POLICE DEPARTMENT REPLACEMENT F-150 TRUCK, AND TWO (2) FORD EXPLORER SQUADS IN 2022 FOR DELIVERY IN 2023**

WHEREAS, according to the Village's Equipment Replacement Schedule, the Police Department Lieutenant's F-150 Truck is scheduled to be replaced in 2023; and

WHEREAS, also according to the Village's Equipment Replacement Schedule, two (2) Police Department Ford Explorer squads are scheduled to be replaced in 2023; and

WHEREAS, due to material and supply shortages, the window for placing the order for the vehicles in order to receive delivery of the vehicles in 2023 is rapidly closing; and

WHEREAS, Chief Blashka seeks authorization to order a replacement F-150 Truck and two (2) Ford Explorer Squads for the Police Department in 2022, with delivery of the vehicles to occur in 2023.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that Chief Blashka is authorized to order a replacement F-150 Truck and two (2) Ford Explorer squads for the Police Department in 2022, for delivery scheduled in 2023.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Scott Blashka, Police Chief*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #220912-7

**AUTHORIZATION TO ORDER A PARKS & RECREATION REPLACEMENT ONE (1) TON TRUCK IN 2022 FOR DELIVERY IN 2023**

WHEREAS, according to the Village's Equipment Replacement Schedule, the Parks & Recreation Department One (1) Ton Truck is scheduled to be replaced in 2023; and

WHEREAS, due to material and supply shortages, the window for placing the order for the truck in order to receive delivery of the vehicle in 2023 is rapidly closing; and

WHEREAS, Director Geiser seeks authorization to order a replacement One (1) Ton Truck for the Parks & Recreation Department in 2022, with delivery of the vehicle to occur in 2023.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that Director Geiser is authorized to order a replacement One (1) Ton Truck for the Parks & Recreation Department in 2022, for delivery scheduled in 2023.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Amanda Geiser, Director of Parks & Recreation*

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

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Dale A. Youngquist, Village President

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

RES # 220912-8

**VILLAGE OF FOX CROSSING APPEAL TO BADGERS, LLC, 2022  
MANUFACTURING REAL ESTATE ASSESSMENT OBJECTION**

WHEREAS, Badgers, LLC, has filed an assessment objection to the State Board of Assessors for their 2022 manufacturing real estate assessment; and

WHEREAS, the Village of Fox Crossing may appeal the Badgers, LLC, objection to the State Board of Assessors authorized by State Statute 70.995(8)(d); and

WHEREAS, by appealing, the Village of Fox Crossing will join with the Department of Revenue to support the 2022 assessed value to the State Board of Assessors.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, the above action will be taken to appeal the Badgers, LLC, objection to their 2022 manufacturing real estate assessment.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Jeffrey Sturgell, Village Manager*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #220912-9

**TEMPORARY CLASS “B”/“CLASS B” RETAILER’S LICENSE – ST. MARY’S CATHOLIC SCHOOLS**

WHEREAS, St. Mary Catholic Schools, has submitted a Temporary Class “B”/“Class B” Retailer’s License application to sell fermented malt beverages and wine in the back parking lot, commons, cafeteria, and lobby of the Fine Arts Center of the High School/Middle School located at 1050 and 1000 Zephyr Drive, Neenah, on October 15, 2022 from 5:00 p.m.-10:00 p.m. during the All Aboard Event; and

WHEREAS, appropriate application has been made and the proper fees have been paid and receipted; and

WHEREAS, unless waived by a majority vote of the governing body, no “Class B” license or permit may be issued within 300 feet of the main entrance of any church, school or hospital.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, the Temporary Class “B”/“Class B” Retailer’s License is hereby granted to St. Mary Catholic Schools to sell fermented malt beverages and wine in the back parking lot, commons, cafeteria, and lobby of the Fine Arts Center of the High School/Middle School on October 15, 2022.

BE IT FURTHER RESOLVED, the Village Board authorizes the permit to be issued within 300 feet of the main entrance of the school for this event.

Adopted this 12<sup>th</sup> day of September, 2022.

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

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #220912-10

**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:

Lisa Bright – Approved  
Jamie Deroso – Approved  
Tamara VanHandel – Approved  
Tiaana Schulz – Approved  
Angela Valley – Approved

Kim Wienandt – Approved  
Julie Bennis – Approved  
Aleisha Partridge – Approved  
Lacey Strehlow – 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, 2022 - June 30, 2024.

Adopted this 12<sup>th</sup> day of September, 2022

*Requested by: Scott Blashka, Police Chief*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #220912-11

**EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$3,358,626.28

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

Pending:		
General Fund	\$	118,029.97
Special Revenue Fund	\$	220.50
Debt Fund	\$	-
Capital Projects Fund	\$	100,406.70
Water Fund	\$	51,523.21
Sewer Fund	\$	40,777.29
Stormwater Fund	\$	629,531.45
Trust & Agency Fund	\$	3,376.20
Special Processed Payments	\$	2,414,760.96
Total:	\$	<u>3,358,626.28</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 12th day of September, 2022.

*Requested by: Jeremy Searl, Finance Director*  
*Submitted by: Dale A. Youngquist, Village President*

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

**VILLAGE OF FOX CROSSING**  
**2000 Municipal Drive**  
**Neenah, WI 54956**

**EXPENDITURE SUMMARY**

For Accounts Payable Period Ending: September 7, 2022  
 For Village Board Meeting of: September 12, 2022

<b>REGULAR PROCESSED CHECKS</b>	<b>AMOUNT</b>
General Fund	\$118,029.97
Special Revenue Funds	\$220.50
Debt Fund	
Capital Projects Fund	\$100,406.70
Water Fund	\$51,523.21
Sewer Fund	\$40,777.29
Stormwater Fund	\$629,531.45
Trust & Agency Fund	\$3,376.20
	<hr/>
Total Bills for	September 12, 2022
	<u><u>\$943,865.32</u></u>

**SPECIAL PROCESSED PAYMENTS**

<b>CHECK #</b>	<b>PAYEE</b>	<b>DEPT. /PURPOSE</b>	<b>AMOUNT</b>
44390-44471	Village Specials	8/17-9/06/22	\$1,730,952.72
ACH	Employee Benefits Corp	8/16-8/26	\$1,374.77
ACH	WI Deferred Comp	8/18/2022	\$5,803.23
ACH	WI Deferred Comp	9/1/2022	\$5,723.86
VOID	Corey Haag	9/1/2022	(\$125.00)
ACH	Payments	8/15/2022	
ACH	Elavon	8/8/2022	
ACH	Elavon	8/8/2022	
ACH	ETF	9/20/2022	\$134,945.34
ACH	WI Retirement	8/16/2022	\$71,669.06
44314-44321	Payroll	8/18/2022	\$1,788.03
ACH	Payroll	8/18/2022	\$171,063.76
ACH	Payroll	8/18/2022	\$66,208.36
44455-44459	Payroll	9/1/2022	\$931.93
ACH	Payroll	9/1/2022	\$159,872.47
ACH	Payroll	9/1/2022	\$64,552.43
			<hr/>
<b>Total Special Processed Payments</b>			<u><u>\$2,414,760.96</u></u>
<b>GRAND TOTAL</b>			<u><u>\$3,358,626.28</u></u>