

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, August 11, 2025 - 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. Minutes to Approve/ Minutes and Correspondence to Receive
Minutes to Approve
a) Regular Village Board Meeting – July 28, 2025
Minutes and Correspondence to Receive
4. 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 or “electioneering” will be permitted. Commenters must be orderly, wait to be called, speak from the podium, and direct their comments to the Board. A maximum of 2-minutes per person is allowed and you must return to the audience when signaled to do so. The total time allocated for public comments shall not exceed 30 minutes. 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.**
5. Discussion Items
6. Unfinished Business
7. New Business- Resolutions/Ordinances/Policies
 - a) 250811-1 Change Order #2 & Final – Plank Road Sanitary Sewer and Water Lateral Improvement Project
 - b) 250728-1:ORD Amend Fox Crossing Municipal Code Chapter §400 Erosion Control and Stormwater Management *Second Reading & Adoption*
 - c) 250811-2 Expenditures
8. Reports
9. Closed Session
10. 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.

**VILLAGE OF FOX CROSSING
BOARD OF TRUSTEES REGULAR MEETING
Municipal Complex – Arden Tews Assembly Room
Monday, July 28, 2025**

Minutes

1. Call to Order, Pledge of Allegiance, and Roll Call

Meeting called to order by President Youngquist at 6:00 p.m. The Pledge of Allegiance was recited.

Village Clerk Darla Salinas took roll call and noted those present: President Dale Youngquist, Trustees Kris Koeppe, Timothy Raddatz, Kate McQuillan, and Barbara Hanson. Excused: Trustee Michael Van Dyke and Trustee Deb Swiertz.

Also Present: Village Manager Jeffrey Sturgell, Director of Finance Jeremy Searl, Director of Community Development George Dearborn, Fire Chief Todd Sweeney, Chief of Police Scott Blashka, Police Captain Tim Callan, Director of Public Works Joe Hoechst, Director of Parks & Recreation Amanda Geiser, Attorney Andrew Rossmeissl, Engineer Zach Laabs, and Engineer Lee Reibold. There were two attendees.

2. Awards / Presentations

3. Public Hearings

4. Minutes to Approve / Minutes and Correspondence to Receive

Minutes to Approve

a) Regular Village Board Meeting – July 14, 2025

Minutes and Correspondence to Receive

b) Planning Commission Meeting Minutes – June 18, 2025

c) Park Commission Meeting Minutes – July 9, 2025

d) Water Main Breaks Report – June 2025

e) Water Pumpage Report – June 2025

MOTION: Trustee Hanson, seconded by Trustee Koeppe to approve the minutes and accept other departmental minutes and correspondence into record. Motion carried via voice vote.

5. Public Comments Addressed to the Village Board

6. Discussion Items

7. Unfinished Business

8. New Business-Resolutions/Ordinances/Policies

a) 250728-1 Extraterritorial Certified Survey Map – 1984 & 1994 Oakridge Road Located in the Town of Neenah

MOTION: Trustee McQuillan, seconded by Trustee Hanson to approve as submitted. Director Dearborn stated although this property is located in the Town of Neenah, the Village has extraterritorial authority here and the Planning Commission recommended approval. Motion carried via voice vote.

b) 250728-2 Change Order #1 – Winchester Road from the Railroad Tracks to North Lake Street Reconstruction Project

MOTION: Trustee Koeppe, seconded by Trustee McQuillan to approve as submitted. Director Hoechst noted this Change Order is to extend the project completion deadline by one week due to some contractor delays. Motion carried via voice vote.

- c) 250728-1: ORD Amend Fox Crossing Municipal Code Chapter §400 Erosion Control and Stormwater Management *First Reading*
MOTION: Trustee McQuillan, seconded by Trustee Hanson to accept the First Reading as submitted. Motion carried via voice vote.
- d) 250728-3 Annual Alcohol Beverage License Application for the Term July 1, 2025 – June 30, 2025
MOTION: Trustee McQuillan, seconded by Trustee Koeppe to approve as submitted. Motion carried via voice vote.
- e) 250728-4 Operator License Applicants
MOTION: Trustee McQuillan, seconded by Trustee Raddatz to approve as submitted. Motion carried via voice vote.
- f) 250728-5 Expenditures
MOTION: Trustee Koeppe, seconded by Trustee McQuillan to approve the expenditures submitted without exception. Motion carried via voice vote.

9. Reports

- a) Police Chief Scott Blashka – Police National Night Out Event will be held on Tuesday, August 5, 2025 from 5:00 p.m. to 8:00 p.m., Located at Palisades Park

Captain Tim Callan announced the Police Department will be hosting a National Night Out Event at Palisades Park. This is a free event that will include the Fire Department, Gold Cross, a kids vs. cops kickball game, food trucks, and many other attractions for the community.

10. Closed Session

11. Adjourn

At 6:15 p.m., **MOTION:** Trustee Hanson, seconded by Trustee Koeppe to adjourn. Motion carried via voice vote.

Respectfully submitted,

Darla M. Salinas, CMC, WCMC
Village Clerk

Note: These minutes are not considered official until acted upon at an upcoming meeting; therefore, are subject to revision.

RES #250811-1

CHANGE ORDER #2 & FINAL – PLANK ROAD SANITARY SEWER AND WATER LATERAL IMPROVEMENT PROJECT

WHEREAS, on March 25, 2024, DeGroot, Inc. was awarded the Plank Road Sanitary Sewer and Water Lateral Improvement Project contract in the amount of \$1,609,652.87; and

WHEREAS, on July 8, 2024, the Village Board approved Change Order #1 for a net increase in the amount of \$110,505.80, due to adding a Pedestrian Barrier to the project and conducting Nut Replacements on sixteen (16) Valve Boxes; and

WHEREAS, Change Order #2 reflects a net decrease of \$535,219.10, due to the following:

Final Quantity Sanitary Laterals	(\$454,823.55)
Final Quantity Water Laterals	(\$ 64,047.92)
Final Quantity Restoration/Pavement Markings	(\$ 41,864.79)
Final Quantity Change Order #1 Items (Valve Nut Replacements)	(\$ 16,000.00)
Addition of the Removal of Two (2) Trees	\$ 5,250.00
Addition of Work for 1418 Plank Road Lateral	\$ 14,905.16
Miscellaneous Additions	<u>\$ 21,362.00</u>
Total:	(\$535,219.10)

WHEREAS, the decrease of \$535,219.10 from Change Order #2 items, results in a new total contract price of \$1,184,939.57; and

WHEREAS, it is the recommendation of Engineer Zachary Laabs and Public Works Director Joe Hoechst to approve Change Order #2 to DeGroot, Inc., for a total decrease in the amount of \$535,219.10, resulting in a new contract amount of \$1,184,939.57.

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves Change Order #2 & Final for the Plank Road Sanitary Sewer and Water Lateral Improvement Project contract, for a total decrease in the amount of \$535,219.10 to **DeGroot, Inc. 4201 Champion Road, Green Bay, Wisconsin**, for an adjusted contract amount of \$1,184,939.57.

Adopted this 11th day of August, 2025

Requested by: Joe Hoechst, Public Works Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Salinas, Village Clerk



July 31, 2025

Fox Crossing Utilities
Attn: Joe Hoechst, DPW
2000 Municipal Drive
Neenah, WI 54956

Re: Fox Crossing Utilities
Plank Road Sanitary & Water Lateral
Change Order #2
McM. No. F0058-09-23-00695

Dear Joe:

Enclosed herewith is Change Order #2 for the above referenced project. This change is a decrease in the Contract in the amount of \$535,219.10. The current Contract Price is \$1,184,939.57.

Please review and sign in the space provided. **Return to our office**, and we will distribute accordingly.

Should you have any questions, please contact our office at your convenience.

Respectfully,

McMahon Associates, Inc.

A handwritten signature in black ink, appearing to read "ZRL", with a long, sweeping horizontal line extending to the right.

Zachary R. Laabs
Civil & Municipal Engineer

ZRL:car

Enclosure: Change Order #2



TELEPHONE: 920.751.4200
FAX: 920.751.4284

F0058-09-23-00695

F0058-09-23-00695

Two (2)

July 24, 2025

Fox Crossing Utilities

Plank Road Sanitary & Water Lateral

Contract No.	F0058-09-23-00695
Project File No.	F0058-09-23-00695
Change Order No.	Two (2)
Issue Date:	July 24, 2025
Project:	Fox Crossing Utilities Plank Road Sanitary & Water Lateral

PROJECTS\F0058\092300695\CONSTR\CONTRACT\CHANGE ORDER\CHANGE ORDER 02

FINAL QUANTITIES

FOX CROSSING UTILITIES

Plank Road Sanitary & Water Lateral Reconstruction
Contract No. F0058-09-23-00695

Engineer: McMAHON ASSOCIATES, INC.
1445 McMahon Drive
PO Box 1025
Neenah, WI 54956 / 54957-1025

DE GROOT, INC.
4201 Champion Road
Green Bay, WI 54311

ALTERNATE BID A | PLANK ROAD SANITARY LATERALS

Item	Description	Qty	Unit
A-1	Mobilization / Bonding / Insurance - Sanitary Laterals	1	L.S.
A-2	4 Inch Sanitary Lateral Excavated	200	L.F.
A-3	4 Inch Sanitary Lateral Excavated to Remove Sag	450	L.F.
A-4	4" Sanitary Lateral Excavated to Remove Sag - Below Existing Sanitary Force Mains	300	L.F.
A-5	Special Backfill - Sanitary Lateral	1,500	TON
A-6	Sanitary Lateral Unr Set Up	20	Ea.
A-7	4 Inch Sanitary Lateral Unred	1,800	L.F.
A-8	4 Inch Sanitary Lateral Pipe Burst	4,700	L.F.
A-9	Lateral Pipe Burst Set Up and Inside Reconnect	30	Ea.
A-10	Lateral Pipe Burst Set Up and Outside Reconnect at Foundation	19	Ea.
A-11	Outside Spot Excavation for Pipe Burst Lateral	25	Ea.
A-12	4 Inch Outside Cleanout with Cap (Excavate and Install)	25	Ea.
A-13	4 Inch Outside Cleanout with Cap (Open Trench Installation)	25	Ea.
A-14	4 Inch Inside Cleanout with Cap	30	Ea.
A-15	Floor Drain	15	Ea.
A-16	Interior 4 Inch Bend / Wye	90	Ea.
A-17	Interior Fernco Connection	90	Ea.
A-18	Redi-Crete Floor Restoration	150	Ea.
A-19	4 Inch Rigid Insulation (2" Wide)	500	L.F.
A-20	Pre-Construction Lateral Televising	80	Ea.
A-21	Post-Construction Lateral Televising	120	Ea.

SUB-TOTAL (Items A-1 through A-21, Inclusive)

BID QUANTITIES		FINAL QUANTITIES	
Unit Price	Total	Qty	Total
\$26,007.50	\$26,007.50	1.00	\$26,007.50
\$182.94	\$36,588.00	42.50	\$7,774.95
\$377.00	\$169,650.00	20.00	\$7,540.00
\$552.24	\$165,672.00	0.00	\$0.00
\$17.17	\$25,755.00	1,026.30	\$17,621.58
\$588.83	\$11,776.60	33.00	\$19,431.39
\$91.00	\$163,800.00	968.00	\$88,088.00
\$9.09	\$42,723.00	5,531.00	\$50,276.79
\$5,726.70	\$171,801.00	20.00	\$114,534.00
\$5,726.70	\$108,807.30	31.00	\$177,527.70
\$818.10	\$20,452.50	6.00	\$4,908.60
\$1,090.80	\$27,270.00	10.00	\$10,908.00
\$272.70	\$6,817.50	53.00	\$14,453.10
\$109.08	\$3,272.40	12.00	\$1,308.96
\$109.08	\$1,636.20	1.00	\$109.08
\$21.82	\$1,963.80	40.00	\$872.80
\$16.36	\$1,472.40	37.00	\$605.32
\$21.82	\$3,273.00	54.00	\$1,178.28
\$12.12	\$6,060.00	0.00	\$0.00
\$116.15	\$9,292.00	81.00	\$9,408.15
\$106.05	\$12,726.00	89.00	\$9,438.45
\$1,016,816.20		\$561,992.65	

ALTERNATE BID | PLANK ROAD WATER LATERALS

Item	Description	Qty	Unit
A-22	Mobilization / Bonding / Insurance - Water Laterals	1	L.S.
A-23	1 Inch Water Service - Pulled	1,800	L.F.
A-24	1 Inch Water Service - Pulled with Sanitary Lateral	1,400	L.F.
A-25	1 Inch Water Service - Excavated	300	L.F.
A-26	Special Backfill - Water Service	1,600	TON
A-27	1 Inch Water Service Set	51	Ea.
A-28	Remove and Replace Water Shut Off Box and Rod	33	Ea.
A-29	4 Inch Rigid Insulation (2" Wide)	500	L.F.

SUB-TOTAL (Items A-22 through A-29, Inclusive)

BID QUANTITIES		FINAL QUANTITIES	
Unit Price	Total	Qty	Total
\$25,755.00	\$25,755.00	1.00	\$25,755.00
\$56.56	\$101,808.00	284.00	\$16,063.04
\$6.06	\$8,484.00	2,349.00	\$14,234.94
\$66.66	\$19,998.00	979.50	\$65,293.47
\$17.17	\$27,472.00	626.66	\$10,759.75
\$3,280.54	\$167,307.54	51.00	\$167,307.54
\$1,187.76	\$39,196.08	27.00	\$32,069.52
\$11.11	\$5,555.00	4.00	\$44.44
\$395,575.62		\$331,527.70	

ALTERNATE BID A | PLANK ROAD PAVEMENT / RESTORATION / MISCELLANEOUS

Item	Description	Qty	Unit
A-30	Mobilization / Bonding / Insurance - Pavement & Restoration	1	L.S.
A-31	Traffic Control	1	L.S.
A-32	Inlet Protection	13	Ea.
A-33	Ditch Checks	12	Ea.
A-34	Remove and Replace 6 Inch Concrete Driveways	1,000	S.F.
A-35	6.5 Inch Concrete (Plank Road Lower Layer)	400	S.Y.
A-36	2-1/2 Inch HMA 4 MT 58-28 S (Plank Road Surface Layer)	400	S.Y.
A-37	Remove and Replace 3 Inch HMA Trail/Driveway 4 LT 58-28 S	800	S.Y.
A-38	Remove and Replace 30 Inch Concrete Curb and Gutter	400	L.F.
A-39	Base Aggregate Dense, 3/4 Inch for Shouldering	250	TON
A-40	3 Inch Topsoil, Seed and E-Mat	4,000	S.Y.
A-41	Pavement Marking - Yellow Epoxy	200	L.F.
A-42	Pavement Marking - White Epoxy	400	L.F.

SUB-TOTAL (Items A-30 through A-42, Inclusive)

TOTAL (Items A-1 through A-42, Inclusive)

BID QUANTITIES		FINAL QUANTITIES	
Unit Price	Total	Qty	Total
\$18,685.00	\$18,685.00	1.00	\$18,685.00
\$24,745.00	\$24,745.00	1.00	\$24,745.00
\$136.35	\$1,772.55	13.00	\$1,772.55
\$126.25	\$1,515.00	0.00	\$0.00
\$9.79	\$9,790.00	457.00	\$4,474.03
\$89.20	\$35,680.00	197.00	\$17,572.40
\$17.68	\$7,072.00	197.00	\$3,482.96
\$29.67	\$23,736.00	1,011.00	\$29,996.37
\$67.45	\$26,980.00	231.00	\$15,580.95
\$35.35	\$8,837.50	0.00	\$0.00
\$9.09	\$36,360.00	4,300.00	\$39,087.00
\$3.48	\$696.00	0.00	\$0.00
\$3.48	\$1,392.00	0.00	\$0.00
\$197,261.05		\$155,396.26	
\$1,609,652.87		\$1,048,916.61	

CHANGE ORDER #1

Item	Description	Qty	Unit
1.1	Pedestrian Barrier	2,654	L.F.
1.2	Nut Replacement - Excavation	16	Ea.
1.3	Nut Replacement - Through Existing Valve Box	16	Ea.

TOTAL CHANGE ORDER 1

BID QUANTITIES		FINAL QUANTITIES	
Unit Price	Total	Qty	Total
\$12.70	\$33,705.80	2,654.00	\$33,705.80
\$2,900.00	\$46,400.00	0.00	\$0.00
\$1,900.00	\$30,400.00	32.00	\$60,800.00
\$110,505.80		\$94,505.80	

EXTRA

Item	Description	Qty	Unit
E-1	Remove Two Trees - 1684 and 1806 Plank Rd (Onsite)		L.S.
E-2	Cost - Abandon WS with Repair Sleeve		Ea.
E-3	Reinstatement Cost During CIPP Installation		Ea.
E-4	Post Construction Sanitary Main Line Clean & Televis (5262.7')		L.S.
E-5	Post Construction Heavy Cleaning		L.S.
E-6	Parcel #121325501 - Remove Grout from Sanitary Lateral		L.S.
E-7	Parcel #121042515 - Remove Grout from Sanitary Lateral		L.S.
E-8	Abandon Sanitary Lateral - Speedy Clean Liner		Ea.
E-9	Clean Line to Remove Deposits by Leaking Lateral Joint - Speedy		L.S.
E-10	Rebar for Concrete Driveways		S.F.
E-11	Scott Lamers Invoice #5659 - 1418 Plank Road Lateral		L.S.

TOTAL EXTRA

TOTAL CONTRACT

BID QUANTITIES		FINAL QUANTITIES	
Unit Price	Total	Qty	Total
\$5,250.00	\$0.00	1.00	\$5,250.00
\$3,500.00	\$0.00	2.00	\$7,000.00
\$335.00	\$0.00	2.00	\$670.00
\$3,000.00	\$0.00	1.00	\$3,000.00
\$2,775.00	\$0.00	1.00	\$2,775.00
\$630.00	\$0.00	1.00	\$630.00
\$315.00	\$0.00	1.00	\$315.00
\$1,550.00	\$0.00	4.00	\$6,200.00
\$315.00	\$0.00	1.00	\$315.00
\$1.00	\$0.00	457.00	\$457.00
\$14,905.16	\$0.00	1.00	\$14,905.16
\$0.00		\$41,517.16	
\$1,720,158.67		\$1,184,939.57	

AMEND FOX CROSSING MUNICIPAL CODE CHAPTER §400 EROSION CONTROL AND STORMWATER MANAGEMENT

The Village Board of the Village of Fox Crossing do ordain as follows:

Part I. Chapter §400 Erosion Control and Stormwater Management, is hereby amended to read as follows (amendment in red):

§400-1(C) Authority.

- C. The Village Board, Village of Fox Crossing, hereby designates the Department of Community Development and Department of Public Works to administer and enforce the provisions of this article.

§400-4(A) Applicability and jurisdiction.

A. Applicability.

- (1) Where not otherwise limited by law, this article applies to all construction sites, unless the site is otherwise exempt under Subsection A(2) or (3).
 - (a) A permit is required for a construction site with 4,000 square feet or greater of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this article for a permitted site, including § 400-7B performance standards, § 400-8 permit requirements, and § 400-9 plan requirements.
 - (b) A permit is not required for a construction site with less than 4,000 square feet of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this article for a nonpermitted site, including § 400-7A performance standards.
 - (c) Notwithstanding the applicability requirements in Subsection A(1)(a) and (b), a permit is required for a construction site with less than 4,000 square feet of land disturbing construction activity if the Director of Community Development and/or Director of Public Works determines that permit coverage is needed in order to improve ordinance compliance, meet targeted performance standards, or protect waters of the state. If a permit is required, the responsible party shall comply with all applicable provisions of this article for a permitted site, including § 400-7B performance standards, § 400-8 permit requirements, and § 400-9 plan requirements.

§400-5 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADMINISTERING AUTHORITY

A governmental employee or a regional planning commission empowered under §61.354, Wis. Stats., that is designated by the Village Board, Village of Fox Crossing, to administer this article

and for the purpose of this article shall be the Director of Community Development and/or Director of Public Works.

BUSINESS DAY

A day the office of the Department of Community Development or Department of Public Works is routinely and customarily open for business.

DEPARTMENT OF COMMUNITY DEVELOPMENT or DEPARTMENT OF PUBLIC WORKS or DEPARTMENTS

The Department of Community Development and/or Department of Public Works, Village of Fox Crossing.

DIRECTOR OF COMMUNITY DEVELOPMENT or DIRECTOR OF PUBLIC WORKS or DIRECTORS

The Director of Community Development or the Director of Public Works, Village of Fox Crossing, and for the purpose of this article shall be the administering authority.

MEP or MAXIMUM EXTENT PRACTICABLE

The highest level of performance that is achievable but is not equivalent to a performance standard identified within this article. "Maximum extent practicable" applies when the permit applicant demonstrates to the Director of Community Development and/or Director of Public Works' satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

PERMIT

A written authorization made by the Department of Community Development or Department of Public Works to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

STOP-WORK ORDER

An order issued by the Director of Community Development, Director of Public Works, or ~~his~~ their designee, which requires that all construction activity on the site be stopped.

§400-6(B) Technical standards.

- B. Other standards. Other technical standards not identified or developed in Subsection A may be used provided that the methods have been approved by the Director of Community Development, Director of Public Works, or ~~his~~ their designee.

§400-7(B) Performance standards.

- B. Permitted sites.

- (1) Responsible party. The landowner or other person performing services to meet the performance standards of this article, through a contract or other agreement with the landowner, is a responsible party and shall comply with this article.
- (2) Plan. A written erosion and sediment control plan shall be developed and implemented by the responsible party in accordance with § 400-9. The erosion and sediment control plan shall meet all of the applicable requirements contained in this article.
- (3) Requirements. The erosion and sediment control plan shall meet all of the following:
 - (a) The plan shall use BMPs to prevent or reduce all of the following:
 - [1] The deposition of soil from being tracked onto streets by vehicles.
 - [2] The discharge of sediment from disturbed areas into stormwater inlets.
 - [3] The discharge of sediment from disturbed areas into adjacent waters of the state.
 - [4] The discharge of sediment from drainageways that flow off the site.
 - [5] The discharge of sediment by dewatering activities.
 - [6] The discharge of sediment eroding from soil stockpiles existing for more than seven days.
 - [7] The discharge of sediment from erosive flows at outlets and in downstream channels.
 - [8] The discharge of on-site chemicals, cement and other building compounds and materials into waters of the state or off-site separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this article.
 - [9] The discharge of untreated wash water from vehicle and wheel washing into waters of the state or off-site separate storm sewers.
 - (b) For sites with one acre or more of land disturbing construction activity, the plan shall meet the following sediment performance standards
 - [1] Best management practices that, by design, discharge no more than five tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - [2] Except as provided in Subsection B(6), the Director of Community Development or Director of Public Works may not require any person to employ more BMPs than are needed to meet the five tons per acre per year sediment

performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the sediment performance standard. The Director of Community Development or **Director of Public Works** may give credit toward meeting the sediment performance standard for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

[3] Notwithstanding Subsection B(3)(b)[1] and [2], if BMPs cannot be designed and implemented to meet the five tons per acre per year sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) The plan shall incorporate all of the following preventative measures:

[1] Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

[2] Minimization of soil compaction and preservation of topsoil.

[3] Minimization of land disturbing construction activity on slopes of 20% or more.

[4] Development of spill prevention and response procedures.

(4) Location. Best management practices shall be located so that treatment occurs before runoff enters waters of the state and off-site separate storm sewers. However, projects that require BMP placement in waters of the state, such as a turbidity barrier, are not prohibited by this article.

(5) Implementation. The BMPs used to comply with this article shall be implemented as follows:

(a) In accordance with the plan developed pursuant to § 400-9, the erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) Best management practices that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(6) Targeted performance standards. The Director of Community Development **and/or Director of Public Works** may establish numeric water quality requirements that are more stringent than those set forth in this section in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.

§400-8 Permitting requirements, procedures and fees.

- A. Permit required. When a permit is required, no responsible party may commence a land disturbing construction activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Department of Community Development.
- B. Permit application and fees. When a permit is required, at least one responsible party desiring to undertake a land disturbing construction activity subject to this article shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of § 400-9 and shall pay an application fee as set forth in § 400-10 to the Department of Community Development. By submitting an application, the applicant is authorizing the Director of Community Development, **Director of Public Works**, or **his their** designee, to enter the site to obtain information required for the review of the erosion and sediment control plan.
- C. Review and approval of permit application. The Village Engineer, **and** Director of Community Development, **Director of Public Works**, or **his-their** designee, shall review any permit application that is submitted with an erosion and sediment control plan and the required fee. The following approval procedure shall be used:
 - (1) Within 20 business days of the receipt of a complete permit application, as required by Subsection B, the Village Engineer shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this article.
 - (2) If the permit application and plan are approved, the Department of Community Development shall issue the permit.
 - (3) If the permit application or plan is disapproved, the Village Engineer shall state in writing the reasons for disapproval.
 - (4) The Village Engineer or Director of Community Development, or **his-their** designee, may request additional information from the applicant. If additional information is submitted, the Village Engineer or Director of Community Development, or **his their** designee, shall have 20 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (5) Failure by the Village Engineer or Director of Community Development, or **his their** designee, to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

- D. Financial guarantee. As a condition of approval and issuance of the permit, the Village Engineer or Director of Community Development, or ~~his~~ **their** designee, may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- E. Permit requirements. All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The Director of Community Development **and/or the Director of Public Works** may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Community Development **or Director of Public Works** to suspend or revoke this permit may be appealed in accordance with §400-13.
- (1) Notify the Village Engineer, ~~and~~ Department of Community Development, **and Department of Public Works** within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the Village Engineer, ~~and~~ Department of Community Development, **and Department of Public Works** of completion of any BMPs within 10 business days after their installation.
 - (3) Obtain permission in writing from the Director of Community Development **and/or Director of Public Works** prior to any modification pursuant to §400-9C of the erosion and sediment control plan.
 - (4) Install any BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (6) Repair and siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
 - (7) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inch or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.

(8) Allow the Director of Community Development, **Director or Public Works**, or ~~his~~ **their** designee, to enter the site for the purpose of inspecting compliance with the erosion and sediment control or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.

(9) The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.

- F. Permit conditions. Permits issued under this section may include conditions established by the Village Engineer and/or the Director of Community Development **or Director of Public Works** in addition to the requirements set forth in Subsection E, where needed to assure compliance with the performance standards in §400-7.
- G. Permit duration. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Director of Community Development may extend the period one or more times for up to an additional 180 days. The Director of Community Development may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this article.
- H. Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this article until the site has undergone final stabilization.

§400-11 Inspection.

Whenever land disturbing construction activities are being carried out, the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee, may enter the land pursuant to the provisions of §66.0119(1), (2), and (3), Wis. Stats.

§400-12 Enforcement.

- A. The Building Official **or Director of Public Works** may post a stop-work order if any of the following occurs:
- (1) Any land disturbing construction activity is being undertaken without a permit and, pursuant to §400-4A of this article, a permit is required for the construction site.
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (3) The conditions of the permit are not being met.
 - (4) Any land disturbing construction activity is in violation of this article.
- B. If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit

conditions, the Director of Community Development or Director of Public Works may revoke the permit.

- C. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Department of Community Development or Department of Public Works, or if no responsible party violations a stop-work order posted under Subsection A, the Director of Community Development and/or Director of Public Works may request the Village Attorney to obtain a cease-and-desist order in any court with jurisdiction.
- D. The Director of Community Development and/or Director of Public Works may retract the stop-work order issued under Subsection A or the permit revocation under Subsection B.
- E. After posting a stop-work order under Subsection A, the Director of Community Development and/or Director of Public Works may issue a notice of intent to the responsible party of his intent to perform work, or have work performed on ~~his~~ their behalf, necessary to comply with this article. The Director of Community Development and/or Director of Public Works may go on the land and commence the work, or have the work commenced on ~~his~~ their behalf, after issuing the notice of intent. The costs of the work performed under this article by the Village of Fox Crossing, or its designee, plus interest at the rate authorized by the Village shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, the Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subchapter VII of Ch. 66, Wis. Stats.
- F. Any person violating any of the provisions of this article shall be subject to a forfeiture, as set forth in Chapter A450, Fines and Penalties, reference this Code section, and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- G. Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction pursuant to §61.35, Wis. Stats. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings.

§400-13 Appeals.

A. Appeals. The Village Board:

- (1) Shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Department of Community Development and/or Department of Public Works in administering this article except for cease-and-desist orders obtained under §400-12C;
- (2) Upon appeal, may authorize variances from the provisions of this article which are not contrary to the public interest and where owing to special conditions a literal enforcement of provisions of this article will result in unnecessary hardship; and

(3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who may appeal. Appeals to the Village Board may be taken by any aggrieved person or by any office, department, board, or commission of the Village of Fox Crossing affected by any decision of the Department of Community Development **and/or Department of Public Works**.

§400-16(C) Authority.

C. The Village Board, Village of Fox Crossing, hereby designates the Department of Community Development **and/or Department of Public Works** to administer and enforce the provisions of this article.

§400-19(A) Applicability and jurisdiction.

A. Applicability.

(1) Where not otherwise limited by law, this article applies to all post-construction sites, unless the site is otherwise exempt under Subsection A(2).

(2) A post-construction site that meets any of the following criteria is exempt from the requirements of this article:

(a) One- or two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance.

(b) Nonpoint discharges from agricultural activity areas.

(c) Nonpoint discharges from silviculture activities.

(d) Mill and crush operations.

(3) Notwithstanding the applicability requirements in Subsection A(1), this article applies to postconstruction sites of any size that, in the opinion of the Director of Community Development **and/or Director of Public Works**, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

§400-20 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS DAY

A day the office of the Department of Community Development **or Department of Public Works** is routinely and customarily open for business.

DEPARTMENT OF COMMUNITY DEVELOPMENT or DEPARTMENT OF PUBLIC WORKS or DEPARTMENTS

The Department of Community Development and/or Department of Public Works, Village of Fox Crossing.

DIRECTOR OF COMMUNITY DEVELOPMENT or DIRECTOR OF PUBLIC WORKS or DIRECTORS

The Director of Community Development or the Director of Public Works, Village of Fox Crossing, and for the purpose of this article shall be the administering authority.

FILTERING LAYER

Soil that has at least a three-foot-deep layer with at least 20% fines or at least a five-foot-deep layer with at least 10% fines or an engineered soil with an equivalent level of protection as determined by the Director of Community Development and/or Director of Public Works for the site.

MEP or MAXIMUM EXTENT PRACTICABLE

The highest level of performance that is achievable but is not equivalent to a performance standard identified within this article. "Maximum extent practicable" applies when the permit applicant demonstrates to the Director of Community Development and/or Director of Public Works' satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

STOP-WORK ORDER

An order issued by the Department of Community Development or Department of Public Works which requires that all construction activity on the site be stopped.

§400-21(C) Technical standards.

- C. Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Director of Community Development or Director of Public Works.

§400-22(C) Performance standards.

- C. Requirements. The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (1) Water quality. Best management practices shall be designed, installed and maintained to control pollutants carried in runoff from the post-construction site. The design shall be based on the average annual rainfall, as compared to no runoff management controls.

(a) For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance, the following is required:

[1] Except as provided in Subsection C(1)(a)[2] and [3], a pollutant reduction is required as follows:

[Chart]

[2] A pollutant reduction is not required for routine maintenance areas that are part of a post-construction site with less than five acres of disturbance.

[3] With approval from the Director of Community Development **and/or Director of Public Works**, a post-construction site draining into a Village of Fox Crossing owned regional pond meets the pollutant reduction requirement.

(b) For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce the pollutant load using BMPs from the Village of Fox Crossing Stormwater Reference Guide. These sites are not required to satisfy a numeric performance standard.

(c) Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after December 31, 2007, are required to satisfy the performance standards within Subsection C(1)(a)[1] and [2].

(d) The amount of pollutant control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

(e) When designing BMPs, runoff draining to the BMP from off-site areas shall be taken into account in determining the treatment efficiency of the practice. Any impact on the BMP efficiency shall be compensated for by increasing the size of the BMP accordingly. The pollutant load reduction provided by the BMP for an off-site area shall not be used to satisfy the required on-site pollutant load reduction, unless otherwise approved by the Director of Community Development **or Director of Public Works** in accordance with Subsection E.

(f) If the design cannot meet the water quality performance standards of Subsection C(1)(a) through (e), the stormwater management plan shall include a written, site-specific explanation of why the water quality performance standard cannot be met and why the pollutant load will be reduced only to the maximum extent practicable. Except as provided in Subsection F, the Director of Community Development **or Director of Public Works** may not require any person to exceed the applicable water quality performance standard to meet the requirements of maximum extent practicable.

(2) Peak discharge. Best management practices shall be designed, installed and maintained to control peak discharges from the post-construction site.

- (a) For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance, the following is required:

[1] The peak post-development discharge rate shall not exceed the peak predevelopment discharge rate for the one-, two-, ten-, and one-hundred-year, twenty-four hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.

[2] TR-55 methodology, Atlas 14 precipitation depths, and the MSE3 or MSE4 distribution shall be used for peak discharge calculations, unless the administering authority approves the TP-40 precipitation depths and Type II distribution. The meanings of hydrologic soil group and runoff curve numbers are as determined in TR-55. Unless the site is currently woodland, peak pre-development discharge rates shall be determined using the following runoff curve numbers for a "meadow" vegetative cover:

[Chart]

- (b) For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the Village of Fox Crossing Stormwater Reference Guide. These sites are not required to satisfy a numeric performance standard.
- (c) Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after December 31, 2007, are required to satisfy the performance standards within Subsection C(2)(a)[1] and [2].
- (d) The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- (e) When designing BMPs, runoff draining to the BMP from off-site areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The peak discharge reduction provided by the BMP for an off-site area shall not be used to satisfy the required on-site peak discharge reduction, unless otherwise approved by the Director of Community Development or Director of Public Works in accordance with Subsection E.
- (f) An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of nonerosive discharge velocities and reasonable downstream conveyance.
- (g) Exemptions. The peak discharge performance standards do not apply to the following:

[1] A transportation facility where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.

- [2] Except as provided under Subsection C(2)(d) to (f), a highway reconstruction site.
- [3] Except as provided under Subsection C(2)(d) to (f), a transportation facility that is part of a redevelopment project.
- (3) Infiltration. Best management practices shall be designed, installed, and maintained to infiltrate runoff from the post-construction site, except as provided in Subsection C(3)(h) through (l).
- (a) For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance, the following shall be required:
- [1] Low imperviousness. For development up to 40% connected imperviousness, such as parks, cemeteries, and low-density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the post-construction site is required as an effective infiltration area.
- [2] Moderate imperviousness. For development with more than 40% and up to 80% connected imperviousness, such as medium- and high-density residential, multifamily development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.
- [3] High imperviousness. For development with more than 80% connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the postconstruction site is required as an effective infiltration area.
- (b) Pre-development condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meanings of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. The actual pre-development vegetative cover and the following pre-development runoff curve numbers shall be used:

[Chart]

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- (c) For post-construction sites with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the Village of Fox Crossing Stormwater Reference Guide. These sites are not required to satisfy a numeric performance standard
 - (d) Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after December 31, 2007, are required to satisfy the performance standards within Subsection C(3)(a) and (b).
 - (e) The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
 - (f) When designing BMPs, runoff draining to the BMP from off-site areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The runoff volume reduction provided by the BMP for an off-site area shall not be used to satisfy the required on-site runoff volume reduction, unless otherwise approved by the Director of Community Development or Director of Public Works in accordance with Subsection E.
 - (g) Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with Subsection C(3)(n). Pretreatment options shall include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
 - (h) Source area prohibitions. Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of Subsection C(3) unless demonstrated to meet the conditions of Subsection C(3)(n):
 - [1] Areas associated with a Tier 1 industrial facility identified in § NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, and parking. Rooftops may be infiltrated with the concurrence of the Director of Community Development.
 - [2] Storage and loading areas of a Tier 2 industrial facility identified in § NR 216.21(2)(b), Wis. Adm. Code.
 - [3] Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the Director of Community Development or Director of Public Works.
 - (i) Source area exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these sources is optional:

[1] Parking areas and access roads less than 5,000 square feet for commercial development.

[2] Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under Subsection C(3)(h).

[3] Except as provided under Subsection C(3)(e), redevelopment and routine maintenance areas.

[4] Infill development areas less than five acres.

[5] Roads in commercial, industrial and institutional land uses, and arterial residential roads.

[6] Except as provided under Subsection C(3)(e), transportation facility highway reconstruction and new highways.

(j) Prohibition. Infiltration practices may not be located in the following areas:

[1] Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

[2] Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within the separation distances listed in § NR 812.08, Wis. Adm. Code, for any private well or non-community well for runoff infiltrated from commercial, including multifamily residential, industrial, and institutional land uses or regional devices for one- and two-family residential development.

[3] Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.

(k) Separation distances.

[1] Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the following:

[Chart]

[2] Notwithstanding Subsection C(3)(k)[1], applicable requirements for injection wells classified under Ch. NR 815, Wis. Adm. Code, shall be followed.

(l) Infiltration rate exemptions. Infiltration practices located in the following areas may be credited toward meeting the requirement under the following conditions, but the decision to infiltrate under these conditions is optional:

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- [1] Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inch per hour using a scientifically credible field test method.
- [2] Where the least permeable soil horizon to five feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- (m) Alternate uses. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by Subsection C(3).
- (n) Groundwater standards.
- [1] Infiltration systems designed in accordance with this Subsection C(3) shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Ch. NR 140, Wis. Adm. Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
- [2] Notwithstanding Subsection C(3)(n)[1], the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- (o) Where the conditions of Subsection C(3)(h) through (l) limit or restrict the use of infiltration practices, the performance standard of Subsection C(3) shall be met to the maximum extent practicable.

§400-22(F) Targeted performance standards. The Director of Community Development and/or Director of Public Works may establish numeric water quality requirements that are more stringent than those set forth in Subsection C in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.

§400-22(G) Alternate requirements. The Director of Community Development and/or Director of Public Works may establish stormwater management requirements more stringent than those set forth in this section if the Director of Community Development and/or Director of Public Works determine(s) that an added level of protection is needed to protect sensitive resources. Also, the Director of Community Development and/or Director of Public Works may establish stormwater management requirements less stringent than those set forth in this section if the Director of Community Development and/or Director of Public Works determine(s) that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements

promulgated in rules by the Wisconsin Department of Natural Resources under Ch. NR 151, Wis. Adm. Code.

§400-23(C) and (D) Permitting requirements, procedures and fees.

- C. Review and approval of permit application. The Department of Community Development shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (1) Within 20 business days of the receipt of a complete permit application, including all items as required by Subsection B, the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee, shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.
 - (2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made pursuant to § 400-22E, the Director of Community Development shall issue the permit.
 - (3) If the stormwater permit application, plan or maintenance agreement is disapproved, the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee, shall detail in writing the reasons for disapproval.
 - (4) The Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee, may request additional information from the applicant. If additional information is submitted, the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee, shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee, to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- D. Permit requirements. All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The Director of Community Development **and/or Director of Public Works** may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Community Development **and/or Director of Public Works** to suspend or revoke this permit may be appealed in accordance with §400-29.
- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

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- (2) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.
- (3) The responsible party shall notify the Director of Community Development **and Director of Public Works** at least 10 business days before commencing any work in conjunction with the stormwater management plan, and within 10 business days upon completion of the stormwater management practices. If required as a special condition under Subsection E, the responsible party shall make additional notification according to a schedule set forth by the Director of Community Development **and Director of Public Works** so that practice installations can be inspected during construction.
- (4) Practice installations required as part of this article shall be certified as built by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee to determine if they are in accordance with the approved stormwater management plan and this article. The Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (5) The responsible party shall notify the Director of Community Development **and Director of Public Works** of any significant modifications it intends to make to an approved stormwater management plan. The Director of Community Development **and/or Director of Public Works** may require that the proposed modifications be submitted to ~~him~~ **them** for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village of Fox Crossing or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan and consents to a special assessment or charge against the property as authorized under Subchapter VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under §400-26.
- (8) If so directed by the Director of Community Development **or Director of Public Works**, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee for the purpose of

inspecting the property for compliance with the approved stormwater management plan and this permit.

(10) Where site development or redevelopment involves changes in direction or increases in peak rate and/or total volume of runoff from a site, the Director of Community Development ~~and/or Director of Public Works~~ may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(11) The responsible party is subject to the enforcement actions and penalties detailed in §400-28, if the responsible party fails to comply with the terms of this permit.

(12) The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.

- E. Permit conditions. Permits issued under this section may include conditions established by the Director of Community Development in addition to the requirements needed to meet the performance standards in § 400-22 or a financial guarantee as provided for in § 400-26.
- F. Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the Director of Community Development or ~~his~~ **their** designee notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection D(4).
- G. Alternate requirements. The Director of Community Development may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 400-22E or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

§400-24(B) Stormwater management plan.

- B. Alternate requirements. The Director of Community Development may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 400-22E or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

§400-25(B) and (C) Maintenance agreement.

- B. Agreement provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by §400-23B:
 - (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

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- (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under §400-23B.
 - (3) Identification of the responsible party(ies), organization or Village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan required under §400-23B.
 - (4) Requirement for the responsible party(ies), organization, or Village shall maintain stormwater management practices in accordance with the schedule included in Subsection B(2).
 - (5) Authorization for the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) Agreement that the party designated under Subsection B(3) as responsible for long-term maintenance of the stormwater management practices shall be notified by the Director of Community Development **or Director of Public Works** of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Community Development **or Director of Public Works**.
 - (8) Authorization of the Director of Community Development, **Director of Public Works**, or ~~his~~ **their** designee to perform the corrective actions identified in the inspection report if the responsible party designated under Subsection B(3) does not make the required corrections in the specified time period. The Director of Finance shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Ch. 66, Wis. Stats.
- C. Alternate requirements. The Director of Community Development may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under § 400-22E or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

§400-28 Enforcement.

- (A) Any land disturbing construction activity or post-construction runoff initiated after December 31, 2007, by any person, firm, association, or corporation subject to the provisions of this article shall be deemed a violation unless conducted in accordance with the requirements of this article.

- (B) The Director of Community Development **and/or Director of Public Works** shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (C) Upon receipt of written notification from the Director of Community Development **and/or Director of Public Works** under Subsection B, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Community Development **and/or Director of Public Works** in the notice.
- (D) If the violations of a permit issued pursuant to this article are likely to result in damage to properties, public facilities, or waters of the state, the Director of Community Development **and/or Director of Public Works** may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Community Development **and Director of Public Works** plus interest and legal costs shall be billed to the responsible party.
- (E) The Director of Community Development, **Director of Public Works**, or ~~his~~**-their** designee is authorized to post a stop-work order on all land disturbing construction activity that is in violation of this article, or to request the Village Attorney to obtain a cease-and-desist order in any court with jurisdiction.
- (F) The Director of Community Development **or Director of Public Works** may revoke a permit issued under this article for noncompliance with ordinance provisions.
- (G) Any permit revocation, stop-work order, or cease-and-desist order shall remain in effect unless retracted by the Director of Community Development **or Director of Public Works** or by a court with jurisdiction.
- (H) The Director of Community Development **and Director or Public works are is** authorized to refer any violation of this article, or of a stop-work order or a cease-and-desist order issued pursuant to this article, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (I) Any person, firm, association, or corporation who does not comply with the provisions of this article shall be subject to a forfeiture as set forth in Chapter A450, Fines and Penalties, reference this Code section, per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (J) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings. Injunctive orders are authorized pursuant to §61.35, Wis. Stats.

(K) When the Director of Community Development and/or Director of Public Works determines that the holder of a permit issued pursuant to this article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Director of Community Development, Director of Public Works, or a party designated by the Director of Community Development or Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Community Development, Director of Public Works, or ~~his~~ their designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to §400-26 of this article. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

§400-29 Appeals.

A. Appeals. The Village Board:

- (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Community Development and/or Director of Public Works in administering this article.
- (2) Upon appeal, may authorize variances from the provisions of this article that are not contrary to the public interest and where owing to special conditions a literal enforcement of this article will result in unnecessary hardship.
- (3) Shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.

B. Who may appeal. Appeals to the Village Board may be taken by any aggrieved person or by an officer, department, board, or commission of the Village of Fox Crossing affected by any decision of the Director of Community Development and/or Director of Public Works.

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: July 28, 2025

Date Adopted: _____

Requested by: Joseph Hoechst, Director of Public Works

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Salinas, Village Clerk

RES #250811-2

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$5,201,376.51

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

Pending:	
General Fund	\$ 4,539,664.50
Special Revenue Fund	\$ 62,319.46
Debt Fund	\$ -
Capital Projects Fund	\$ 106,380.49
Water Fund	\$ 32,627.07
Sewer Fund	\$ 10,492.70
Stormwater Fund	\$ 47,638.43
Trust & Agency Fund	\$ -
Special Processed Payments	\$ 402,253.86
Total:	<u>\$ 5,201,376.51</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 11th day of August, 2025.

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

Dale A. Youngquist, Village President

Attest: Darla M. Salinas, Village Clerk

VILLAGE OF FOX CROSSING
2000 Municipal Drive
Neenah, WI 54956

EXPENDITURE SUMMARY

For Accounts Payable Period Ending: August 5, 2025
For Village Board Meeting of: August 11, 2025

REGULAR PROCESSED CHECKS

	AMOUNT
General Fund	\$4,539,664.50
Special Revenue Funds	\$62,319.46
Debt Fund	\$0.00
Capital Projects Fund	\$106,380.49
Water Fund	\$32,627.07
Sewer Fund	\$10,492.70
Stormwater Fund	\$47,638.43
Trust & Agency Fund	\$0.00
Total Bills for	<u>\$4,799,122.65</u>

SPECIAL PROCESSED PAYMENTS

CHECK #	PAYEE		DEPT. /PURPOSE	AMOUNT
	Village Specials	7/23-8/5/2025	**See Attached Listing**	\$83,387.39
ACH	Employee Benefits Corp	7/23-8/5/2025	Flex Spending Claims	\$1,213.37
ACH	North Shore	7/31/2025	Deferred Comp	\$1,450.00
ACH	WDC	8/1/2025	Deferred Comp	\$7,010.14
54490-54494	Payroll	7/31/2025	Payroll	\$528.23
ACH	Payroll	7/31/2025	Payroll	\$221,669.73
ACH	Payroll	7/31/2025	Taxes	\$86,995.00
Total Special Processed Payments				<u>\$402,253.86</u>
GRAND TOTAL				<u><u>\$5,201,376.51</u></u>