



Fox Crossing Community Development Department
2000 Municipal Drive Neenah, WI 54956
Phone (920) 720-7105 Fax (920) 720-7116
www.foxcrossingwi.gov

**VILLAGE OF FOX CROSSING
PLANNING COMMISSION MEETING
WEDNESDAY, June 20, 2018 @ 5:15 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. Rezoning – Parcel 121018202 – A-2 to I-1
2. TID No. 4 Project Plan and Boundary

APPROVAL OF MINUTES – May 16, 2018

NEW BUSINESS

1. Certified Survey Map – Parcel 121018202
2. Rezoning – Parcel 121018202 – A-2 to I-1
3. TID No. 4 Project Plan and Boundary
4. 4-Lot Certified Survey Map – Jacobsen Meadows 2
5. Valley Inn Motel License Renewal

OTHER BUSINESS

1. Comprehensive Plan
2. Development Activity Report

COMMUNICATIONS

1. Sustainability Committee Report

PUBLIC FORUM: Non-Agendized Village Related Matters

Pursuant to WI Statutes 19.83(2) & 19.84(2), the public may present matters; however, they cannot be discussed or acted upon. Limited to ten minutes - non-repetitive matters.

ADJOURNMENT

If you have any questions, please call (920) 720-7105 for information. You may also access the staff recommendations on the website, www.foxcrossingwi.gov. From the main page, click "Meetings," then "Agendas." The recommendation is posted on the website the Thursday or Friday preceding the Plan Commission meeting.

PLEASE NOTE: It is possible that members of and possibly a quorum of Village Board members or other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body other than the governmental body specifically referred to on the agenda above.

The Commission reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administration Office at (920) 720-7101.

**VILLAGE OF FOX CROSSING
PLANNING COMMISSION MEETING
WEDNESDAY, MAY 16, 2018 at 5:15 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

CALL TO ORDER: Chairperson Jochman called the Planning Commission meeting of May 16, 2018 to order at 5:15 p.m.

PRESENT: Chairperson: Chair Dennis Jochman
Commissioners: Mr. Tom Young, Mr. Michael Dillon, Mr. Morris Cox, Mr. Michael Scheibe

Staff: George Dearborn, Community Development Director
Ria Hull, Associate Planner

EXCUSED: Mr. Aaron Sabel, Ms. Tracy Romzek

ALSO PRESENT: Village Manager Jeffrey Sturgell; Planning Intern Cory Leemon

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Rezoning – Parcel 121018202 – A-2 to I-1

A motion was made by Mr. Cox, seconded by Mr. Dillon, to open the public hearing for Parcel 121018202.

The motion carried – 5-0

Director Dearborn said that staff and the applicant agreed to postpone this item until the next Planning Commission meeting so that a Certified Survey Map could be completed and submitted in conjunction with the rezoning.

A motion was made by Mr. Cox, seconded by Mr. Dillon, adjourn the public hearing until the June 20th Planning Commission meeting.

The motion carried – 5-0

APPROVAL OF MINUTES – April 18, 2018

A motion was made by Mr. Cox, seconded by Mr. Dillon, to approve the meeting minutes of April 18, 2018.

The motion carried – 4-0-1 (Mr. Scheibe abstaining)

Plan Commission
May 16, 2018

NEW BUSINESS

Item 1 - Rezoning – Parcel 121018202 – A-2 to I-1

Item postponed.

OTHER BUSINESS

Update on Comprehensive Plan – Review Public Input Meeting

Andrew Bremer gave a brief update on the Comprehensive Plan status. He said that we are scheduling the public hearing with the Planning Commission for the July 18th meeting, with anticipated adoption by the Village Board at their July 23rd meeting.

Mr. Bremer said about 30-35 people attended the public input meeting on April 30th. He reviewed the action rankings as well as the future land use comments that were received at that meeting with the Commission. He said that the average highest ranked action was implementation of the bike/ped improvements found in the bike/ped plan.

Mr. Dillon asked whether there were comments on the safety of bike/ped facilities. He also asked whether there was feedback on the overall plan.

Mr. Bremer said concerns about bike/ped safety issues showed up during the future land use exercise.

Ms. Hull said she has heard many people say that the plan is easy to read and understand.

Mr. Cox asked about alternative modes of transportation, like neighborhood electric vehicles, and whether the plan addresses that.

Ms. Hull said that the Village is open to alternative means of transportation, but that we could strengthen the language supporting them.

Mr. Young mentioned that he was surprised by the action items that ranked in the top three.

Ms. Hull said that people will rank things higher based on what they can individually relate to.

The future land use comments were reviewed. The Commission decided to make one change based on the feedback: the area off of Irish Road just south of Hwy 10 and west of the church property is being changed from medium to low-density residential.

Development Activity Report

Director Dearborn said that development continues to be up from last year.

Plan Commission
May 16, 2018

COMMUNICATIONS

Sustainability Committee Report

Director Dearborn said that the e-recycling was a success again. Ms. Hull said that we collected almost 23,000 lbs of electronics and had 301 cars come through.

PUBLIC FORUM

ADJOURNMENT:

A motion was made by Mr. Cox, seconded by Mr. Scheibe, to adjourn.

The motion carried – 5-0

6:20 p.m.

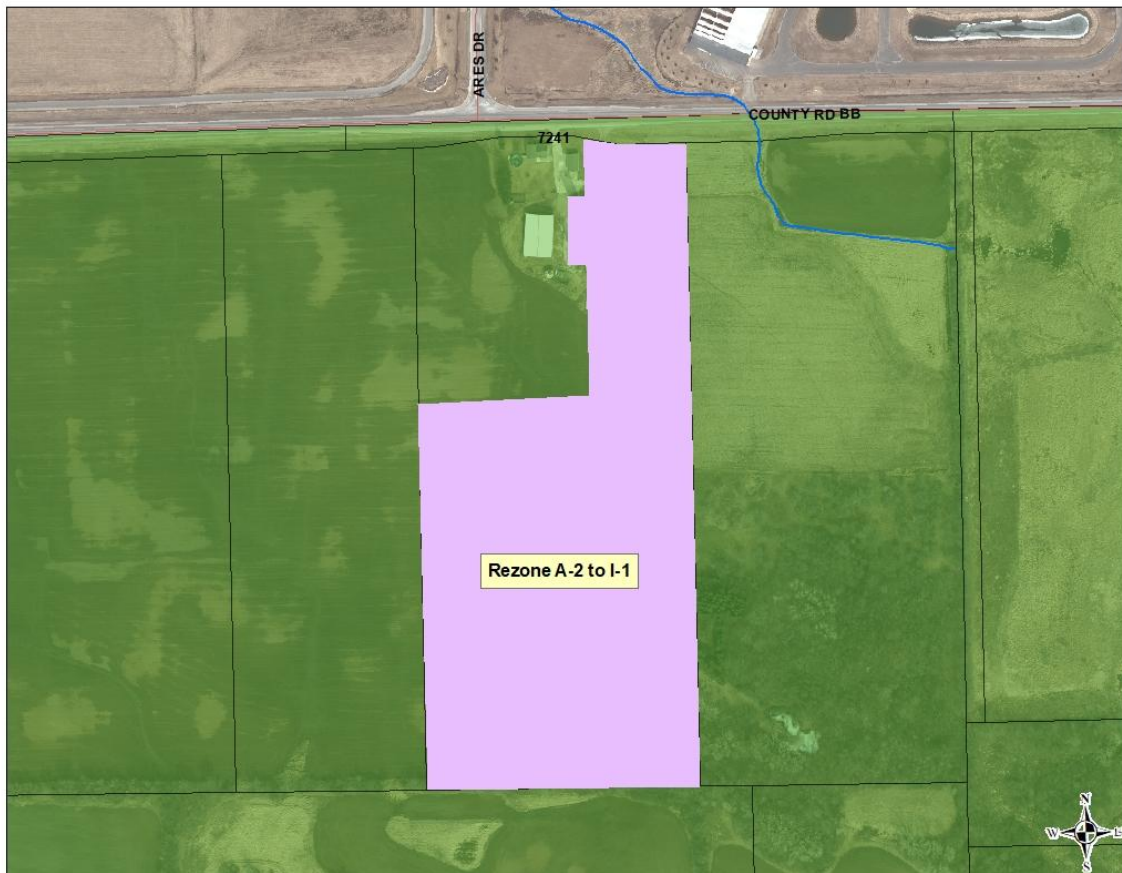
Ria Hull,
Recording Secretary

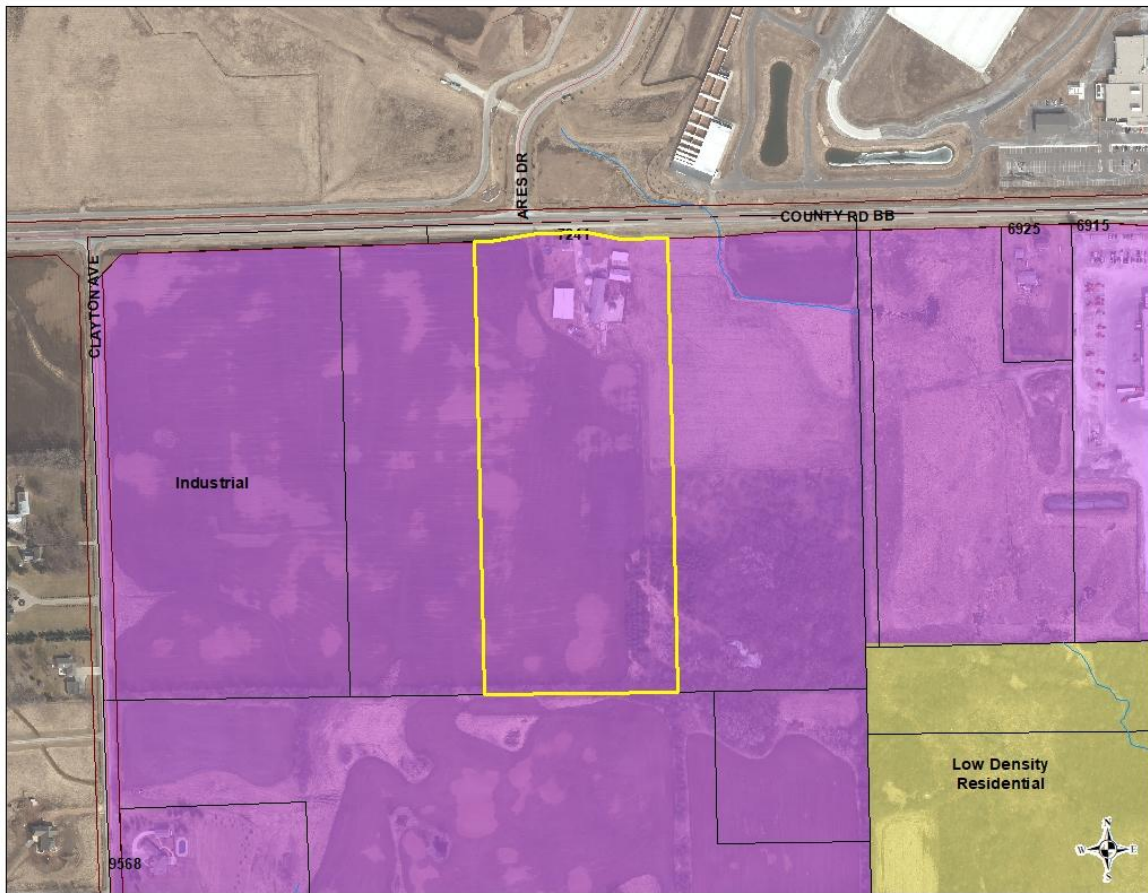
MEMO

Date: June 12, 2018
To: Village Planning Commission Members
From: Community Development Department Staff
RE: New Business Item 1 & 2 – CSM & Rezoning – Parcel 121018202

Overview

The petitioner, Prospect Properties, LLC, is requesting approval of a rezoning for parcel 121018202 near the southeast corner of the intersection of County Rd. BB and Clayton Ave. The request is to rezone it from A-2 (General Agriculture) to I-1 (Light Industrial). The current Zoning Map is below and the Future Land Use Map is on page two. As you can see, this rezoning request is consistent with the Future Land Use Map’s industrial designation (this property is also designated industrial on the “future” Future Land Use Map that we are currently working on).





Update

This rezoning came before the Planning Commission in May, but the petitioner asked to have action delayed while a CSM was drawn up to spit off the home at the north end of the parcel. The desire is to continue using this as a residence, so the parcel needs to remain in A-2 zoning because residential uses are not allowed in industrial zoning. The new CSM is on the third page. The five acre lot on the northwest corner (Lot 1) is the lot that is to remain in A-2 zoning and the remainder (Lot 2) is being rezoned to I-1.

Staff Recommendation

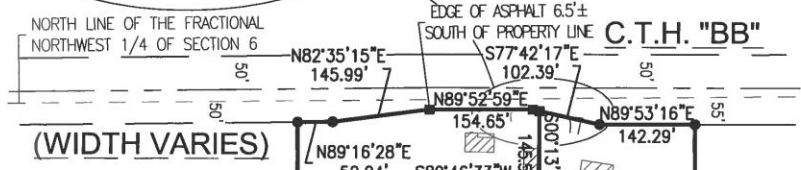
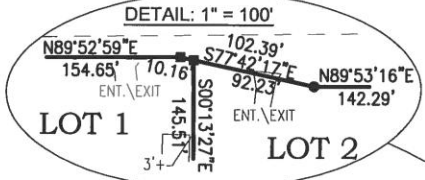
Staff recommend approval of the Certified Survey Map for parcel 121018202 with the following conditions:

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

Staff also recommend approval of the rezoning from A-2 to I-1.

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE NORTHEAST 1/4 OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 17 EAST, VILLAGE OF FOX CROSSING, WINNEBAGO COUNTY, WISCONSIN



OWNERS OF RECORD:
PROSPECT PROPERTIES, LLC
PARCEL ID: 121018202



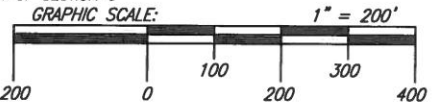
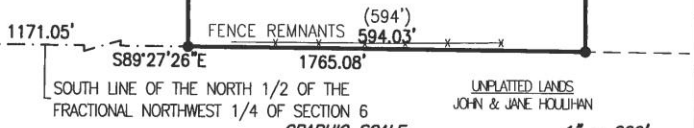
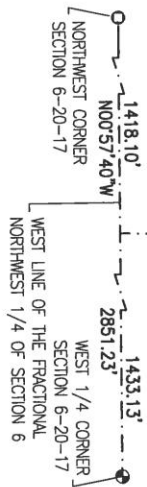
Robert F. Reider 6-8-18

ROBERT F. REIDER, PLS-1251 DATED
CAROW LAND SURVEYING CO., INC.
615 N. LYNNDALE DR., P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE: (920)731-4168
A1805.16-1
DRAFTED BY: (cep RDD)

UNPLATTED LANDS
RANDY & PAMELA MUELLER

UNPLATTED LANDS
JOHN & LARRY MUELLER ET AL.

- LEGEND:**
- = 3/4" X 18" IRON REBAR SET, WEIGHING 1.502 LBS. PER LIN. FT.
 - ⊗ = CUT CROSS SET
 - = MAG NAIL SET
 - = MAG NAIL IN DISK FOUND
 - ⊙ = ALUMINUM MONUMENT
 - () = RECORDED AS
 - ⊕ = FUEL TANK
 - ⊕ = WELL
 - x- = EXISTING FENCE



NORTH IS REFERENCED TO THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 17 EAST, VILLAGE OF FOX CROSSING, WINNEBAGO COUNTY, WISCONSIN WHICH BEARS N00°57'40"W PER THE WISCONSIN COUNTY COORDINATE SYSTEM (WINNEBAGO COUNTY)

MEMO

Date: June 12, 2018
To: Village Planning Commission Members
From: Village Manager Sturgell
RE: New Business Item 3 - TID No. 4 Project Plan and Boundary

DEVELOPER AGREEMENT & TID No. 4 TALKING POINTS

1. The Developer, JMAE Holdings, LLC, doing business as Women's Care of Wisconsin, S.C., desires to construct a new women's care medical clinic within the Village of Fox Crossing.
2. Developer warrants and represents to the Village that the Project will contain at least 36,800 square feet of space and the that total development costs (real estate and construction) expended on the Project will be not less than \$15,000,000.
3. Developer anticipates that construction of the Project will commence in the fall of 2018 and that the Project will be completed on or about December 31, 2019. The Developer will have until December 31, 2019 to complete the project to qualify for the developer incentive from the Village.
4. Developer warrants and represents to the Village that but for the developer incentive being provided by the Village that the Developer would not proceed with the Project.
5. The Village will provide a development investment in an amount equal to the lesser of:
 - a) One Million Two Hundred Fifty Thousand Dollars (\$1,250,000); or
 - b) Ten percent (10%) of the equalized value growth (from January 1 of the year the project is first fully assessed, minus the base value of the property on January 1 of 2018).
6. The Village shall pay the development incentive to the Developer in annual installments—each annual installment shall be equal in amount to ninety percent (90%) of the Tax Increments attributable to and actually received from the property during the preceding calendar year.
7. Developer incentive will be paid off in 5 ½ to 6 years with proceeds from the increment.
8. The Developer Agreement will be contingent upon the successful creation of Tax Increment District (TID) #4.
9. The territory of the TID consists of approximately 6.94 acres located on the northeast corner of the intersection of Olde Buggy Drive and West American Drive. The TID consists of parcel #121022402.

10. The Project Plan for TID #4 includes \$350,000 for the Village to conduct potential road and traffic flow improvements near the TID area. The TID is economically feasible.
11. The Developer Agreement is currently under review of legal counsel, and will be available for review soon.

RES #180620-1:PLAN

A RESOLUTION DESIGNATING THE PROPOSED DISTRICT BOUNDARIES AND APPROVING THE PROJECT PLAN FOR VILLAGE OF FOX CROSSING TAX INCREMENT DISTRICT NO. 4

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the Tax Increment Law) provides the authority and establishes procedures for creating tax increment districts and approving project plans; and

WHEREAS, the Village of Fox Crossing Planning Commission did schedule, gave notice of and on June 20, 2018 held a public hearing, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Increment District No. 4, the Project Plan, and the district boundaries; and

WHEREAS, the Planning Commission, after due consideration of the findings of the Project Plan and testimony provided at the public hearing, has determined that creation of Tax Increment District No. 4 within the proposed boundaries described in Exhibit A, incorporated herein, will provide the Village of Fox Crossing the opportunity to promote mixed-use development and strengthen the economic well-being of the entire community by spurring creation of new jobs and tax base; and

WHEREAS, the Village of Fox Crossing Attorney has provided a written opinion that the Project Plan for Tax Increment District No. 4 contains the necessary information, is complete and complies in all respects with the requirements of Section 66.1105 of the Wisconsin Statutes; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, before the Village Board may create a tax increment district, the Planning Commission must designate the boundaries of said district, approve the project plan of said district, and submit to the Village Board its recommendation concerning the creation of said district.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the Village of Fox Crossing as follows:

1. That the Planning Commission hereby designates the boundaries specified in Exhibit A, incorporated herein, as the boundaries of Tax Increment District No. 4, and recommends that said district be created by the Village Board of the Village of Fox Crossing within the area enclosed by said boundaries.
2. That the Planning Commission hereby adopts such Project Plan for Tax Increment District No. 4, incorporated herein as Exhibit B, and recommends to the Village Board of the Village of Fox Crossing that it approve such Project Plan.
3. That the Planning Commission finds that the creation of Tax Increment District No. 4 promotes the economic well-being and orderly development of the Village and hereby recommends that the Village Board of the Village of Fox Crossing adopt a resolution and thereby formally create Tax Increment District No. 4 and approve its Project Plan in accordance with the provisions of the Tax Increment Law.

Planning Commission: _____Aye _____Nay _____Excused _____Abstained

ADOPTED this 20th day of June, 2018

Requested by: George L. Dearborn Jr., AICP, Director of Community Development

Submitted by: Aaron Sabel, Planning Commission Chairman

Aaron Sabel,
Planning Commission Acting Chairman

Attest: George L. Dearborn Jr., AICP
Director of Community Development

Exhibit A: Boundary Description of Tax Increment District No. 4

Legal Description
Village of Fox Crossing TID No. 4

A parcel described as Lot 1 of CSM 4595 consisting of 6.96 acres all as part of the southwest, northeast Section 8, Township 20 North Range 17 East, Village of Fox Crossing, Winnebago County.

Parcel Map
Village of Fox Crossing TID No. 4

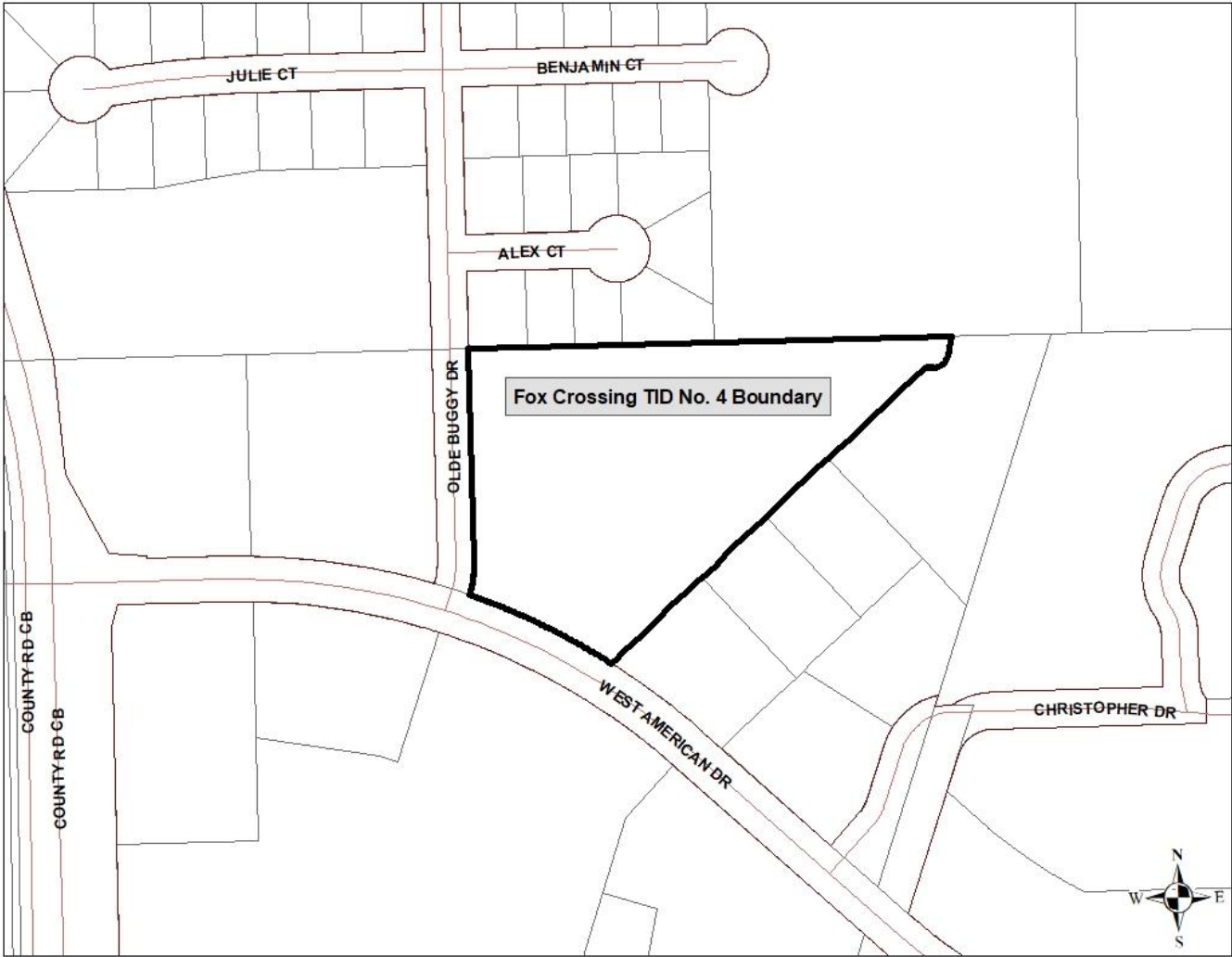


Exhibit B: Project Plan for Tax Increment District No. 4

PROJECT PLAN

TAX INCREMENT DISTRICT NO. 4

VILLAGE OF FOX CROSSING

Draft June 7, 2018

Village of Fox Crossing

Joint Review Board Organizational Meeting:	June 14, 2018
Public Hearing:	June 20, 2018
Tax Increment District Creation Resolution Approval:	July 9, 2018
Joint Review Board Final Approval:	TBD

Village of Fox Crossing Officials

Village Board

Dale A. Youngquist, Village President
Michael Van Dyke, Trustee 1
Kris Koeppe, Trustee 2
Gregory Ziegler, Trustee 3
Mark Englebert, Trustee 4
Dale McNamee, Trustee 5
Barbara Hanson, Trustee 6

Village Staff

Jeffrey Sturgell, Village Manager
Karen Backman, Village Clerk
Myra Piergrossi, Finance Director
George Dearborn, AICP, Director of Community Development
Ria Hull, AICP, Associate Planner

Planning Commission

Dennis Jochman, Chair
Morris Cox
Michael Scheibe
Michael Dillon
Tracy Romzek
Aaron Sabel
Thomas Young

Joint Review Board

Dale A. Youngquist, Village Representative
Mark Harris, Winnebago County
Amy Van Straten, Fox Valley Technical College
Andrew Thorson, Neenah Joint School District
Bill Breider, Public Member

PROJECT PLAN - SUMMARY FINDINGS

TAX INCREMENT DISTRICT NO. 4 – VILLAGE OF FOX CROSSING

District Name:	Tax Increment District No. 4 – Village of Fox Crossing
Location:	A 6.96 acre parcel bounded by Olde Buggy Drive on the west and West American Drive on the south as shown on the location map attached to this project plan.
Effective Date:	July 9, 2018
Purpose:	Promote mixed use development to strengthen the economic well-being of the entire community, by spurring creation of new jobs and tax base.
Project Costs:	\$1.65 million of public investment in site grading, water and sanitary sewer system improvements, storm water management system improvements, electric service, gas service, communications infrastructure, street improvements, lighting, sidewalks, professional and organizational services, administrative costs, finance costs, and developer cash grants as appropriate.
Project Financing:	General Fund transfers and developer’s financial notes with repayment primarily funded from property tax increments generated by new tax base growth in the District. The financing also includes the issuance of General Obligation notes to fund infrastructure improvements.
Projected Revenues:	Village of Fox Crossing Tax Increment District No. 4 is projected to generate from \$9 to \$13 million of new tax base through its maximum life period (2038). It will generate an estimated \$3.5 to \$4.8 million in tax increment during that same period.
Economic Feasibility:	Wisconsin law provides that Tax Increment Districts created for mixed use development purposes are allowed up to 15 years to incur project costs and up to 20 years to collect incremental tax revenue. Based on projected expenditure and revenue levels, all obligations of Tax Increment District No. 4 will be paid in full during calendar year 2028. Upon closure and dissolution of the District, all accrued and unencumbered increments will be promptly distributed among the local taxing entities (School District, County, Technical College District, and Village). From that point forward, the tax base that was created as a result of the investment in the District will benefit all the taxing entities and all future tax revenues will be distributed directly to them.

TAX INCREMENT DISTRICT NO. 4 – VILLAGE OF FOX CROSSING

PROJECT PLAN

1. Intent and Purpose

Tax Increment District No. 4 (the “District”) is being created by the Village of Fox Crossing (the “Village”) under the authority granted it by Wisconsin Statutes §66.1105 “Tax Increment Law.” The purpose for creating the District is to promote mixed use development consistent within the meaning of state and local law, and in conformance with the community’s Comprehensive Plan. The District boundaries, as shown in Figure 1, are generally bounded by the Creekside Apartment complex and a navigable stream on the on the east, Olde Buggy Drive on the west, West American Drive on the south, and Village of Fox Crossing Schildt Park and a residential development on the north. The District consists of 6.96 acres. A map of existing uses and conditions in the District is illustrated in Figure 2.

The Village of Fox Crossing encourages and promotes the vitality of the community through initiatives intended to generate new jobs and tax base, while diversifying the local economy. Providing greater employment opportunities and expanding the Village’s tax base helps relieve the tax burden of residents and homeowners. The property to be included in the District is appropriately designated in the “Village of Fox Crossing-Winnebago Comprehensive Plan 2003-2023” for development of commercial/light industrial and mixed uses. By creating a Tax Increment District, the Village will be able to assist with site grading, water and sanitary sewer system improvements, storm water management system improvements, electric service, gas service, communications infrastructure, street improvements, lighting, sidewalks, professional and organizational services, administrative costs, finance costs, and developer cash grants as appropriate. The public investment in the District will promote business expansion and attraction; improve the overall function and appearance of public right-of-way; and, strengthen the economic well-being of the entire community by spurring creation of new jobs and increasing the tax base.

2. Statement of Proposed Costs, Public Works and Improvement Projects

Proposed project activities in the District are listed below. Any costs directly or indirectly related to the project activities are considered project costs eligible to be paid with tax increment revenues generated in the District. Project activities could include, but are not limited to:

- Site development activities including, but not limited to, soil stripping, remediation, erosion controls, filling, grading, landscape screens or buffers, and associated clearing and grading of land.
- Construction and/or reconstruction of sanitary sewer collection systems including, but not limited to, sewer mains, manholes, laterals, force mains, lift stations, and related appurtenances.
- Construction and/or reconstruction of water distribution systems including, but not limited to, water mains, valves, hydrants, service connections, laterals, and related appurtenances.

- Construction and/or reconstruction of public streets and roadways including, but not limited to, right-of-way acquisition, grading, gravel base, curb and gutter, asphalt and/or concrete paving, walkways, terrace grading and seeding, street trees, streetlights, traffic signals, signage, and related appurtenances.
- Construction and/or reconstruction of roadway access improvements, including, but not limited to, roundabouts, intersection improvements, turn lanes, medians, acceleration/deceleration lanes, streetlights, traffic signals, signage, and related appurtenances.
- Construction and/or reconstruction of storm water drainage facilities including, but not limited to storm sewer mains, manholes, inlets, drains, conveyance systems, acquisition of land and construction of retention or detention basins and ponds, and related appurtenances.
- Installation and/or relocation of electric, gas, phone, fiber, and cable service, and the acquisition of associated equipment to service the District.
- Financing costs including, but not limited to, interest, finance fees, bond discounts, redemption premiums, legal opinions, credit ratings, capitalized interest, insurance, and other related expenses.
- Administrative expenses including, but not limited to, reasonable charges for the time spent by Village employees, contracted service providers, consultants, or other professionals directly involved in the implementation of the Project Plan; the costs of conducting traffic impact studies, other necessary studies, publication fees, printing expenses, and fees for financial consultants, attorneys, engineers, planners, surveyors and other service providers; promotion and marketing costs including, but not limited to, professional marketing services, recruitment, promotional services and materials, advertising expenses, and administrative support costs; and, audit costs and other expenses associated with closure and dissolution of the District.
- Environmental audit and remediation costs, if any, related to environmental assessments, the removal, containment, or restoration of soil or groundwater, and associated clearing and grading of land.
- Project costs that are incurred for territory located outside the boundaries of the District. In accordance with Wisconsin Statutes §66.1105(2)(f)1.n, a proportionate share of costs for projects within a one-half mile radius of the District's boundaries may be included as project costs of the District, to the extent that they benefit the District.
- Payments made at the discretion of the Village including, but not limited to, payments that are found to be necessary and convenient to the creation of the District or the successful implementation of the Project Plan including payments to developers to assist with the forgoing activities.

A detailed annual list of proposed public works and improvements is provided in Table 1. The locations of proposed improvements and uses of the District are illustrated in Figure 3. Project costs as outlined in the Project Plan consist of any eligible expenditures made or expected to be made, or monetary obligations incurred or expected to be incurred by the Village or private developers. Project costs, if any, incurred by private developers must be in conformance with development agreements as approved by the Village. Project costs will be offset by any investment proceeds, land sales proceeds, or revenues other than tax increments. All project costs identified in the Project Plan are based on preliminary estimates, and are subject to

change upon completion of design engineering. Prorated costs in the Project Plan are also based on preliminary estimates, and are subject to change based upon actual contract amounts and project implementation. There are no anticipated non-project costs within the District.

The Village intends to finance project costs through General Fund, third-party financing arranged by the developer, and the issuance of General Obligation debt by the Village. Full or partial reimbursement will be primarily funded from property tax increments generated by new tax base growth in the District. Additional revenue sources will include investment proceeds or other revenues. The Village reserves the right to use alternate financing instruments as may be appropriate to ensure the successful implementation of the Project Plan.

Proposed project costs are for those projects identified at the time the District was created. Future development and infrastructure needs may dictate additions or deletions to the project costs schedule. The Village reserves the future right to approve project cost additions or deletions, to the full extent allowed by State law. The Village also reserves the right to implement only those projects that remain economically viable as the eligible expenditure period proceeds in the future.

Table 1 Schedule of Public Works & Improvements and Project Costs		
Project Description	Total Cost	Estimated Timing
• Developer Cash Incentives	\$1,250,000	2019-2026
• Municipal Infrastructure Improvements	\$ 350,000	2021-2024
• Administrative Expenses	\$ 50,000	2019-2038
TOTAL	\$1,650,000	2019-2038

3. Changes in Zoning Ordinances, Master Plan, Building Codes, Maps, Ordinances

The property to be included in the District is appropriately designated in the “Village of Fox Crossing Comprehensive Plan 2003-2023” for development of commercial uses. Various public road and utility improvements will occur in this District. No changes to building codes are proposed.

4. Orderly Development of the Village

Creation of the District contributes to the orderly development of the Village by supporting business expansion, improving the overall function and appearance of public right-of-way, and strengthening the economic well-being of the entire community by spurring creation of new jobs and tax base.

5. Relocation

In the event relocation of persons or businesses would be necessary in the implementation of the Project Plan, the Village would act in accordance with the procedures, payments and benefits as required by Wisconsin Statutes §32.

6. Economic Feasibility

Based on projected expenditure and revenue levels, all obligations of Tax Increment District No. 4 will be paid in full during calendar year 2028, the 10th year of the District. Consequently, the District is economically feasible. Any unpaid obligations of Tax Increment District No. 4 upon closure and dissolution will be forgiven in accordance with the terms of a development agreement.

Projected tax base and growth of the District along with the financing and feasibility plan is provided in Appendix A. Parcel base values are detailed in Appendix B.

Upon closure and dissolution of the District, all accrued and unencumbered increments will be promptly distributed among the local taxing entities (School District, County, Technical College District, State, and Village). Following closure and dissolution, projected after the 10th year of the District, the tax base that was created as a result of the Village's investment in the District will benefit all the taxing entities and all future tax revenues will be distributed directly to them.

Recognizing that all taxing entities involved in the District will accrue significant long-term benefits from the projected success of Tax Increment District No. 4, the Village acknowledges that each entity is also a continuing partner in that they will forego tax benefits on new development in the District until such time as it is dissolved.

Assumptions applied in preparing the financing/feasibility plan of the District were:

- The base value of the District is \$528,600, which was the equalized value of real property within the District boundaries on January 1, 2017.
- Property value is assumed to appreciate at a rate of 0.5% annually throughout the life of the District.
- The equalized tax rate is projected at \$19.91 for 2018, and is assumed to remain level at \$19.91 and continuing throughout the life of the District.

7. Statutory Findings

The following findings provide evidence of compliance with statutory requirements and eligibility for creation of the District under Wisconsin Statutes §66.1105:

- In accordance with §66.1105(4)(gm)4.a., as of the date of creation of the District, not less than 50%, by area, of the real property within the District, is suitable for mixed uses within the meaning of §66.1101, and has been zoned for mixed use.
- In accordance with §66.1105(4)(gm)4.b., the project costs detailed in the Project Plan will enhance significantly the value of all real property in the District, as documented in Appendix A.

- In accordance with §66.1105(4)(gm)4.bm., the project costs of the public works and improvements detailed in the Project Plan (Table 1) directly serve to promote industrial development, consistent with the purpose for which the District is created.
- In accordance with §66.1105(4)(gm)4.c., as of January 1, 2017, the total equalized value of the Village was \$1,576,693,800, indicating that the maximum allowable equalized value of real and personal property proposed to be included as base value in Tax Increment District No.4 may not exceed the following:

\$189,203,256	12% of Village's total equalized value
- \$ 17,563,300	Value of TID #1
- \$ 30,951,100	Value of TID #2
- \$ <u>20,000</u>	Value of TID #3
\$140,668,856	Maximum value allowed

The base value for Tax Increment District No. 4 has been determined at \$528,600 which is well under the maximum allowable amount.

- In accordance with §66.1105(4m)(b) and (c), the Village has presented sufficient proof for a Joint Review Board finding that, but for the use of tax increment financing to overcome excessive infrastructure improvement and property assembly costs, and due to the competitive economic development climate that exists, the development proposed for the District would not occur as proposed, with the same level of value, or within the same timeframe.

Figure 1
Village of Fox Crossing Tax Increment District # 4
District Boundaries

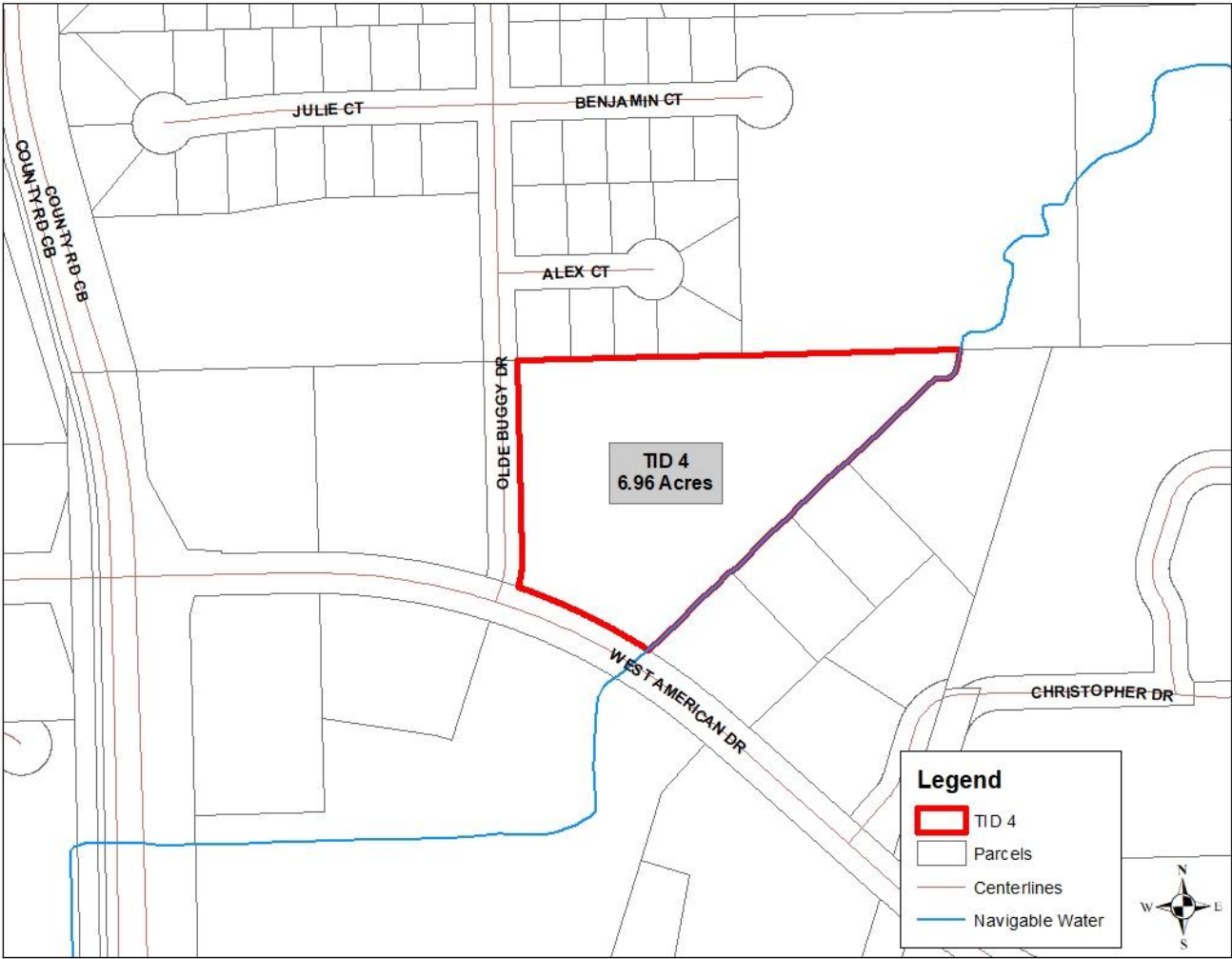
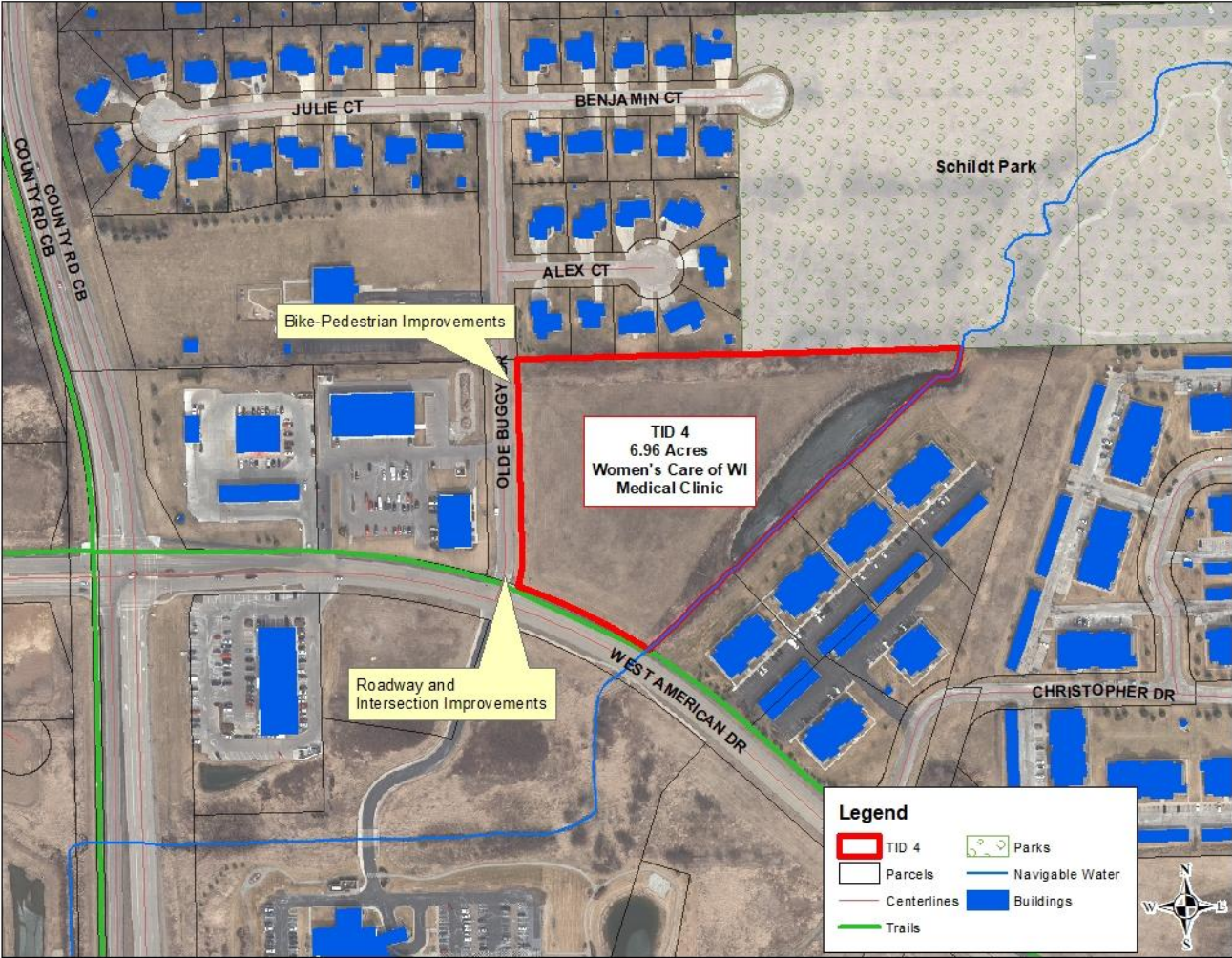


Figure 2 Village of Fox Crossing District # 4 Existing Uses and Conditions

The TID is undeveloped. The surrounding property is a mix of public park land, single-family residential, multi-family residential, commercial and office uses as shown on the map below.



Figure 3
Village of Fox Crossing Tax Increment District # 4
Proposed Improvements and Uses



Appendix A Tax Base and Feasibility (Continued)

Village of Fox Crossing Tax Increment District #4 Cash Flow Proforma Analysis

Year	EXPENDITURES										TID Status			
	(i) Revenues Allocable to Developer 90%	(j) Developer Outlay	(k) Interest Due to Developer EST. RATE= 0.00%	(l) Annual (Shortfall)/ Surplus	(m) Balance Due to Developer	(n) Payment to Developer	(o) Revenues Available to TID	(p) Principal (4/1)	(q) Interest (4/1 @ 10%) 4.00= 3.00%	(r) Debt Service	(s) Other Expenses	(t) Combined Expenditures	(u) Annual Balance	(v) Year End Cumulative Balance (December 31)
2018	\$0						\$0				\$0	\$0	\$0	
2019	\$0	\$950,000		(\$950,000)	(\$950,000)	\$0	\$0				\$5,000	(\$5,000)	(\$5,000)	
2020	\$0			\$0		\$0	\$0				\$5,000	(\$5,000)	(\$10,000)	
2021	\$170,278			\$170,278	(\$170,278)	\$170,278	\$18,920				\$175,278	\$13,920	\$3,920	
2022	\$171,194			\$171,194	(\$171,194)	\$171,194	\$19,022	\$13,125	\$13,125		\$189,319	\$897	\$4,816	
2023	\$172,102			\$172,102	(\$172,102)	\$172,102	\$19,122	\$10,500	\$10,500		\$187,602	\$3,622	\$8,439	
2024	\$173,026			\$173,026	(\$173,026)	\$173,026	\$19,225	\$10,500	\$10,500		\$186,526	\$3,725	\$12,164	
2025	\$173,955			\$173,955	(\$173,955)	\$173,955	\$19,328	\$90,000	\$10,500		\$189,455	\$3,828	\$15,992	
2026	\$174,889			\$174,889	(\$174,889)	\$174,889	\$19,434	\$99,150	\$10,500		\$193,596	\$3,931	\$19,923	
2027				\$69,446	\$0	\$69,446	\$19,548	\$5,025	\$190,025		\$195,025	\$4,033	\$24,956	
2028							\$196,379	\$1,125	\$76,125		\$81,125	\$115,264	\$132,294	Expeditious Recovery
2029							\$197,989				\$81,125	\$192,989	\$325,283	Expeditious Recovery
2030							\$199,993				\$81,125	\$194,993	\$520,276	Expeditious Recovery
2031							\$202,013				\$81,125	\$197,013	\$717,289	Expeditious Recovery
2032							\$204,048				\$81,125	\$199,048	\$916,337	Expeditious Recovery
2033							\$206,098				\$81,125	\$201,098	\$1,117,435	Expeditious Recovery
2034							\$208,163				\$81,125	\$203,163	\$1,320,598	Expeditious Recovery
2035							\$210,245				\$81,125	\$205,245	\$1,525,843	Expeditious Recovery
2036							\$212,342				\$81,125	\$207,342	\$1,733,184	Expeditious Recovery
2037							\$214,455				\$81,125	\$209,455	\$1,942,639	Expeditious Recovery
2038							\$216,584				\$81,125	\$211,584	\$2,154,223	Expeditious Recovery
							\$2,664,148	\$59,925	\$409,925	\$100,000	\$1,459,925			

Example Developer Grant	
Developer Outlay / Repayment Beginning 2019	\$950,000
Developer Outlay.....	\$950,000
Total Int. Due to Developer.....	\$0
Total Payments to Developer.....	\$950,000
Shortfall to Developer.....	\$0

Example New Issue	
G.O. Promissory Notes Dated July 1, 2021	\$350,000
Amount for Projects.....	\$350,000
Capitalized Interest.....	\$0
Cost of Issuance (est.).....	\$0
Rounding.....	\$0
Less: Reoffering Premium.....	\$0

(2) Assumes 90% of revenues allocable to the developer until incentive is repaid.

Robert W. Baird & Co., Incorporated ("Baird") is not recommending any action to you. Baird is not acting as an advisor to you and does not owe you a fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934. Baird is acting for its own interests. You should discuss the information contained herein with any and all internal or external advisors and experts you deem appropriate before acting on the information. Baird seeks to serve as an underwriter (or placement agent) on a future transaction and not as a financial advisor or municipal advisor. The primary role of an underwriter (or placement agent) is to purchase, or arrange for the placement of, securities in an arm's length commercial transaction with the issuer, and it has financial and other interests that differ from those of the issuer. The information provided is for discussion purposes only, in seeking to serve as underwriter (or placement agent). See "Important Disclosures" contained herein.

Appendix B

Parcel Base Equalized Values (January 1, 2017)

<u>Parcel Number</u>	<u>Owner</u>	<u>Land Value</u>	<u>Improvements</u>	<u>Total</u>
121022402	Jeffrey D. Ogden	\$528,600	\$0	\$528,600

Appendix C

Legal Description

Village of Fox Crossing TID # 4

A parcel described as Lot 1 of CSM 4595 consisting of 6.96 acres all as part of the southwest, northeast Section 8, Township 20 North Range 17 East, Village of Fox Crossing, Winnebago County.

Appendix D

Attorney Letter of Approval

800 N. Lynndale Dr.
Appleton, WI 54914
920.739.7366
Fax: 920.739.6352

Green Bay
920.468.7366

New London
920.982.9652

Oshkosh
920.385.0616

June 13, 2018

Village of Fox Crossing
Attn: Jeff Sturgell
2000 Municipal Drive
Neenah, WI 54956

RE: Opinion of the Village Attorney
Tax Incremental District No. 4 – Village of Fox Crossing

Dear Mr. Sturgell:

This opinion relates to the compliance of the proposed Project Plan for Tax Incremental District No. 4 – Village of Fox Crossing, Winnebago County, Wisconsin, with the requirements of § 60.23(32) and § 66.1105(4)(f) and § 66.1105(4)(h) of the Wisconsin Statutes.

I have examined said project plan and find that it is complete and complies in all respects with the requirements of § 66.1105 of the Wisconsin Statutes and in particular it contains the following necessary information:

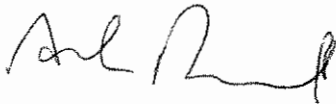
1. A statement as to how the creation of the Tax Incremental District promotes the orderly development of the Village.
2. A statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided by law, outside the district.
3. An economic feasibility study.
4. A detailed list of estimated project costs.
5. A description of the methods of financing all estimated project costs and the time when the costs or monetary obligations related thereto are to be incurred.
6. A map showing existing uses and conditions of real property in the district.

Tyler J. CLARINGBOLE
John D. CLAYPOOL
Greg P. CURTIS
Richard T. ELROD
Paula A. HAMER
Charles J. HARTZHEIM
Kelly S. KELLY
Charles D. KOEHLER
Kevin LONERGAN
Robert B. LOOMIS
Andrew J. ROSSMEISSL
Kristen S. SCHEUERMAN
Michael S. SIDDALL
Kyle J. THELEN
OF COUNSEL
Don R. HERRLING
Roger W. CLARK

7. A map showing proposed improvements and uses in the district.
8. Proposed changes in zoning ordinances, master plan, building codes and Village ordinances.
9. A statement of the proposed method for the relocation of any persons to be displaced.

Accordingly, I believe that the Project Plan complies with all statutory requirements.

Very truly yours,



Andrew J. Rossmeissl
Direct Dial: (920) 882-3219

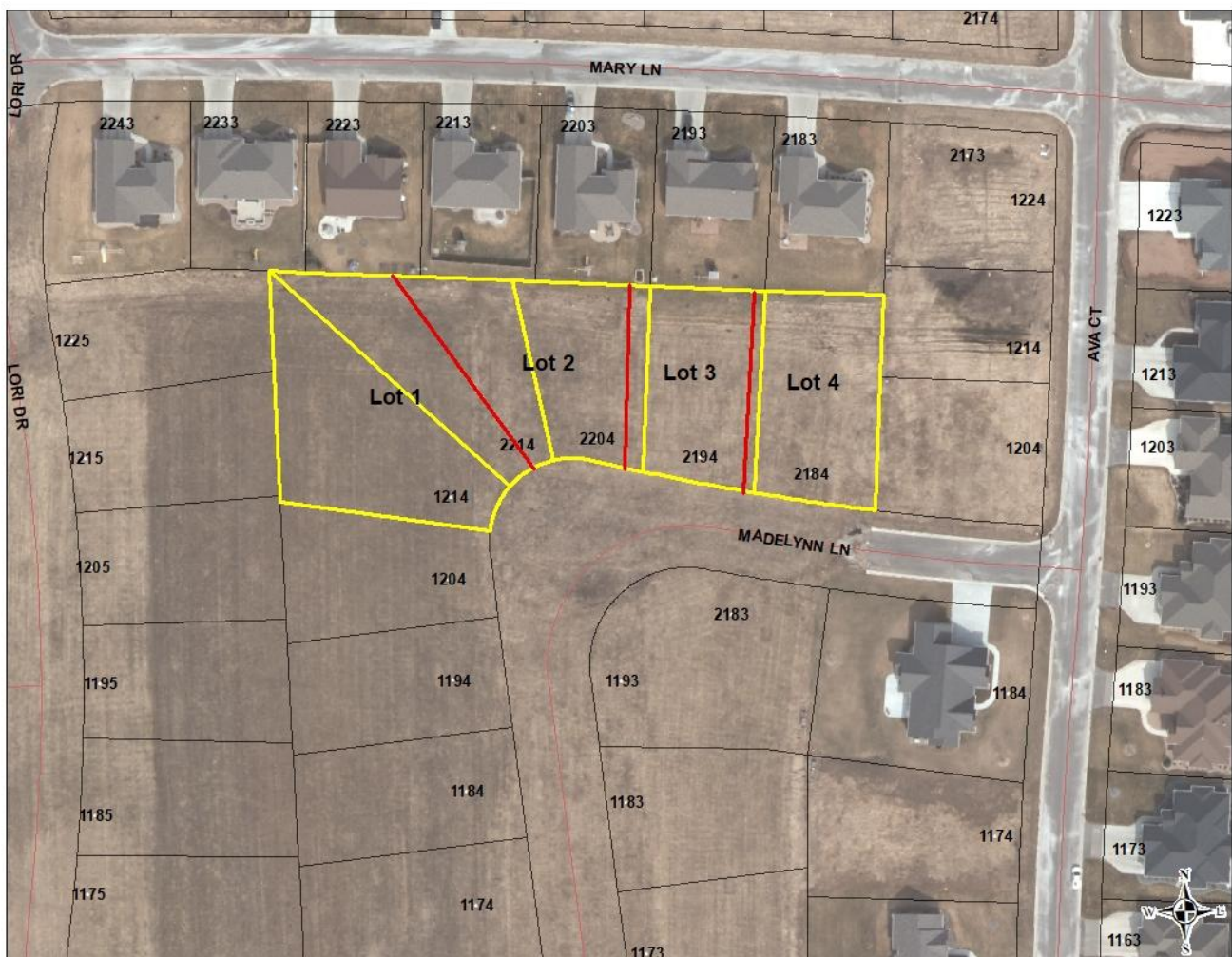
AJR/smw

MEMO

Date: June 7, 2018
To: Village Planning Commission Members
From: Community Development Department Staff
RE: New Business Item 4 – 4-Lot Certified Survey Map – Jacobsen Meadows 2

Overview

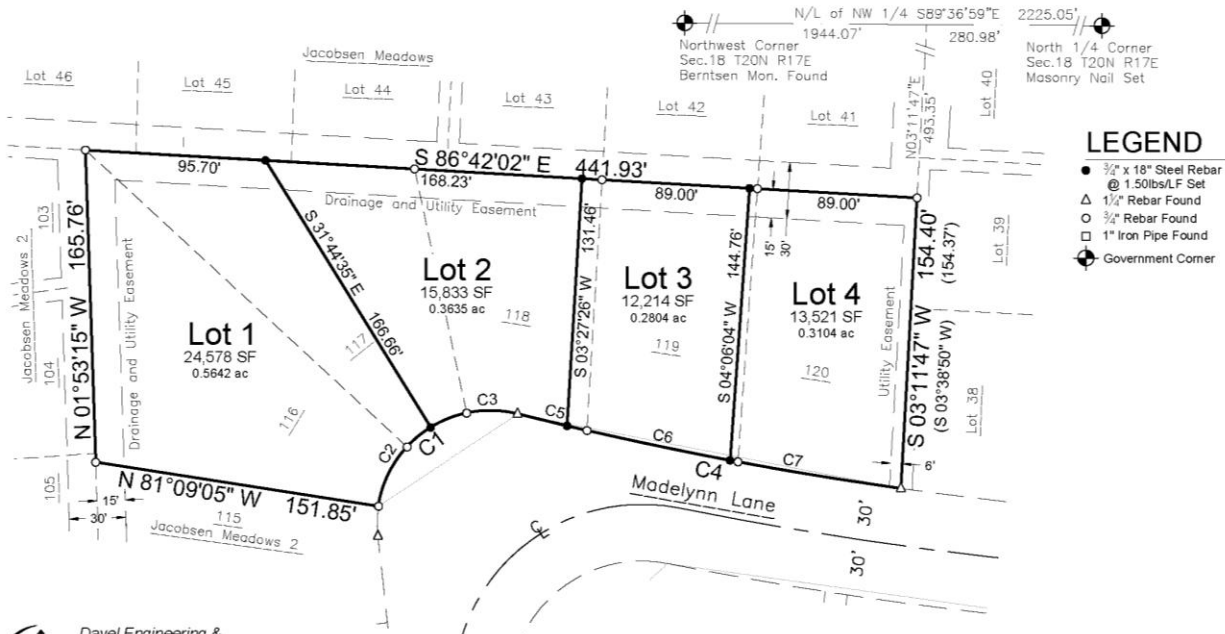
The applicant, Decker Rusch Development, Inc, is requesting approval of a Certified Survey Map for five lots on Madelynn Lane, which are a part of the Jacobsen Meadows 2 subdivision. The current lot lines are in yellow below and the new lot splits are in red. They are taking five lots and turning them into four. The purpose of this is to create lots that are larger and easier to build on. Currently, the two lots on the corner (1214 and 2214 Madelynn) are narrow and triangle-shaped, which creates an oddly shaped building envelope. The CSM is a remedy to this issue. The CSM is on the following page.



Survey for:
 Decker Rusch Development, Inc
 5020 Lansing High Point Lane
 Oshkosh, WI 54904

Certified Survey Map No. _____

All of Lots 116, 117, 118, 119 and 120 being part of the Northeast 1/4 of the Northwest 1/4 of Section 18,
 Township 20 North, Range 17 East, Village of Fox Crossing, Winnebago County, Wisconsin.



LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/LF Set
- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1" Iron Pipe Found
- ⊕ Government Corner

Davel Engineering & Environmental, Inc.
 Civil Engineers and Land Surveyors
 1811 Racine Street
 Menasha, Wisconsin
 Ph. 920-991-1866, Fax 920-830-9995

James R. Sehloff Professional Land Surveyor No. S-2692 Date

File: 2802CSM.dwg
 Date: 06/05/2018
 Drafted By: Jim
 Sheet: 1 of 3

6/5/2018 11:33 AM J:\Projects\2802dec\dwg\Civil 3D\2802CSM.dwg Printed by: jrm

Staff Recommendation

Staff find that this Certified Survey Map complies with the Village of Fox Crossing’s Chapter 6 Land Division Ordinance and recommend approval with the following conditions:

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

MEMO

Date: June 13, 2018
To: Village Planning Commission Members
From: Community Development Department Staff
RE: New Business Item 5 – Valley Inn License Renewal

The Planning Commission has been tasked by the Village Board to process renewal applications for hotel/motel licenses. The Valley Inn's license is up for renewal and the Commission will need to make a decision on whether to approve or deny the application.

Attached to this memo, you will find two separate memos, which will help you make your recommendation on the Valley Inn License renewal. The first is from Manager Sturgell, who provides general background on the Hotel/Motel Ordinance, as well as the licensing issues regarding the Valley Inn specifically. He also gives the Police and Administration perspectives and recommendations. The second memo is from Director Dearborn who will give you the planning and zoning perspective on the issues surrounding the license renewal. Director Dearborn also provides the Community Development Department recommendation.

In addition, I have attached Section 9.13 of the Municipal Code for your reference.

DATE: Thursday, June 7, 2018
TO: Planning Commission
FROM: Village Manager Jeffrey Sturgell

VALLEY INN HOTEL/MOTEL LICENSE RENEWAL

On January 22, 2018, the Village Board approved ordinance amendment #180122-1:ORD, which amended Chapter 9.13 Licenses, Permits & Fees for Hotels and Motels. The amendment tightened various requirements for obtaining and renewing Hotel/Motel licenses within the Village.

One change to the ordinance that impacts the Planning Commission deals with the process for obtaining and renewing a Hotel/Motel license. Under the previous version of the ordinance, the Village Board was the initial reviewer and grantor of the license, and the Planning Commission served as the appeals board for the licensing process. Under the revised ordinance, the Planning Commission now serves as the initial reviewer and grantor of the license, while the Village Board serves as the appeals board.

Hence, this year, the Planning Commission will be the entity that reviews the Valley Inn's renewal license request for the licensing year running from July 1, 2018 through June 30, 2019. As the Valley Inn has had a recent history of licensing troubles, the following information is a brief summary of the status of the Valley Inn's Hotel/Motel license.

In the spring of 2015, the Village sent Mr. David Viaene (the owner of the Valley Inn) a letter describing numerous concerns the Village had with the operation of the motel. Concerns ranged from the number of service calls, to security issues, building inspection notices, fire inspection concerns, Winnebago County health department concerns, and the delinquent payment of room taxes and utility bills. After Mr. Viaene made several corrections to the motel operations, the Board granted a renewal of the Valley Inn motel license for the July 1, 2015 through June 30, 2016 licensing season.

However, in April 2016, the Lake Winnebago Area MEG Unit (the undercover drug unit), made an arrest of one of the Valley Inn managers during an undercover drug trafficking investigation. This incident, along with the concerns from 2015, led to a full review of the Valley Inn's license in June 2016. The Board decided to deny renewal of the license for the July 1, 2016 through June 30, 2017 term. Mr. Viaene immediately hired a lawyer and began the appeal process.

In March 2017, after a lengthy settlement negotiation, the Village Board approved a stipulation agreement with the Valley Inn. The highlights of the agreement are as follows:

- The Valley Inn must terminate the current management of the motel, and replace said management with competent and reasonable staff. The complete management transition must occur by June 1, 2017.
- The Valley Inn shall supply a list of all guests staying longer than five (5) days to the Police Department on the first day of each odd numbered month. The Valley Inn must also provide a list on demand with any Police investigation.
- No guest may stay at the Valley Inn for more than 59 days in any four (4) month period.
- All guests must be notified of the 59 day stay limit upon check in, and a warning shall be provided to guests at least five (5) days prior to the end of their 59 day stay.

- The Valley Inn staff and owners must participate in training by the Police Department for purposes of helping staff identify cases of prostitution, alcohol abuse, drug abuse, and other criminal activity.
- The Valley Inn must report any reasonable suspected cases of prostitution, drug and alcohol abuse, and other criminal behavior without delay. Any report made by Valley Inn staff shall not constitute a call for service unless the activity was caused by the Valley Inn staff itself.
- Within 180 days of this agreement, the Valley Inn must move from a Tier 3 Motel to a Tier 2 Motel. (Tier 3 is 1.0 call per room or more in a one year period. Tier 2 is between .26 and 1.00 calls per room per year).
- Calls for medical assistance and other emergency assistance will not be counted as a “call for service” unless the assistance call resulted from an illegal or disturbance activity.
- The Valley Inn must provide a “resource room” to be used by the Police Department to facilitate the promotion of guest welfare.
- The Valley Inn shall staff the premises with a professionally licensed security guard at least 80 hours per month.
- The Valley Inn must modify the security camera system to provide uniform coverage of the public places, and provide a practical ability to change camera views at a base location.
- The term of the agreement will last for the longer of 1) five (5) years, or 2) as long as Dave Viaene owns, operates, or is involved in any capacity with the Valley Inn.

In June 2017, when the renewal of the Valley Inn’s license was once again before the Board, the Valley Inn had met many of the conditions of the agreement, including the following:

- Terminated Valley Inn management staff and transitioned to new management staff by June 1, 2017.
- Provided the Police Department with the names, addresses, and telephone numbers of guests staying longer than five (5) days.
- Notified guests of the 59-day stay limit upon check-in at the Valley Inn.
- Notified guests of the 59-day stay limit at least five (5) days and no more than thirty (30) days prior to the end of their stay. Guests have been asked to leave, as to not to exceed the 59-day limit.
- Provided the Police Department with a resource room, to facilitate guest meetings for the promotion of guest welfare.
- Staffed the premises with a professionally licensed security guard at least 80 hours per month.

The Valley Inn still had to complete the following terms of the agreement:

- By October 10, 2017, the Valley Inn must complete the conversion from a Tier 3 motel to a Tier 2 motel, as defined by Appendix A of Chapter 9.13 of the Village ordinances.
- The Valley Inn must modify the camera system, add and relocate cameras, and move the recording console and/or monitor to provide uniform coverage and recording of all public areas of the property. They must also add a practical way for the desk/office clerk to change camera views without leaving the room.

In June 2017, the Village Board renewed the Valley Inn’s license for the term July 1, 2017 through June 30, 2018.

As we head into the 2018-2019 licensing period, the Police, Fire, Community Development, Clerk, Finance, and Administration Departments have all reviewed the status of the Valley Inn's compliance with the agreement and Village ordinances. A summary of the findings are as follows:

- The Fire, Clerk, and Finance Departments have no current issues with the Valley Inn, and the Village has not received any concerns recently from the Winnebago County Health Department.
- The Community Development Department has some concerns that are addressed in a separate memo.
- The Police Department has determined that at least one guest at the Valley Inn was allowed to stay longer than the authorized 59 day timeframe during the past licensing period. The Police Department cited the Valley Inn for the incident.
- The Police Department has determined that the Valley Inn has not reached Tier 2 status, and is still at Tier 3 status. However, the trend for the number of service calls continues to improve.
- The Police Department has determined that some improvements in the security camera system have occurred. While the camera system is not yet ideal, some improvements were made since last summer.

One additional note to add is that for the last several years Police Officer Jason Weber had been the primary point of contact between the Village and the Valley Inn. Officer Weber stayed focused on the Valley Inn and kept communication generally open. However, a transitional period occurred in early 2018 when Officer Weber left the Department to take a position at the technical college in Green Bay. Officer Dan Wiechman took over Officer Weber's position, so there was a lag in communication between the Village and the Valley Inn. Officer Wiechman has now reestablished communication and is learning the history of the situation.

Police Department and Administration Recommendation

Ultimately, the Police Department and Administration recommend renewal of the Valley Inn's Hotel/Motel License.

While the Police Department did find an instance of a guest staying longer than 59 days, the Police Department cited the Valley Inn for the infraction, and spoke with Mr. Viaene about the situation. Additionally, while the Valley Inn did not transfer from a Tier 3 to a Tier 2 motel, the calls for service continue to move in a downward direction and the Valley Inn will hopefully move into Tier 2 over the course of the next several months.

Police Officer Dan Wiechman and I will be present at the June 20 Planning Commission meeting to answer any questions the Commission may have regarding the Valley Inn License review.

Community Development Department Recommendation

See the following memo from Director Dearborn.

MEMO

Date: June 13, 2018
To: Village Planning Commission Members
From: George Dearborn, AICP Director of Community Development
RE: Valley Inn Annual License Renewal

Overview

Community Development staff has found multiple issues. Junk was overflowing the two dumpsters on May 8th. On May 31st, a new dumpster was placed in a new location on the property, but again, trash was overflowing and mattresses were placed next to the dumpster. Trash has also blown throughout the property. On June 11th, I took additional pictures of the new dumpsters, which again show it overflowing with two mattresses adjacent to a dumpster. The new pictures are also attached to this memo.

There is limited exterior maintenance including damaged blinds, exterior concrete separating from the building and paint is peeling. A support pole is separating from the ground and potholes are found in the driveway and parking area. Some personal furniture and toys also suggest long term stays.

I did talk with David Viaene, the owner of the motel, last week about these issues. He informed me that the garbage collection problem was due to a change in vendors. He also told me that they will be doing some maintenance, painting and parking lot repair this summer.

Staff Recommendation

Staff find that there are a number of matters that need to be corrected. They are as follows:

1. Upsize or add additional dumpsters or increase pickup frequency to accommodate disposal of trash and garbage.
2. General site clean-up is needed. Trash has blown along the edges of the property and has migrated into the ditches surrounding the property
3. The camera system needs to be updated as requested by the police department.

As noted in Manager Sturgell's memo and the resolution, all Village departments have recommended approval of this license for the Valley Inn with specific conditions. It is my opinion that it is appropriate to renew this license with the condition that all issues are corrected in a timely fashion. I believe that improvements have been made. If the items of concern are not corrected before the next license review, it seems appropriate to consider denial in 2019.

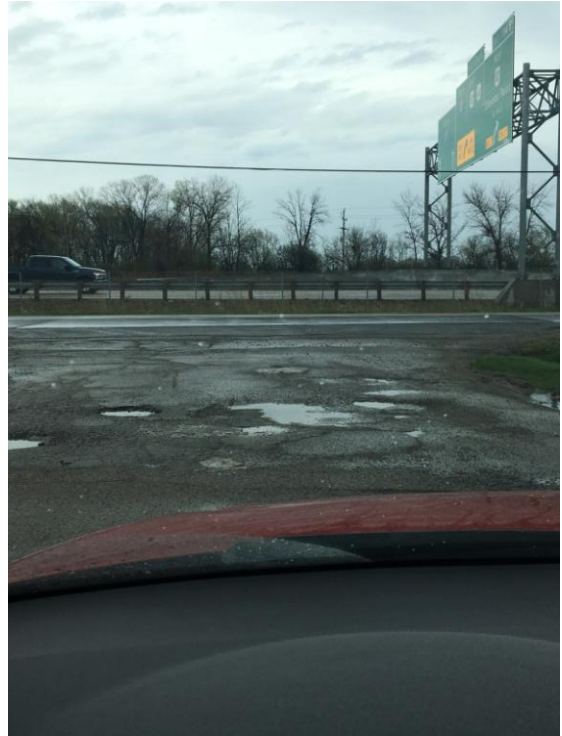
It is important to note that if the situation worsens for this motel, the permit can be revoked during the licensing period for just cause.

If, on the other hand, the Commission feels that there is justification for denial, I recommend that a clear criteria for a denial be incorporated into the Commission's action. The applicant has the right to appeal

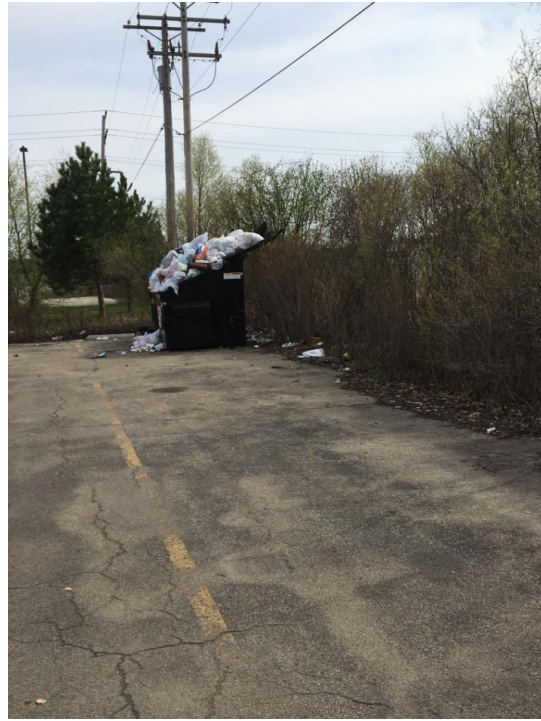
any decisions to the Village Board as specified in Chapter 9, section 9.13. Denial of a license must be based on the criteria shown in this same chapter.

As stated in Manager Sturgell's memo, representatives from the Police Department and Administration will be in attendance to answer questions from the Commission. In addition, I anticipate that David Viaene will also be at the meeting.

5-8-18



5-8-18



New Dumpster Location 6-11-18



- (a) 346.79(1), (2), (3), (4) - Special Rules Applicable to Bicycles
- (b) 346.80(1), (2), (3), (4) - Riding Bicycle on Roadway
- (c) 346.802(1)(a), (b); (2)(a), (b); (3); (4) - Riding Bicycle in Bicycle Lane
- (d) 346.81(1), (2) - Lamps and Other Equipment on Bicycles

(6) Penalty

- (a) Offenders under the age of 16 disregarding the rules and regulations of this ordinance may be processed by directing them to appear before the Municipal Court for the Town of Menasha, and may be penalized by the removal of registration from their bicycle for a period not to exceed thirty (30) days.
- (b) Any person 16 years old or older may be issued a traffic citation and be subject to the penalties provided hereby. Any person operating an unlicensed or unregistered bicycle or any person who operates a registered bicycle in a manner in violation of the provisions of this ordinance shall be fined not less than an amount set forth in Appendix C Fines and Penalties, reference this code section, plus court costs. That upon failure to pay the fines and/or forfeitures imposed, and the costs in addition, a person found guilty of violations of this ordinance may be sentenced for a period not to exceed two (2) days in the County Jail for Winnebago County. *[Amended 11/28/05]*

9.13 HOTELS AND MOTELS

[Recreated 2/12/2018]

(1) Purpose.

- (a) The Village has determined that various Hotels/Motels within the Village have received excessive numbers of police calls, the subject matter of which include, but are not limited to, prostitution activity, drug trafficking, other crimes, and disorderly conduct disturbances.
- (b) The Village has learned from past experience that working with area Hotels/Motels in a collaborative effort provides a more effective means of addressing issues involving prostitution activity, drug trafficking,

other crimes, and disorderly conduct disturbances.

- (c) The creation of this Hotel/Motel ordinance by the Village will provide improved accountability by Owners/Operators of Hotel/Motel businesses with a focus on improving health and safety issues for guests, Hotel/Motel employees, and the community, by requiring Owners/Operators to obtain Permits (as defined below) to operate Hotels/Motels in the Village, by imposing penalties for inappropriate activities, and by providing an opportunity for Owners/Operators to mitigate those penalties by voluntary cooperation with the Village.

(2) Definitions.

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) **Aggrieved:** Any Owner/Operator of a Hotel/Motel whose rights, duties, or privileges are adversely affected by a determination of the Village Board.
- (b) **Calls for Service (“CFS”):** Includes, but is not limited to, any and all calls to emergency services (police, fire, and / or medical) that result in a representative being dispatched or directed to the Hotel/Motel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be traced to the Hotel/Motel staff and/or registered guest(s) and/or visitor(s). CFS also includes any self-initiated activity and / or investigation based on the observation(s) of an emergency services representative.
- (c) **Drug-Related Arrests:** Include, but are not limited to, arrests that involve the manufacture, cultivation, importation into the State, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving, any controlled drug, narcotic or drug paraphernalia.
- (d) **Gross Receipts:** The total amounts of money or value or other consideration an organization receives from all

sources during its annual accounting period, without subtracting any costs or expenses.

- (e) **Hotel/Motel:** A building or group of buildings in which the public may obtain overnight accommodations for Transient persons for a consideration including, for example and without limitation, such establishments as inns, motels, hotels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other buildings in which accommodations are available to the public, except accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual. "Two months" means the shorter of two consecutive calendar months or sixty consecutive days.
- (f) **Hotel or Motel Operation:** The rental or occupancy of any guestroom or use of any Hotel/Motel facility or the act of an Owner/Operator allowing others to occupy a guestroom or use a Hotel/Motel for any length of time except for maintenance or construction of said Hotel / Motel regardless of compensation or payment.
- (g) **Hotel or Motel Permit (a "Permit"):** A valid certificate approved and issued by the Village Board, unless expired, revoked, or non-renewed, authorizing a person, entity, partnership, or similar association to engage in Hotel or Motel Operation on one or more specific tax parcels within the Village.
- (h) **Permitted Premises:** Any specific tax parcel or parcels located within the Village for which a Permit has been issued and remains valid. A Permitted Premises constitutes the entire/all contiguous tax parcel(s) for which a Permit is issued, regardless of whether the Hotel/Motel occupies the entire tax parcel(s).
- (i) **Manager/Agent:** Any person who, in connection with the activities of a Hotel/Motel, manages the Hotel/Motel business's operations,

including such things as, but not limited to, the collection of rental charges, issuing of keys, direction of personnel, assigning of rooms to guests, handling guest affairs, and overseeing security. The term shall also include resident manager and assistant manager.

- (j) **Owner/Operator:** Any person, firm, association, partnership, limited liability company, or corporation, which is the record owner of real property containing a Hotel/Motel facility or who otherwise is in possession or control of a Hotel/Motel, which offers and accepts payment for rooms, guest rooms, sleeping accommodations, or board and lodging.
- (k) **Prostitution-Related Arrests:** Include, but are not limited to, arrests that involve prostitution or prostitution-related crimes, in violation of Wisconsin Statutes § 944.30 Prostitution, § 944.31 Patronizing Prostitutes, § 944.32 Soliciting Prostitutes, § 944.33 Pandering, or § 944.34 Keeping Place of Prostitution, and Village Ordinances adopting the aforementioned state statutes.
- (l) **Transient:** A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
- (3) **Permit to operate required.** Hotel or Motel Operation is prohibited everywhere within the Village except for at a Permitted Premises.
- (4) **Permit Term.** Permits shall be valid for one year, from July 1 through June 30 of the following year, and shall require renewal on an annual basis. Any Hotel/Motel engaging in Hotel or Motel Operation without a valid Permit issued pursuant to this Chapter shall cease operations. In the event an Owner/Operator is issued a Permit after July 1 in any given year, said Permit shall nevertheless expire on June 30 of the immediately following calendar year.
- (5) **Maximum Stay.** No Owner/Operator shall accommodate or allow any person to rent a room at a Permitted Premises or stay or sleep on a Permitted Premises within the Village in excess of sixty (60) days within any six (6) month period. For purposes of

this section, a day is counted towards the sixty (60) day maximum stay any time an individual rents or occupies a room or any portion of a room for any length of time in any given day. Any efforts to circumvent the requirements of this provision are prohibited. Any violation of this provision constitutes independent grounds for revocation of a Permit.

(6) **Minimum Requirements for Hotel/Motel Operation.**

No Owner/Operator may engage in Hotel or Motel Operation on any portion of a Permitted Premises unless the following services are provided to Hotel/Motel guests free of charge. No Owner/Operator may offer a discounted rate to guests who refuse or waive any of the following services. No Owner/Operator may discriminate against any guest who requests any of the following services one or less times per day. The following services must be provided to each occupied room at least one (1) time per week regardless of whether a guest waives or refuses the provision of any of the following services.

- (a) Heat
- (b) Hot water
- (c) In-room janitorial services
- (d) Daily replacement of bed linens and towels
- (e) Complete room cleaning, bed-making, and vacuuming
- (f) Maintenance of locks and security devices
- (g) Maintenance and provision of all in-room furnishings and fixtures, including, but not limited to, all bedding
- (h) 24-hour-per-day, 7-day-per-week staffed lobby coverage
- (i) A functioning telephone unit equipped to place a direct call to 911

(7) **Minimum Information Required to be Obtained by Hotel/Motel.**

No Owner/Operator may engage in Hotel or Motel Operation without maintaining and retaining an accurate record of all Hotel / Motel guests for a period of no less than one hundred eighty (180) days following the last day the guest occupies or rents a room at the Hotel/Motel. Said information must be supplied to the Village Police Department upon request. An Owner/Operator must also record and maintain the following information for a period of no less than one hundred eighty (180) days following the last

day the patron occupies or rents a room at the Hotel/Motel:

- (a) The full name, phone number, and home address of each guest. Each Owner/Operator or Manager/Agent shall require each patron to provide valid photo identification prior to renting a room to that patron.
- (b) The total number of occupants (patrons and their guests) staying in each room;
- (c) The room number assigned to each patron;
- (d) The date and time of check in of each patron;
- (e) The date each patron is scheduled to check out; and,
- (f) The rate charged and amount collected for rental of the room.

(8) **Application for Permit.**

- (a) A Permit application and the resulting Permit shall apply to no less than the full tax parcel or parcels on which any portion of a Hotel/Motel is located, regardless of whether the Hotel/Motel occupies the entire parcel.
- (b) Any Owner/Operator seeking renewal of a Permit by July 1, so as to allow for continuous and uninterrupted Hotel or Motel Operation, must submit his or her application to the Village Clerk on or before April 15 of each year along with the applicable permit fee in accordance with the Appendix B Fee Schedule.
- (c) All Owners/Operators applying to the Village Planning Commission for a Permit shall file with the Village Clerk a complete sworn application on forms provided by the Village containing any requested information including, at a minimum:
 - 1. The prospective Owner's/Operator's Wisconsin Seller's Permit and Federal ID Number.
 - 2. The name of the corporation, partnership, or limited liability company, if any, of the Hotel/Motel; and, the name and

- address of said entity's agent for service.
3. The name of the person responsible for the management and lawful operation of the Hotel/Motel.
 4. The name, address, and phone number of the Manager/Agent and the Owner/Operator.
 5. The trade name, address, and phone number of the Hotel/Motel and the 24 hour emergency contact phone information for the Hotel/Motel.
 6. Proof of liability insurance, including the carrier, policy number, agent's name, address and phone number or a statement of self-insurance.
 7. Proof of an annual permit issued pursuant to Wis. Stat. § 97.605 as well as an inspection report completed by an environmental health specialist/sanitarian, certifying that the facility is in compliance with Winnebago County Public Health requirements.
 8. Proof of compliance with Village of Fox Crossing Municipal Code, Chapter 23.01, Hotels and Motels; Room Tax.
 9. The number of rooms constructed within the Hotel/Motel and the number and types of beds in each room.
 10. Any such other information as the Village Board, Village Planning Commission, or Village Clerk requires.
- (d) All applications will be reviewed by the Village Community Development Department, Fire Department and Police Department before being forwarded to the Village Planning Commission with a recommendation for approval or denial. The Village Planning Commission will receive the recommendation to approve or deny the Permit and take action as appropriate at a regular meeting, or a special meeting duly called for that purpose, of the Village Planning Commission.

- (e) Every Owner/Operator of a Hotel/Motel shall report any change in the information upon which the Permit has been granted, including, but not limited to, any change in the Manager/Agent or Owner/Operator, to the Village Clerk in writing within five (5) business days after the change has occurred. A change in the information on the application is subject to review by the Village Board and may be grounds for denial, suspension, revocation, or nonrenewal of the Permit.

(9) Consent to Inspection.

Submission of an application for a Hotel/Motel Permit constitutes the Owner's/Operator's consent to an inspection of any and all portions of the Hotel/Motel by the Village (1) at any time during the normal business hours of the Hotel/Motel, with or without advance notice; or, 2) at such other time as the Village shall designate to the Owner/Operator in writing. Inspections pursuant to this consent may be conducted by any Village personnel including, but not limited to, the Village Police Department or the Village Fire Department. Inspections pursuant to this Section are for the purposes of determining compliance with the provisions of this section and for purposes of determining compliance with any other applicable code or regulation. The consent for inspection shall extend to any portion of the Permitted Premises. The existence of code violations may justify denial, suspension, revocation, or non-renewal of a Permit.

Upon acceptance of a Permit, consent under this section shall continue as long as the Permit remains valid. Upon denial, suspension, revocation, or nonrenewal of a Permit, consent under this section shall be considered revoked. An Owner's/Operator's application for reinstatement after suspension, revocation, or nonrenewal shall serve as renewed consent under this section.

An Owner's/Operator's refusal to grant access to the Permitted Premises for an inspection shall constitute grounds for denial of a pending application (without refund of any posted application or renewal fees) and shall also constitute sufficient grounds for revocation of an existing Permit.

(10) Display of permit.

The Owner/Operator of a Hotel/Motel shall display the Permit in an open and conspicuous place on the Permitted Premises.

(11) Non-transferability.

- (a) Each Permit issued pursuant to this Chapter shall be separate and distinct from all others and shall not be transferable from the Owner/Operator to whom it was issued to any other Owner/Operator.
- (b) Whenever an Owner/Operator sells or transfers title to, or assigns the lease of or subleases a Hotel/Motel the Owner/Operator shall notify the Village Clerk in writing within five (5) business days of such transfer.
- (c) A prospective new Owner/Operator shall apply for a Permit thirty (30) business days in advance of a change in ownership.

(12) Complaints seeking suspension, revocation, and nonrenewal of permit.

- (a) The Village Clerk, Fire Chief, Finance Director, Director of Community Development, or Chief of Police may file with the Village Clerk a written complaint against any Owner/Operator holding a Permit in the Village at any time that said Permit is in existence, seeking suspension, revocation or nonrenewal of the Permit.
- (b) The complaint shall set forth the factual grounds for seeking suspension, revocation, or nonrenewal including, but not necessarily limited to, the grounds set forth in sec. (13) below. A copy of the complaint shall be served by certified mail, return receipt requested, or personal service, on the Owner/Operator at the Owner's/Operator's address shown on the most recent application for Permit on file pursuant to this chapter.
- (c) The Owner/Operator shall file, by mail or personal delivery, a written response to the complaint with the Village Clerk within fourteen (14) days of receipt. Failure to file an answer shall render the allegations in the complaint deemed true for purposes of imposition of penalties.

- (d) The Village Clerk, or Fire Chief, Finance Director, Director of Community Development, or Chief of Police that initiated the complaint (the "Complainant") shall make a written recommendation regarding suspension, revocation, or nonrenewal to the Village Planning Commission. The Village Planning Commission shall make a decision regarding suspension, revocation, or nonrenewal, and issue written notice of the decision to the Owner/Operator (the "Initial Decision"). This Initial Decision shall be made based upon the parties' written submissions. The Village Planning Commission may, but is not required to, conduct a hearing when making its Initial Decision.
- (e) The Owner/Operator may appeal the Initial Decision under section (14) below, and imposition of the penalty determined by the Initial Decision shall be stayed pending completion of the appeal process.

(13) Grounds for denial, suspension, revocation or nonrenewal of permit.

A Permit may be denied, suspended for an amount of time ranging from five (5) to thirty (30) days, revoked, or non-renewed for any of the following reasons:

- (a) Any violation of this Ordinance.
- (b) The Owner/Operator or Manager/Agent has multiple criminal misdemeanor convictions that relate to the Hotel/Motel or has been convicted of a felony that relates to Hotel or Motel Operation. This subsection shall not apply to corporations, limited liability companies, or partnerships, but shall apply to all officers, directors of such corporations and members of any such limited liability companies, and partners of any such partnerships.
- (c) The Owner/Operator or Manager/Agent provides incomplete, false, or misleading information on the Permit application or in response to questions, if any, submitted by the Village to either the Owner/Operator or the Manager/Agent.
- (d) The Owner/Operator is unable to establish a degree of financial

responsibility required by Chapter 23.01, has an outstanding debt to the Village incurred under Chapter 23.01, is deemed noncompliant with Chapter 23.01, or has delinquent taxes, delinquent assessments, or other delinquent payments. Delinquent taxes, delinquent assessments, or other delinquent payments includes, but is not limited to, any delinquency for (unpaid) special assessments, personal property taxes, real estate taxes, Hotel/Motel taxes, failure to pay any adjudicated fines or penalties and delinquent (unpaid) fees or charges originally payable to the Village, the State of Wisconsin, Winnebago County, or any bank of any kind or nature, etc.

- (e) The Owner/Operator, Manager/Agent, or Hotel/Motel property has an unabated notice of violation of any other provision of the Village Municipal Code in excess of thirty (30) days, excepting only to the extent that said Village ordinances are preempted by the provisions of Ch. 254, Wis. Stats., and state agency regulations issued pursuant thereto, all in accordance with the provisions of Chapter 9.13.
- (f) Such other relevant facts as the Chief of Police, Fire Chief, or Director of Community Development may discover or deem applicable or necessary in the course of the review of the application of, or complaint against, the Owner/Operator, Manager/Agent, or Hotel/Motel such as:
 - 1. Incidence of Drug-Related Arrests or CFS;
 - 2. Incidence of Prostitution-Related Arrests or CFS;
 - 3. Incidence of Village ordinance violations that are sustained;
 - 4. Excessive number or nature of CFS (Appendix A).
Editor's Note: Appendix A is included at the end of this chapter.
- (g) The Owner/Operator, Manager/Agent, the Hotel/Motel or the Permitted Premises is noncompliant with any federal law, state law, or Village Ordinance.
- (h) Good cause, in the discretion of the

Village Board, showing that the operation of the Hotel/Motel has, is, or will negatively impact the health, safety and / or welfare of its guests, the residents or businesses of the surrounding community, or the Village due to any of the foregoing factors listed above.

In processing a Complaint for revocation, suspension, or nonrenewal, a representative of the Village Police Department, Fire Department, Finance Department, and/or Community Development shall prepare an investigative report that details the circumstances that led to the recommendation for suspension, revocation, or nonrenewal. It may include any or all of the foregoing factors, or following factors that are applicable:

- 1. Frequency of violations, arrests, or CFS;
- 2. Seriousness of violations, arrests, or CFS in relation to the threat or impact upon public health, safety or welfare;
- 3. History of the violations, arrests, or CFS;
- 4. Good-faith efforts taken by the responsible party to correct, reduce and/or alleviate violations, arrests, or CFS;
- 5. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
- 6. The impact of the violations, arrests, or CFS on the surrounding property and community;
- 7. The financial impact to the Village;
- 8. Factors shown on Appendix A.
[2] Editor's Note: Appendix A is included at the end of this chapter.

(14) Appeal process; notice of hearing.

- (a) Pursuant to Wis. Stat. § 68.16 the Village expressly opts out of the administrative review procedures contained in Wis. Stat. Chapter 68 and expressly opts out of Chapter 20 of the Village Code of Ordinances. The

Village hereafter provides its own alternative due process procedure for administrative review.

- (b) If a Permit is denied, suspended, revoked, or non-renewed by the Initial Decision of the Village Planning Commission, the Village Clerk, within fifteen (15) days, shall provide the Owner/Operator a letter stating the reasons for denial, suspension, revocation, or nonrenewal. Said letter shall be delivered in person or sent by certified mail to the Owner/Operator as identified on the most-recent Permit application and shall be mailed to the Owner's/Operator's address listed on the most-recent Permit application. If served by certified mail, service is deemed complete upon mailing.
- (c) Any Owner/Operator may appeal the Village Planning Commission's Initial Decision by submitting to the Village Clerk, within fourteen (14) days of service of the denial letter, a written letter requesting an appeal. The letter should state in detail the grounds for requesting reversal of the Initial Decision of denial, suspension, revocation or non-renewal, and shall be signed by the Owner/Operator.
- (d) If an appeal is timely requested, the Village Board shall schedule and hold a hearing. The Village Clerk shall serve the appellant with notice of said hearing by mail or personal service at least ten (10) days before the date that said hearing is scheduled to occur.
- (e) If an appeal is not timely requested, the Initial Decision shall become the Final Decision after fourteen (14) days have elapsed from service of the Initial Decision on the Owner/Operator.
- (f) In the event of an appeal, the Village Board has the ultimate authority to affirm or reverse the Initial Decision to deny, suspend, revoke, or non-renew the Permit following the hearing (the "Final Decision").
- (g) Said hearing shall be conducted in accordance with the following:
 - (1) The Village Board shall serve as an impartial decision maker to oversee the hearing and make any decisions on appeal, and no members may participate that participated in making the Initial

Decision.

- (2) The appellant and the Complainant may be represented by an attorney, may present evidence, may call and examine witnesses, and may cross-examine witnesses of the other party. All witnesses shall be sworn by person conducting the hearing.
- (3) The Complainant and/or the Complainant's designees shall testify under oath in support of his or her recommendation. The appellant, or his or her attorney, may cross examine the Complainant.
- (4) The appellant may testify under oath in support of his/her position. The Complainant, or his or her attorney, may cross examine the appellant if the appellant chooses to testify. The Complainant may call the appellant adversely if the appellant chooses not to testify on his or her own behalf.
- (5) The Village Board may issue subpoenas. The appellant, through his or her attorney, and the Complainant, through his or her attorney, may also issue subpoenas to compel the attendance of witnesses or the production of documents. All subpoenas must be in substantially the same form as provided in Wis. Stat. § 805.07(4) and must be served in accordance with Wis. Stat. § 805.07(5). If any subpoenas are issued, a copy must be sent to all parties and the Village Board at the time of issuance.
- (6) Unless extended by order of the Village President, or other presiding member of the Village Board, the Complainant, or his or her attorney, and the appellant, or his or her attorney, may provide a ten (10) minute (or less) closing statement to the Village Board.
- (7) The Village Board may make an oral Final Decision from the bench or may issue a written Final Decision within ten (10) days of said hearing.

(8) The Village President, or other presiding member of the Village Board, shall be in control of said hearing, shall maintain order at all times, and may place reasonable limitations on the parties including, but not limited to, time limits, limits on the number of witnesses, hearing decorum, and the prohibition of repetitive or irrelevant testimony.

(9) The Village President, or other presiding member of the Village Board, or his or her designee, shall take notes of the testimony and shall mark and preserve all exhibits. The Village President, or other presiding member of the Village Board, or his or her designee, may cause the proceedings to be taken by a stenographer or a recording device, the expense of which shall be borne by the Village.

(h) The party Aggrieved by the Final Decision may appeal the Final Decision to the Winnebago County Circuit Court by certiorari within thirty (30) days of service of the Final Decision. Service of the Final Decision is complete upon the issuance of a Final Decision from the bench or upon the Clerk mailing a written Final Decision by certified mail to Owner/Operator identified on the most-recent Permit application at the address contained within the most-recent Permit application.

(15) Effective date of decision; posting of notice.

(a) Upon the earlier of (a) the expiration of the time to appeal an Initial Decision to deny, suspend, revoke, or non-renew if no appeal is timely filed, (b) the expiration of the time to appeal a Final Decision to deny, suspend, revoke, or non-renew if no appeal is filed, or (c) the issuance of a decision by the Winnebago County Circuit Court on certiorari to deny, revoke, suspend or non-renew the Permit, the Chief of Police or his or her designee shall post a copy or copies of the notice of denial, suspension, renovation, or nonrenewal in a prominent location at the Hotel/Motel.

(b) If an appeal is taken as outlined above, the notice described above shall not be posted until such appeal

process has concluded. Denial, suspension, revocation, or non-renewal shall be stayed pending appeal and may then be imposed by the Village Board in accordance with the outcome on appeal.

(16) Removal or tampering with posted notice.

A posted notice of revocation, suspension, or nonrenewal of a Permit may only be removed by an authorized Village official. Any removal, covering, defacing, altering or tampering by unauthorized persons may be prosecuted as an ordinance violation or as a misdemeanor under Wis. Stat. § 946.72(2).

(17) Surrender of permit following revocation or suspension.

Whenever a Permit has been revoked, suspended, or is non-renewed by the Village, the Owner/Operator of the Hotel/Motel for which such Permit was issued shall surrender such Permit to the Village Clerk, or his or her designee, immediately following the posting of the notice of revocation, suspension, or nonrenewal. The Hotel/Motel shall cease all operations immediately following of the posting of the notice of revocation, suspension, or nonrenewal.

(18) Violations and penalties; voluntary mitigation.

(a) It is unlawful to operate a Hotel/Motel without a valid Permit or to fail to comply with any of the requirements established by this Chapter. Violations of this Chapter shall be subject to enforcement by any and all remedies listed in Village of Fox Crossing Municipal Code. Furthermore, this Chapter may be enforced by injunctive relief prosecuted through the Circuit Court for Winnebago County in the event the Hotel/Motel Owner/Operator fails to comply with directives to cease operations issued by Village officials declaring the Hotel/Motel to be in violation of this Chapter.

(b) In addition to the foregoing remedies, Owner/Operators shall be subject to civil forfeitures set forth in the Appendix C Fines & Penalties Schedule, reference this code section, for operating a Hotel/Motel without a Permit, each day being a separate

offense. The Village Board may bring action in the name of the Village against the Owner/Operator and/or other individual responsible for said illegal operation in addition to any other remedy available at law or in equity.

- (c) The Owner/Operator may mitigate penalties authorized herein, and may also mitigate and delay imposition of, or shorten the term of, the suspension, revocation, or nonrenewal pursuant to such conditions as recommended by the Village Police Department and approved by the Village Board.

(19) Reissuance of permit after suspension, revocation, or nonrenewal.

- (a) A Permit that is suspended shall not be reissued until the term of suspension has expired, which shall be a minimum of five (5) days and a maximum of thirty (30) days, unless the period of suspension is either delayed or shortened by the Village Board due to voluntary mitigation action by the Owner/Operator, and such mitigation action is approved by the Village Board.
- (b) A Permit that is revoked shall not be reissued for a period of one (1) year from the date of such revocation unless the period of revocation is either delayed or shortened by the Village Board due to voluntary mitigation action by the Owner/Operator, and such mitigation action is approved by the Village Board.
- (c) A Permit that is non-renewed shall not be reissued for a period of one (1) year from the date of such nonrenewal unless the period of nonrenewal is either delayed or shortened by the Village Board due to voluntary mitigation action by the Owner/Operator, and such mitigation action is approved by the Village Board.
- (d) If there is a transfer or sale of the Hotel/Motel or the real estate on which the Hotel/Motel is operated and at that time the Permit is either under suspension, revocation, or nonrenewal, the Permit may not be reissued if the following apply:

- 1. The new Owner/Operator or

Manager/Agent is related to the former Owner/Operator by blood, adoption, or marriage, or common ownership or control.

- 2. The new Owner/Operator or Manager/Agent held a business or financial interest in the previous permitted Hotel/Motel business, real estate at which the Hotel/Motel business is operated, or equipment utilized by the Hotel/Motel business.
- 3. The former Owner/Operator retains a business or financial interest in the Hotel/Motel business or real estate at which the Hotel/Motel business is operated or equipment used by the Hotel/Motel business.
- 4. The new Owner's/Operator's acquisition of the Hotel/Motel business did not involve an arm's length transaction consisting of an open market sale in which the former Owner/Operator is willing, but not obligated, to sell and the new Owner/Operator is willing, but not obligated, to buy.

(20) Severability.

It is declared to be the intention of the Village Board that the sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Chapter.

[See 9.13 Appendix A – Village of Fox Crossing Hotel/Motel Incident Reduction Program Mitigation and Cure Procedures, next page]

HOTELS AND MOTELS

[9.13 Attachment]

Appendix A

**Village of Fox Crossing Hotel/Motel Incident
Reduction Program
Mitigation and Cure Procedures**

In an effort to reduce crime and improve guest and community safety, the Village of Fox Crossing Board and the Village of Fox Crossing Police Department hereby adopt the following program aimed at holding hotels and motels accountable for frequent calls for emergency services and allowing criminal activity on their property.

The following are guidelines only for consideration by the Chief of Police.

The Village of Fox Crossing hotels and motels may be required to implement the following responses based on their yearly calls for service/room ratio or the nature of the calls. All hotels and motels shall fall under one of three tiers established by the Village:

- 1) Less than, or equal to, 0.25 calls for service/per room/per rolling 12-month period
- 2) 0.26 to 1.0 calls for service/per room/ per rolling 12-month period
- 3) More than 1.0 calls for service/per room/ per rolling 12-month period, or 2.0 or more calls for service in any twelve-month period relating to matters pertaining to prostitution or drug trafficking, or 2.0 or more prostitution-related arrests, or drug-related arrests.

Hotels and motels in tier 1 shall not be required to make any changes to their hotel/motel operation.

Hotels and motels in tier 2 must maintain an operational surveillance camera in the lobby at all times, and participate in a crime-prevention-through-environmental-design assessment and shall be required to obtain and keep a copy of each guest's photo identification for at least 180 days after check out.

Hotels and motels in tier 3 must implement all of the requirements for a tier 2 hotel/motel, the middle tier requirements, as well as submit employee names to the Police Department for background checks, train employees in proper management practices, install and maintain operational surveillance cameras in the parking

lots and interior and exterior public areas, and implement crime-prevention-through-environmental-design recommendations.

Examples of collaboration with law enforcement to address criminal activity may be taken into consideration when classifying calls for service.

Other mitigation and cure procedures requested by the Village of Fox Crossing Police Department is determined on a case-by-case basis.

The Police Department will apprise the Chief of Police of results collected through the mitigation process. The Chief of Police will evaluate this information when making a recommendation to the Village Board, and the Village Planning Commission may take this information into consideration during approval or renewal of hotel/motel permits.

RES #180620-2:PLAN

ISSUANCE OF ANNUAL HOTEL / MOTEL LICENSE TO VALLEY INN, 2000 HOLLY ROAD, FOR THE TERM JULY 1, 2018 THROUGH JUNE 30, 2019

WHEREAS, on April 10, 2017, the Valley Inn and the Village of Fox Crossing reached a stipulation agreement to settle concerns regarding the health, safety, and welfare of the occupants of the Valley Inn and individuals in the surrounding area; and

WHEREAS, on June 26, 2017, the Village Board approved the Valley Inn's Hotel/Motel License for licensing year July 1, 2017 – June 30, 2018, contingent upon the Valley Inn continuing to abide by the terms of the Stipulation Agreement as settled between the Village and the Valley Inn; and

WHEREAS, the Valley Inn has applied for a Hotel/Motel License for licensing year July 1, 2018 – June 30, 2019; and

WHEREAS, the Valley Inn must continue to comply with provisions of the agreement including, but not limited to:

1. Ongoing notification of guests of the 59-day stay limit.
2. Providing the names and permanent addresses of guests staying longer than five (5) days to the Fox Crossing Police Department.
3. Transition of the Valley Inn from a Tier 3 motel to a Tier 2 motel, as defined by Village Municipal Code Chapter 9.13.
4. Modification of the Valley Inn camera system to provide uniform coverage and recording of all public areas of the property.

WHEREAS, the Valley Inn must further comply with the following conditions from Community Development:

1. Upsize or add additional dumpsters or increase pickup frequency to accommodate disposal of trash.
2. Provide general site clean-up.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Planning Commission, that the annual Hotel/Motel License for the Valley Inn is hereby approved for the upcoming licensing period beginning July 1, 2018, and ending June 30, 2019, contingent upon the Valley Inn continuing to abide by the terms of the Stipulation Agreement as settled between the Village and the Valley Inn, as well as the additional conditions as noted above.

Adopted this 20th day of June, 2018

Requested by: George L. Dearborn Jr., AICP, Director of Community Development

Submitted by: Aaron Sabel, Planning Commission Acting Chairman

Aaron Sabel,
Planning Commission Acting Chairman

Attest: George L. Dearborn Jr., AICP
Director of Community Development