

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, January 8, 2018 - 6:00 p.m.
Municipal Complex - Arden Tews Assembly Room
2000 Municipal Drive, Neenah WI 54956

Agenda - REVISED

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
 - a) Recognition of 26 Years of Service for Police Officer Jason Weber – Police Chief Tim G. Seaver
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive
 - Minutes to Approve
 - a) Regular Village Board Meeting – December 18, 2017
 - b) Special Village Board Meeting – December 18, 2017
 - Minutes and Correspondence to Receive
 - c) Sustainability Committee Meeting – November 14, 2017
 - d) Neenah-Menasha Sewerage Commission Meeting – November 28, 2017
5. Public Comments Addressed to the Village Board. Individuals properly signed in may speak directly to the Village Board on non-repetitive village matters whether on, or not on the agenda. Commenters must wait to be called, must speak from the podium, directing their comments to the board. Comments must be orderly. A maximum of 2-minutes per person is allowed and you must return to the audience when signaled to do so. Public comment is not permitted outside of this public comment period. Note: The board's ability to act on or respond to public comments is limited by Chapter 19, WI Stats. To address the Village Board, complete the Public Participation signup sheet.
6. Discussion Items
7. Unfinished Business
8. New Business- Resolutions/Ordinances/Policies
 - a) 180108-1:ORD Amend Village of Fox Crossing Municipal Code Chapter 5.18 Fireworks *First Reading*
 - b) 180108-1 Approve Utility Superintendent Work Agreement Letter for David Tracey
 - c) 180108-2 Acceptance of 2018 Animal Service Contract with Fox Valley Humane Association
 - d) 180108-3 Establish Polling Places for the 2018 Elections
 - e) 180108-4 Expenditures
 - f) 180108-5 Resolution Declaring Official Intent to Reimburse Expenditures From Proceeds of Borrowing
 - g) 180108-2:ORD An Ordinance to Adopt the Village of Fox Crossing Municipal Code Approved to Date as the General Ordinances for the Village of Fox Crossing *First Reading, Second Reading and Adoption*
9. Reports
 - a) Police Chief Tim G. Seaver – National Law Enforcement Appreciation Day (L.E.A.D.) will be held on Tuesday, January 9, 2018
 - b) Village Clerk Karen Backman – Candidates for Village Offices for the April 3, 2018 Spring Election
10. Closed Session
11. Adjourn

A quorum of Police & Fire, Planning, and Park Commissions may be present, although official action by those bodies will not be taken; the only business to be conducted is for Village Board action.

Those individuals requiring the assistance of a sign language interpreter to participate in this meeting may call 720.7101 a minimum of five business days prior to the meeting.

AMEND VILLAGE OF FOX CROSSING MUNICIPAL CODE CHAPTER 5.18
FIREWORKS

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

Section 1. Chapter 5.18 Fireworks is hereby amended, specifically regarding professional displays, as follows:

5.18 FIREWORKS [Revised 12/19/05, Eff. 1/1/06]
[Amended 3/8/10]

Scope: The provisions of this chapter shall specifically identify the storage, handling, sale, use and display of fireworks as defined in this section.

(1) **General Requirements**

(a) **Fireworks Not Allowed.**

The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include any fireworks containing an explosive or flammable compound..

(b) **Propelling or Other Devices Permitted.**

The term "fireworks" shall not include model rockets and model rocket engines, and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps are used. Neither shall it include sparklers on wires or wood sticks nor shall it include toy snakes, the sale and use of which shall be permitted at all times.

(c) **Professional Displays Allowed.**

Except as hereinafter provided, no person, firm, partnership, or corporation shall offer for sale, expose for sale, sell or retail, keep with the intent to sell at retail, or use or explode any fireworks, provided that the Fox Crossing Fire Department, Fire Prevention Bureau, may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals.

Such permits may be granted upon application to said Fire Prevention Bureau and after approval of the Fox Crossing Police Department and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the Fire Prevention Bureau, and

shall be of such a composition, character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department, after proper inspection, and of the Chief of Police shall not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(d) **Bond Required.**

The Village Board shall require a bond from the licensee in a sum not less than an amount set forth in Appendix B Fee Schedule, reference this code section, conditioned on compliance with the provisions of this law and regulations of the Fire Prevention Bureau adopted hereunder. [Amended 12/19/05]

(e) **Liability Insurance.**

Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefore shall file a certificate of Liability Insurance in the amount of not less than \$300,000.00 per accident and \$500,000.00 per occurrence to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Prevention Bureau determines to be necessary for the protection of the public.

(f) No permit shall be issued under the provisions of this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this Village until such person, firm, or corporation shall have appointed in writing a member of the bar of this state and residing therein to be his attorney upon whom all process in any action or proceeding against him may be served.

(g) Nothing in this ordinance shall be construed to prohibit the use of fireworks by railroads or their transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial

purposes in athletics or sports, or for use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by the Fire Prevention Bureau.

- (h) The Fox Crossing Police Department shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

(2) Application for Permits; Professional Displays

- (a) Application for a permit to operate a professional display of fireworks in conformance with the terms of Ordinance 5.18 of the Ordinances of the Village of Fox Crossing shall be made in writing on forms provided by the Village Clerk's Office to the Chief of the Fire Department **at least 15 working days prior to the display.**

- (b) Such application shall require the following:

1. The name of the organization sponsoring the display, together with the names of persons actually in charge of firing of the display.
2. Evidence of financial responsibility.
3. The date and time of day at which the display is to be held.
4. The exact location planned for the display.
5. A description setting forth the age, experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks.
6. The number and kinds of fireworks to be discharged.
7. The manner and place of storage of such fireworks prior to the display.
8. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communications, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstruction.

- (c) Upon receipt of such application, at least 15 days in advance of the date set for this display, the Chief of the Fire Department shall make or cause or be made an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular

display. He shall confer with the Chief of the Police Department about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the Chiefs of the Police and Fire Departments shall together endorse the application, stating that they approve the display as being in conformance with all parts of the law and with these regulations. Failure to approve the application by either the Fire Chief or Police Chief shall be sufficient cause to deny permit.

- (c) The application, following endorsement by the Chiefs of the Fire and Police Departments, shall be sent to the Village Clerk who shall then, upon receipt of evidence of financial responsibility **and other criteria** as required by this ordinance, **place the application on the next Village Board Meeting for approval. Should the application be approved, the Clerk shall** ~~in such cases,~~ issue a non-transferable permit authorizing the display.

- (d) **It will be the responsibility of the Village Clerk to ensure that public is notified of the display by means of posting a notice of the location, date, and time of the fireworks display at the three approved posting sites. The Clerk may also utilize the Village's website, electronic message center signs, and other means available.**

- (e) No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush, nor in any case where the point at which fireworks are to be fired is less than 200 feet from the nearest permanent building, public highway, railroad, or other means of travel or 50 feet from the nearest aboveground telephone or telegraph line, tree, or other overhead obstruction. In no case shall such a display be within 500 feet of a school, theater, church, hospital, or similar institution.

- (f) Spectators at a display of fireworks shall be restrained behind lines or barriers as designated by local authorities but in no case less than 200 feet from the point at which the fireworks are to be discharged. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

- (g) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, provided that where such fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue

from the deflagration will fall into the said body of water.

- (h) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safer for the particular type of fireworks. The debris from the discharged fireworks shall be properly disposed of by the operator before he leaves the premises. The operator, upon conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces, which failed to fire or function and shall dispose of them in a safe manner. Such search shall be instituted at the earliest possible time following the conclusion of the display but in no event later than the first period of daylight, which follows.
- (i) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 20 miles per hour.
- (j) All fireworks articles and items at places of display shall be stored in a manner and in a place secure from fire, accidental discharge, and theft and in a manner approved by the Fire Prevention Bureau.
- (k) The person in actual charge of the firing of the fireworks in a display shall be able-bodied, at least 18 years of age, competent for the task, and so certified by the Fire Prevention Bureau. Such operator shall have his certificate of competency in his possession when engaged in conducting a display and shall exhibit same on request of any authorized person. Said certificate of competency may be revoked by the Fire Prevention Bureau or the Fox Crossing Police Department for any violation of these regulations or where the holder's conduct or condition of sobriety is such as to imperil the public safety. Each person assisting the certified operator shall be able-bodied, at least 18 years of age, and capable of reading, writing, speaking, and understanding the English language.
- (l) There shall be at all times no fewer than two operators of the display constantly on duty during the discharge, at least one of whom shall be certified.
- (m) Fire protection and extinguishing equipment shall be provided as required by the Chief of the Fire Department.
- (n) Fees for firework displays. See Village of Fox Crossing Fire Prevention Ordinance, Section 5.23(4).
- (o) Penalties. See Village of Fox Crossing Fire Prevention Ordinance Section 5.22(8).

RES #180108-1

APPROVE UTILITY SUPERINTENDENT WORK AGREEMENT LETTER FOR DAVID TRACEY

WHEREAS, Utility Superintendent Jeff Roth will be retiring after 42 years of serving the Utility District and the Village of Fox Crossing; and

WHEREAS, David Tracey has been selected by Village Manager Jeffrey Sturgell to serve as the new Utility Superintendent; and

WHEREAS, the benefit package negotiated between Village Manager Sturgell and Mr. Tracey slightly deviates from the benefit package offered by the Personnel Manual; and

WHEREAS, Village Manager Sturgell has offered additional vacation days in the first and third years of employment than is offered by the Personnel Manual; and

WHEREAS, Village Manager Sturgell recommends the Village Board approve the work agreement letter for David Tracey, as attached.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the work agreement letter for David Tracey is approved, as attached.

Adopted this 8th day of January, 2018

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180108-2

**ACCEPTANCE OF 2018 ANIMAL SERVICE CONTRACT WITH FOX VALLEY
HUMANE ASSOCIATION**

WHEREAS, the Village of Fox Crossing currently contracts with the Fox Valley Humane Association for the handling of stray domestic animals; and

WHEREAS, the current contract started on January 1, 2007; and

WHEREAS, Fox Valley Humane Association has proposed a new agreement which changes from an annual cost based on the costs from two (2) years prior, to actual charges for animals handled; and

WHEREAS, any special handling costs for animals has been addressed in the contract, such as quarantining an animal due to a bite; and

WHEREAS, it is the recommendation of Chief of Police Tim G. Seaver that the proposed 2018 Service Contract with Fox Valley Humane Association be accepted.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the proposed 2018 Service Contract with Fox Valley Humane Association, located at N115 Two Mile Road, Appleton, Wisconsin, be accepted.

Adopted this 8th day of January, 2018

Requested by: Tim G. Seaver, Chief of Police

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180108-3

ESTABLISH POLLING PLACES FOR THE 2018 ELECTIONS

WHEREAS, the Village Clerk is requesting that the Village Board establish polling places for the 2018 Elections as follows:

Municipal Complex

2000 Municipal Drive, Neenah

District 27, Wards 1 & 7
District 29, Ward 2 & 14
District 28, Ward 4

Spring Road School

1191 County Road II, Neenah

District 29, Ward 3
District 28, Wards 5 & 6

Community Center

1000 Valley Road, Menasha

District 27, Ward 8
District 26, Ward 9
District 4, Ward 10

Maplewood School

1600 Midway Road, Menasha

District 26, Ward 11
District 4, Wards 12 & 13

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees that the polling places for the 2018 Elections are hereby established as indicated above.

Adopted this 8th day of January, 2018

Requested by: Karen Backman, Village Clerk

Submitted by: Karen Backman, Village Clerk

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180108-4

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 2,156,315.53

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

Pending:	
General Fund 2017	\$ 71,110.37
Special Revenue Fund 2017	\$ 78,113.65
Debt Fund 2017	\$ -
Capital Projects Fund 2017	\$ 373.10
Water Fund 2017	\$ 101,664.69
Sewer Fund 2017	\$ 653,472.55
Stormwater Fund 2017	\$ 3,676.84
Trust & Agency Fund 2017	\$ -
General Fund 2018	\$ 24,508.19
Special Revenue Fund 2018	\$ -
Debt Fund 2018	\$ -
Capital Projects Fund 2018	\$ -
Water Fund 2018	\$ 1,723.00
Sewer Fund 2018	\$ 1,723.00
Stormwater Fund 2018	\$ 3,373.00
Trust & Agency Fund 2018	\$ -
Park Commission Processed Payments	\$ 9,594.98
Special Processed Payments	\$ 1,206,982.16
Total:	<u>\$ 2,156,315.53</u>

NOW, THEREFORE BE IT RESOLVED, the Village of Fox Crossing Board of Trustees hereby authorizes the above expenditures to be paid by the Finance Department with the exception of none.

Adopted this 8th day of January, 2018

Requested by: Myra R. Piergrossi, Finance Director
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #180108-5

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

WHEREAS, the Village of Fox Crossing, Winnebago County, Wisconsin (the "Municipality") plans to purchase property for the Woodland Prairie Park (the "Project"); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis by issuing tax-exempt bonds or promissory notes (the "Bonds"); and

WHEREAS, because the Bonds will not be issued prior to commencement of the Project, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance monies from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

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

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treas. Regs. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed an additional \$150,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the Village Clerk's office within 30 days after its approval, in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted, recorded and approved this 8th day of January, 2018

Requested by: Myra Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

ORD #180108-2:ORD *First Reading, Second Reading and Adoption*
**AN ORDINANCE TO ADOPT THE VILLAGE OF FOX CROSSING MUNICIPAL
CODE APPROVED TO DATE AS THE GENERAL ORDINANCES FOR THE
VILLAGE OF FOX CROSSING**

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

WHEREAS, it is in the best interest of the Village of Fox Crossing to update the Municipal Code (Code of Ordinances) of the Village of Fox Crossing; and

WHEREAS, ordinances adopted, amended or repealed by the Village Board of Trustees in the year 2017 to date, have been incorporated in the Municipal Code of the Village of Fox Crossing as codified on September 27, 1976, and thereafter, and further incorporated in the Municipal Code of the Village of Fox Crossing have been Ordinances enacted, amended or repealed for years preceding 2017 to date; and

WHEREAS, a copy of the Code of Ordinances, as amended through year 2017 to date, has been on file and open for inspection at the office of the Town Clerk for not less than two (2) weeks pursuant to Section 66.0103, WI Statutes, and posting of which date precedes by not less than two (2) weeks the date of adoption of this Ordinance.

NOW, THEREFORE BE IT RESOLVED, the Village of Fox Crossing Board of Trustees hereby adopts the code of Ordinances in book form, entitled, "Municipal Code of the Village of Fox Crossing" as to all new Ordinances adopted, amended, or repealed, all in the year 2017 to date and including all years prior, as the general Ordinances in and for the Village of Fox Crossing, Winnebago County, Wisconsin.

EFFECTIVE DATE: This Ordinance shall take effect the day following passage, publication, and posting as required by law.

Accepted this 8th day of January, 2018

Requested by: Karen Backman, Village Clerk
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk