

Village of Fox Crossing Board of Trustees Regular Meeting  
Monday, September 10, 2018 - 6:00 p.m. or Immediately Following the Public Hearing, Whichever is Later  
Municipal Complex - Arden Tews Assembly Room  
2000 Municipal Drive, Neenah WI 54956

Agenda

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive  
Minutes to Approve
  - a) Special Village Board Meeting – August 27, 2018
  - b) Regular Village Board Meeting – August 27, 2018Minutes and Correspondence to Receive
  - c) Neenah-Menasha Sewerage Commission Meeting – July 24, 2018
  - d) Fox West Regional Sewerage Commission Meeting – August 8, 2018
5. **Public Comments Addressed to the Village Board.** Individuals properly signed in may speak directly to the Village Board on non-repetitive village matters whether on, or not on the agenda. However, no announcements of candidacy for any elected position will be permitted. Commenters must wait to be called, must speak from the podium, directing their comments to the board. Comments must be orderly. A maximum of 2-minutes per person is allowed and you must return to the audience when signaled to do so. Public comment is not permitted outside of this public comment period. Note: The board's ability to act on or respond to public comments is limited by Chapter 19, WI Stats. To address the Village Board, complete the Public Participation signup sheet.
6. Discussion Items
7. Unfinished Business
8. **New Business- Resolutions/Ordinances/Policies**
  - a) 180910-1:ORD Adoption of Amendment to Charter Ordinance, & Amendment to Chapter 19.01(2) Relating to Municipal Judge Term of Office *First Reading*
  - b) 180910-1 Approve Intergovernmental Agreement between the City of Appleton, City of Menasha, and the Village of Fox Crossing for Reconstruction and Urbanization of Valley Road from Chain Drive to Forestview Court
  - c) 180910-2 Change Order #1 & Final – 2018 Road Resurfacing Program
  - d) 180910-3 Change Order #1 & Final – 2018 Chip Sealing Program
  - e) 180910-4 Authorizing Resolution for Urban Forestry Grant and Urban Forestry Catastrophic Storm Grant Programs
  - f) 180910-5 Operator License Applicants
  - g) 180910-6 Expenditures
9. **Reports**
  - a) President Dale Youngquist – Announce 2018 Board of Review Rescheduled to September 17, 2018 at 4:30 p.m. at the Fox Crossing Municipal Complex in the Arden Tews Assembly Room, 2000 Municipal Drive
  - b) Trustee Kris Koeppel – Electronics Recycling Event at Fox Crossing Municipal Complex, 2000 Municipal Drive, to be held on Saturday, October 6, 2018 from 8:00 a.m. to Noon
  - c) Division Chief of Training Jeff Perigo – Fire Safety Day will be held on Saturday, September 15, 2018 from 10:00 a.m. to 2:00 p.m. at Fire Station #40, 1326 Cold Spring Road
10. Closed Session
11. Adjourn

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

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

**ADOPTION OF AMENDMENT TO CHARTER ORDINANCE, & AMENDMENT TO CHAPTER 19.01(2) RELATING TO MUNICIPAL JUDGE TERM OF OFFICE**

**PART I. ADOPTION OF AMENDMENT TO CHARTER ORDINANCE**

WHEREAS, on April 20, 2016, the Wisconsin Department of Administration Secretary issued a Certificate of Incorporation, legally establishing and recognizing the Village of Fox Crossing as an incorporated municipality in the State of Wisconsin; and

WHEREAS, the Village adopted a Charter Ordinance on April 25, 2016, and said Charter Ordinance became effective on June 25, 2016, when no petition for referendum was received by the Village Clerk within 60 days from publication. A copy of said Charter Ordinance is attached hereto as Exhibit A; and

WHEREAS, Wisconsin Statute 755.02 provides authority for cities and villages to alter the elected term of their Municipal Judge to a term not exceeding four (4) years, nor less than two (2) years, through the municipality's charter ordinance; and

WHEREAS, Wisconsin Statute 66.0101(1m) provides for the amendment of previously adopted charter ordinances.

NOW, THEREFORE, pursuant to Wis. Stats. §66.0101, and other applicable laws, the Village Board of the Village of Fox Crossing, Winnebago County, Wisconsin does hereby amend its Charter Ordinance to add the following provisions concerning the term of office for municipal judges:

**2.01 MUNICIPAL JUDGE**

Term of Office. The Municipal Judge shall be elected at large in odd years at the spring election for a term of two (2) years beginning in the 2019 spring election, with said term commencing on May 1 following his/her election.

This Amended Charter Ordinance shall take effect sixty (60) days after its passage and publication in the manner provided by Wis. Stats. § 66.0101.

Except as specifically amended hereby, all provisions of the existing Charter Ordinance remain effective.

**PART II. AMENDMENT TO MUNICIPAL CODE CHAPTER 19.01(2); MUNICIPAL JUDGE AND COURT**

NOW, THEREFORE, the Village Board of the Village of Fox Crossing, Winnebago County, Wisconsin does hereby ordain that Chapter 19.01(2) shall be amended as follows:

**19.01(2) Election; Term.** The Municipal Judge shall be elected at large **in odd years** at the spring election for a term of ~~four (4)~~ **two (2)** years, ~~or until a successor is elected and qualifies,~~ **beginning**

in the 2019 spring election, with said term commencing on May 1<sup>st</sup> next succeeding his/her election. A permanent vacancy in the office of Municipal Judge may be filled in accordance with Wisconsin Statute sec. 8.50 as hereafter amended.

This ordinance amendment shall take effect upon the day the Amended Charter Ordinance takes effect.

Date Introduced: **September 10, 2018**

Date Adopted: \_\_\_\_\_

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

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

RES #180910-1

**APPROVE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF APPLETON, CITY OF MENASHA, AND THE VILLAGE OF FOX CROSSING FOR RECONSTRUCTION AND URBANIZATION OF VALLEY ROAD FROM CHAIN DRIVE TO FORESTVIEW COURT**

WHEREAS, the City of Appleton, City of Menasha, and the Village of Fox Crossing desire to reconstruct and urbanize the portion of Valley Road located between Chain Drive and Forestview Court; and

WHEREAS, the project would consist of the following:

- Concrete pavement 48 feet wide from back of curb to back of curb, with one through lane in each direction and a two way left turn lane.
- Five (5) foot sidewalk on both sides of the street.
- Five and one half (5.5) foot bike lanes on both sides of the street with two (2) foot buffers; and

WHEREAS, the underground utility work would be conducted in 2020, and the pavement reconstruction occurring in 2021; and

WHEREAS, the City of Appleton will serve as the lead agency for the street reconstruction portion of the project, with each individual community conducting the applicable utility work; and

WHEREAS, cost share for the project is based on frontage within each municipal boundary:

<u>Community</u>	<u>Footage</u>	<u>Percentage</u>	<u>Estimate Cost</u>
City of Appleton	1,722 feet	34%	\$ 425,000
City of Menasha	1,260 feet	25%	\$ 312,500
Village of Fox Crossing	<u>2,028 feet</u>	<u>41%</u>	<u>\$ 512,500</u>
Total:	5,010 feet	100%	\$1,250,000 ; and

WHEREAS, the City of Menasha and the Village of Fox Crossing shall pay the City of Appleton upon completion of the project based on actual costs.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Intergovernmental Agreement between the City of Appleton, the City of Menasha, and the Village of Fox Crossing for the reconstruction and urbanization of Valley Road from Chain Drive to Forestview Court, as attached.

Adopted this 10<sup>th</sup> day of September, 2018

*Requested by: Randy Gallow, Street Superintendent*  
*Submitted by: Dale A. Youngquist, Village President*

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

RES #180910-2

**CHANGE ORDER #1 AND FINAL – 2018 ROAD RESURFACING PROGRAM**

WHEREAS, on March 26, 2018, Northeast Asphalt, Inc., was awarded the 2018 Road Resurfacing Program, in the amount of \$650,511.70; and

WHEREAS, Change Order #1 and Final reflects an increase of \$14,581.71, due to the following:

Addition of Five (5) Catch Basin Structures:	\$ 2,425.00
Final Quantities Adjustment:	<u>\$12,156.71</u>
Total:	\$14,581.71

WHEREAS, the increase of \$14,581.71 from Change Order #1 items results in a new total contract price of \$665,093.41 (final tabulations attached); and

WHEREAS, it is the recommendation of Village Engineer Lee Reibold and Street Superintendent Randy Gallow to approve Change Order #1 and Final to Northeast Asphalt, Inc., for an increase in the amount of \$14,581.71, resulting in a new contract amount of \$665,093.41.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves Change Order #1 and Final for the 2018 Road Resurfacing Program for an increase in the amount of \$14,581.71 to **Northeast Asphalt, Inc., W6380 Design Drive, Greenville, Wisconsin, 54942**, in the adjusted contract amount of \$665,093.41.

Adopted this 10<sup>th</sup> day of September, 2018

*Requested by: Randy Gallow, Street Superintendent*

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

RES #180910-3

**CHANGE ORDER #1 & FINAL – 2018 CHIP SEALING PROGRAM**

WHEREAS, on April 23, 2018, Scott Construction, Inc., was awarded the 2018 Chip Sealing Program in the amount of \$72,233.79, less \$7,544.00 for Alternate Bid #1 (a deduct for the Village conducting the street sweeping rather than the contractor), for a total amount of \$64,689.79; and

WHEREAS, the 2018 Chip Sealing Program final numbers are as follows:

<u>Item</u>	<u>Bid</u>	<u>Actual</u>	<u>Difference</u>
Chip Seal	\$72,233.79	\$53,508.94	\$18,724.85
Alternate Bid #1	<u>(\$ 7,544.00)</u>	<u>(\$ 5,588.40)</u>	<u>(\$ 1,955.60)</u>
Total:	\$64,689.79	\$47,920.54	\$16,769.25

WHEREAS, Change Order #1 and Final reflects final quantities adjustments with an overall decrease in the amount of \$16,769.25, for a total contract price of \$47,920.54; and

WHEREAS, it is the recommendation of Village Engineer Lee Reibold and Street Superintendent Randy Gallow to approve Change Order #1 and Final to the contract with Scott Construction, Inc., for a decrease in the amount of \$16,769.25, resulting in a new contract amount of \$47,920.54.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves Change Order #1 and Final for the 2018 Chip Seal Program to **Scott Construction, LLC, 560 Munroe Avenue, P.O. Box 340, Lake Delton, Wisconsin, 53940**, for a decrease in the amount of \$16,769.25, resulting in a new contract amount of \$47,920.53.

Adopted this 10<sup>th</sup> day of September, 2018

*Requested by: Randy Gallow, Street Superintendent*

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

RES #180910-4

**AUTHORIZING RESOLUTION FOR URBAN FORESTRY GRANT AND URBAN FORESTRY CATASTROPHIC STORM GRANT PROGRAMS**

WHEREAS, the Village of Fox Crossing, is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources (DNR) for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 23.097(1g) and (1r), Wis. Stats.;

WHEREAS, the applicant attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, the applicant requests a grant agreement to carry out the project;

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

BE IT FURTHER RESOLVED, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers the Fox Crossing Director of Parks & Recreation, its official representative, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR
5. Sign and submit other required documentation

Adopted this 10<sup>th</sup> day of September, 2018

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

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

RES #180910-5

**OPERATOR LICENSE APPLICANTS**

WHEREAS, the operator license applicant listed below has made proper application with the Police Department; and

WHEREAS, all applicants either currently hold a valid two-year server license elsewhere, have successfully completed the mandatory alcohol awareness training program, or have scheduled the course; and

WHEREAS, a background check has been conducted by the Police Department; and

WHEREAS, the Police Chief submits the applicant(s) as follows:

Taylor Sadowski

Approve

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees recommends the above applicant be approved, pending payment, successful background check, and completion of a state-approved alcohol awareness training program for the licensing period of **JULY 1, 2018 – JUNE 30, 2020.**

Adopted this 10<sup>th</sup> day of September, 2018

*Requested by: Tim G. Seaver, Police Chief*

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk



RES #180910-6

**EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 1,188,982.29

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

Pending:		
General Fund 2018	\$	92,258.21
Special Revenue Fund 2018	\$	964.82
Debt Fund 2018	\$	-
Capital Projects Fund 2018	\$	54,883.19
Water Fund 2018	\$	342,638.71
Sewer Fund 2018	\$	296,672.30
Stormwater Fund 2018	\$	3,186.44
Trust & Agency Fund 2018	\$	8,409.84
Park Commission Processed Payments	\$	14,170.94
Special Processed Payments	\$	375,797.84
Total:	\$	<u>1,188,982.29</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 10th day of September, 2018

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk