

Village of Fox Crossing Board of Trustees Regular Meeting  
Monday, September 24, 2018 - 6:00 p.m.  
Municipal Complex - Arden Tews Assembly Room  
2000 Municipal Drive, Neenah WI 54956  
Agenda

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive  
Minutes to Approve
  - a) Regular Village Board Meeting – September 10, 2018
  - b) Informational Meeting Public Hearing – September 10, 2018Minutes and Correspondence to Receive
  - c) Sustainability Committee Meeting – August 1, 2018
  - d) Planning Commission Meeting – August 15, 2018
  - e) Park Commission Meeting – August 22, 2018
  - f) Board of Review Meetings – August 29, 2018 and September 17, 2018
  - g) Water Main Break Report – August 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) 180924-1:ORD Amend Fox Crossing Municipal Code Chapter 7.02 Discharge of Firearms and Other Dangerous Weapons; Hunting *First Reading, Second Reading & Adoption*
  - b) 180910-1:ORD Adoption of Amendment to Charter Ordinance, & Amendment to Chapter 19.01(2) Relating to Municipal Judge Term of Office *Second Reading & Adoption*
  - c) 180924-1 Certified Survey Map – 1282 Lakeshore Drive
  - d) 180924-2 Zero Lot Line Certified Survey Map – 600 & 602 Millbrook Drive
  - e) 180924-3 2018 Budget Amendment for Emergency Sanitary Sewer Replacement Project on Brighton Beach Road
  - f) 180924-4 Acceptance of a 2018-2019 Operating While Intoxicated (OWI) Grant
  - g) 180924-2:ORD Amend Village of Fox Crossing Legal Description and Map to Include the Addition of Parcels in the Fox River and Lake Winnebago, and the Detachment of Parcel 12100340201 *First Reading*
  - h) 180924-5 Operator License Applicants
  - i) 180924-6 Expenditures
9. **Reports**
  - a) President Dale Youngquist – Menasha VFW Post 2126 Recognizes the Fox Crossing Police Department and Fire Department as Civilians of the Year at the VFW Annual Isle of Valor Dinner held on September 11, 2018
  - b) Trustee Kris Koeppe – 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) Village Manager Jeffrey Sturgell – Fox Crossing Weights & Measures Program Update
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.*

ORD #180924-1:ORD *First Reading, Second Reading and Adoption*  
**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER 7.02 DISCHARGE OF**  
**FIREARMS AND OTHER DANGEROUS WEAPONS; HUNTING**

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

Part I. Chapter 7.02 is hereby amended to read as follows:

**7.02 DISCHARGE OF FIREARMS AND  
OTHER DANGEROUS WEAPONS;  
HUNTING**

**(1) Definitions** as used in this section:

**“Building”** means a permanent structure used for human occupancy and including a manufactured home, as defined in Wis. Stats. §101.91 (2).

Other terms or phrases appearing in this section 7.02 shall be defined in accordance with the definitions and canons of construction contained within the Wisconsin Statutes and Administrative Code.

- (2) No person except a peace officer, as defined in §939.22, Wis. Stats., shall fire or discharge any firearm, ~~(defined without limitation as a rifle, muzzle loader, pistol and/or shotgun)~~ slingshot, or pellet or BB gun, nor utilize such weapons for the practice of hunting, as defined in s.29.001, Wis. Stats., within **any** the area of the Town of Menasha **Village of Fox Crossing**.

- (a) **Exception.** ~~The~~ **As an exception to 7.02(2),** ~~exception to the above restriction shall be~~ the firing and discharge of shotguns, ~~spring or air guns only~~ **only** shall be permitted in the area identified in orange on Exhibit A. In addition, ~~Section 6~~ the discharge of shotguns shall be permitted in portions of Little Lake Butte Des Morts ~~of the Town of Menasha as set forth on the scale maps,~~ **excluding areas where the** discharge of firearms are otherwise prohibited through other provisions of this ordinance or state law. ~~(Exhibit A)~~

~~attached.~~ However, this exception, reference shotguns, shall not include a discharge from any such shotgun of a slug, or buckshot.

- (b) ~~Further provided that Exhibit is understood to be a scale map and description of the approximate boundaries of the areas within which the discharging and carrying of dangerous weapons shall be prohibited or regulated, is not a Surveyor's legal description, and any doubt or ambiguity therein as to the boundary lines shall be resolved in favor of the Town of Menasha.~~

- (b) ~~Further provided, that reference the above described section (Exhibit A)~~ **Notwithstanding 7.02(2)(a),** there shall be no firing or discharge of any firearms, rifle, shotgun, spring or air gun of any description **firearm:**

- i. ~~Within one hundred (100) yards of any building, publicly or privately owned.~~ **While on the lands of another within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. “Building” as used in this paragraph does not include any tent, bus, truck, vehicle, or similar portable unit;**
- ii. ~~Within one hundred (100) yards~~ **fifty (50) feet** of any then constructed street;

- iii. Within ~~one hundred fifty (150) yards either direction~~ yards of the outer limits of Roland Kampo Bridge structure, in the areas identified on Exhibit B; ~~six hundred (600) feet of any town owned property, or~~
  - iv. Within ~~one hundred fifty (150) yards either direction~~ of the outer limits of the Stroebe Road Causeway in the areas identified on Exhibit B;
  - v. Within one hundred (100) yards ~~from~~ of any railroad right-of-way;
  - vi. Within the narrowed mouth of the Fox River from the most northern tip of Stroebe Island on the west shoreline across to Annex Lane on the east shoreline, in the areas identified on Exhibit B;
  - vii. The distances referenced in the above paragraphs shall be measured in a straight line and include both land and water. The distance does not stop at the water's edge;
  - viii. Exhibit A and Exhibit B are not scale maps and any doubt or ambiguity therein shall be resolved in favor of the Village of Fox Crossing.
- (c) Open water hunting is not allowed on Little Lake Butte Des Morts.
  - (d) Wisconsin Migratory Game Bird Regulations are applicable, as are all other provisions of Wisconsin Statutes and the Administrative Code.
- (3) No person except a peace officer, as defined in §939.22, Wis. Stats., shall fire or discharge any bow and arrow or crossbow within ~~the any~~ area of the ~~Town of Menasha~~ Village of Fox Crossing, except in the practice of hunting, as defined in §29.001, Wis. Stats. The firing or discharge of any bow and arrow or crossbow in the practice of hunting shall be restricted ~~in accordance with state law and~~ as follows:
    - (a) No person shall hunt with a bow and arrow or crossbow within a distance of 100 yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.
    - (b) A person who hunts with a bow and arrow or crossbow shall discharge the arrow or bolt from the respective weapon toward the ground.
    - (c) No person shall discharge any arrow or bolt from any bow or crossbow where the arrow or bolt may endanger the life, limb, or property of another or will traverse any part of a street, alley, public grounds, ~~or~~ parks, ~~or private land without the landowner's permission.~~
    - (d) No person shall fire, discharge, or utilize for hunting any bow and arrow or crossbow within 50 feet of the center of any ~~town~~ village street, county road, or state highway.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **September 24, 2018**

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

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

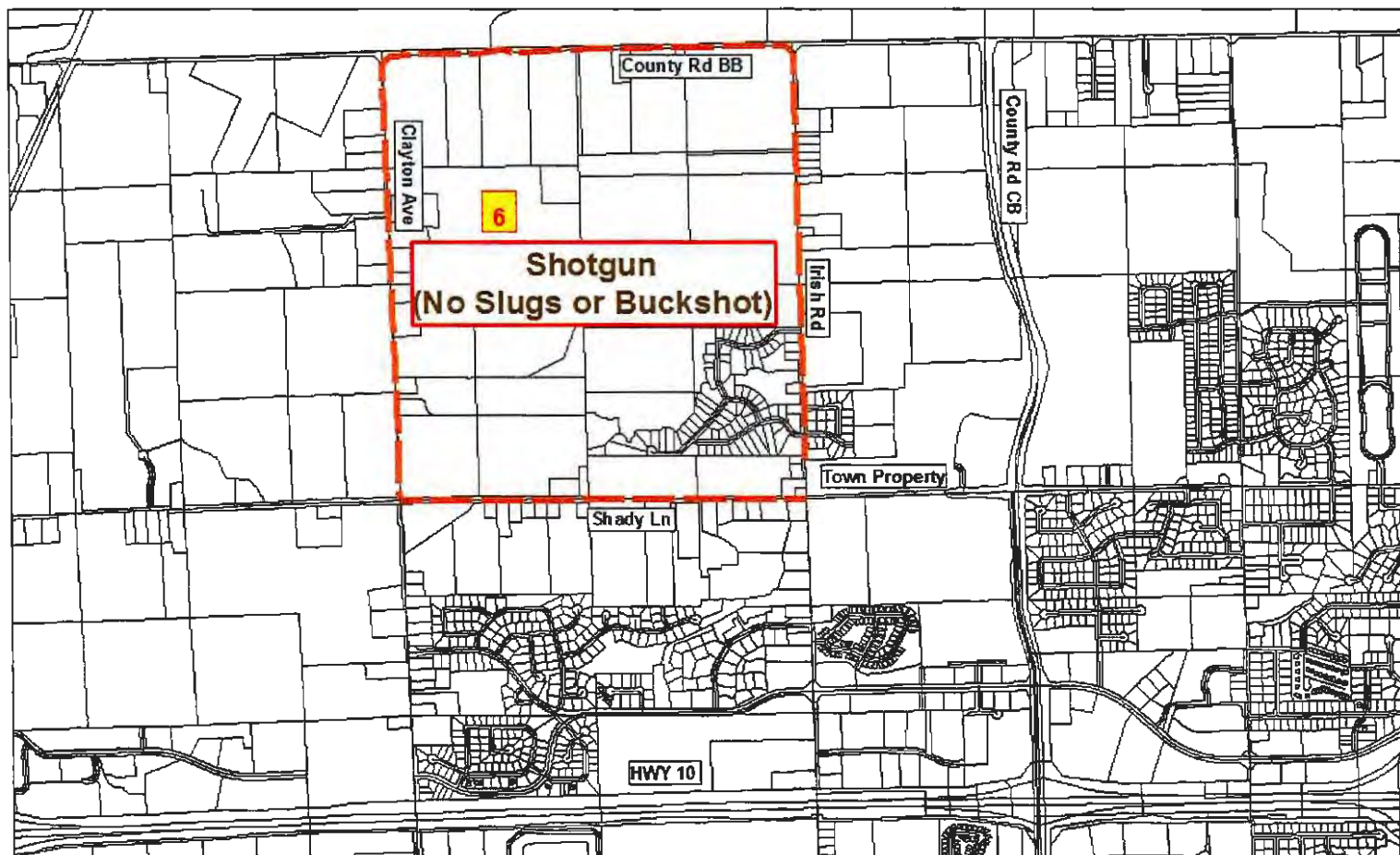
*Submitted by: Dale A. Youngquist, Village President*

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

**Town of Menasha  
Discharge of Firearms Map  
June 18, 2015**

**EXHIBIT "A"**



**7.02 EXCEPTION:** The territory excepted is described as being bordered by Clayton Avenue to the west, Irish Road to the east, Shady Lane to the south and CTH BB to the north.





Exhibit B





**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 #180924-1

**CERTIFIED SURVEY MAP – 1282 LAKESHORE DRIVE**

WHEREAS, the applicant, Bruce Munger, is requesting approval of a Certified Survey Map (CSM) for 1282 Lakeshore Drive to correct a nonconformity; and

WHEREAS, staff find that this Certified Survey Map complies with the Village of Fox Crossing's Chapter 6 Land Division Ordinance; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their September 19, 2018 meeting and recommended approval of the Certified Survey Map 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.

Planning Commission:   7   Aye   0   Nay   0   Excused   0   Abstain

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby recommends approval of the Certified Survey Map with the above conditions.

Adopted this 24<sup>th</sup> day of September, 2018

*Requested by: George Dearborn, AICP, Director of Community Development*

*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 #180924-2

**ZERO LOT LINE CERTIFIED SURVEY MAP – 600 & 602 MILLBROOK DRIVE**

WHEREAS, the applicant, Manohar Patel, is requesting approval of a zero lot line Certified Survey Map (CSM) for 600 and 602 Millbrook Drive; and

WHEREAS, staff find that this Certified Survey Map complies with the Village of Fox Crossing's Chapter 6 Land Division Ordinance; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their September 19, 2018 meeting and recommended approval of the Certified Survey Map 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.

Planning Commission: 7 Aye 0 Nay 0 Excused 0 Abstain

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby recommends approval of the Certified Survey Map with the above conditions.

Adopted this 24<sup>th</sup> day of September, 2018

*Requested by: George Dearborn, AICP, Director of Community Development*

*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 #180924-3

**2018 BUDGET AMENDMENT FOR EMERGENCY SANITARY SEWER  
REPLACEMENT PROJECT ON BRIGHTON BEACH ROAD**

WHEREAS, the Utility Superintendent David Tracey requests to amend the 2018 Wastewater Budget for purposes of conducting an emergency Sanitary Sewer Replacement Project on Brighton Beach Road in the amount of \$60,000; and

WHEREAS, funds to cover the expenditure will be transferred from the Wastewater Department Depreciation fund; and

WHEREAS, Utility staff requests authorization to amend the 2018 Wastewater Budget for purposes of installing six (6) backflow preventers for \$6,000, to aid staff in dealing with properties that have faced sanitary sewer backups multiple times; and

WHEREAS, funds to cover the expenditure will be transferred from the Wastewater Fund Balance fund to the Lateral Repair fund.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the 2018 Wastewater Department budget is amended, as attached, to provide funds for the emergency Sanitary Sewer Replacement Project on Brighton Beach Road in the amount of \$60,000.

BE IT FURTHER RESOLVED, that the 2018 Wastewater Department budget is amended, as attached, to provide funds for the installation of six (6) backflow preventers for the amount of \$6,000.

Adopted this 24<sup>th</sup> day of September, 2018

*Requested by: David Tracey, Utility 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 #180924-4

**ACCEPTANCE OF A 2018-2019 OPERATING WHILE INTOXICATED (OWI) GRANT**

WHEREAS, in Wisconsin, during 2017, alcohol was listed as a contributing factor in 4.4% of all crashes; and 27.7% of all fatal vehicle crashes in 2017 were alcohol-related, resulting in 161 deaths; and

WHEREAS, alcohol-impaired driving is associated with other high-risk behaviors that increase the likelihood of a crash and of significant injury or death occurring; these include speeding, and failure to wear seatbelts; and

WHEREAS, the Winnebago County Sheriff's Office has been awarded a \$125,000 multi-jurisdictional federal task force Operating While Intoxicated (OWI) grant passed through the State of Wisconsin; and

WHEREAS, the Fox Crossing Police Department will be a partner in that award for the amount of \$20,000; and

WHEREAS, these grants would pay for the associated overtime costs related to OWI enforcement; and

WHEREAS, the Village is required to provide a 25% match for this activity, which can be met during normal patrols; and

WHEREAS, the OWI grant runs from October 1, 2018 through September 30, 2019.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Village of Fox Crossing Board of Trustees hereby accepts the 2018-2019 OWI Enforcement Task Force Grant in partnership with the Winnebago County Sheriff's Office in the amount of \$20,000, with the Village providing 25% match for the activity.

BE IT FURTHER RESOLVED, the Village of Fox Crossing Board of Trustees authorizes paying police lieutenants a stipend of \$48.00 per hour while working assignments related to the OWI grant during regularly scheduled time off from October 1, 2018 through September 30, 2019.

Adopted this 24th day of September, 2018

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

*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



ORD #180924-2:ORD *First Reading*

**AMEND VILLAGE OF FOX CROSSING LEGAL DESCRIPTION AND MAP TO  
INCLUDE THE ADDITION OF PARCELS IN THE FOX RIVER AND LAKE  
WINNEBAGO, AND THE DETACHMENT OF PARCEL 121-00340201**

Part I. Amendment of Village of Fox Crossing Legal Description and Map.

1. The Village of Fox Crossing legal description and map shall be amended to include the addition of parcels in the Fox River and Lake Winnebago, and the detachment of parcel 121-00340201, as attached in Exhibits A and B.
2. The associated population of the parcels located in the Fox River and Lake Winnebago as referenced in Exhibits A and B is zero (0).
3. The associated population of parcel 121-00340201 is zero (0).
4. The Clerk of the Village of Fox Crossing shall file a certified copy of this Ordinance with the Secretary of Administration, send one copy to each company that provides utility service in the area described in Exhibits A and B, record the original Ordinance with the Register of Deeds, and file a signed copy of the Ordinance with the clerk of any affected school district.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **September 24, 2018**

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

*Requested by: Jeffrey Sturgell, Village Manager*

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

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Dale A. Youngquist, Village President

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Attest: Karen Backman, Village Clerk

RES #180924-5

**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, background checks have been conducted by the Police Department; and

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

Josue E. Simon

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 checks, and completion of a state-approved alcohol awareness training program for the licensing period of **JULY 1, 2018 – JUNE 30, 2020.**

Adopted this 24<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 #180924-6

**EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling:     \$     1,835,189.38

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

Pending:	
General Fund 2018	\$     169,868.24
Special Revenue Fund 2018	\$     81,445.34
Debt Fund 2018	\$           -
Capital Projects Fund 2018	\$    455,791.82
Water Fund 2018	\$     71,477.41
Sewer Fund 2018	\$     8,989.56
Stormwater Fund 2018	\$   348,259.32
Trust & Agency Fund 2018	\$           -
Park Commission Processed Payments	\$     38,146.20
Special Processed Payments	\$   661,211.49
Total:	<u><u>\$   1,835,189.38</u></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 24th 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