

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, August 26, 2019 - 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
 - a) Special Assessments for Installation of Water Mains and Laterals, and Sanitary Sewer Mains and Laterals on East Shady Lane from Irish Road to the West Lot Line of Parcels 121-0204 and 121-0198
4. Minutes to Approve/ Minutes and Correspondence to Receive
 - Minutes to Approve
 - a) Special Village Board Meeting – August 12, 2019
 - b) Regular Village Board Meeting – August 12, 2019
 - Minutes and Correspondence to Receive
 - c) Planning Commission Meeting – July 17, 2019
 - d) Park Commission Meeting – July 24, 2019
 - e) Water Pumpage Report – July 2019
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) 190826-1 Final Assessment Resolution Declaring Intent to Exercise Special Assessments for Installation of Water Mains and Laterals, and Sanitary Sewer Mains and Laterals on East Shady Lane
 - b) 190826-2 Change Order #2 – East Shady Lane Water and Sanitary Sewer Main Extension Project, Installation and Materials
 - c) 190826-3 Certified Survey Map – Parcels #12102360307, 12102360308, & 12102360309 located on West American Drive
 - d) 190826-4 Certified Survey Map – 1335 Constitution Drive
 - e) 190826-5 Certified Survey Map – 1191 Racine Road & 605 Airport Road
 - f) 190826-6 Certified Survey Map – 1847 East Shady Lane
 - g) 190826-7 Certified Survey Map – 1586 Cold Spring Road
 - h) 190826-8 Consideration of Bids for the Jacobsen Road Cross Culvert Replacement Project
 - i) 190826-9 Amend Fox Crossing Personnel Policy Manual – Regular Part-time Holiday Benefits
 - j) 190826-10 Village of Fox Crossing Stormwater Total Suspended Solids (TSS) Capacity Purchase Policy
 - k) 190826-11 Operator License Applicants
 - l) 190826-12 Expenditures
9. Reports
 - a) Street Superintendent Randy Gallow – 2019 Road Improvement Projects Update
 - b) Fire Chief Brian Harbison – Fire Department Open House will be held on Saturday, September 14, 2019 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.

RES #190826-1

**FINAL RESOLUTION AUTHORIZING SPECIAL ASSESSMENTS FOR THE
INSTALLATION OF WATER MAINS AND LATERALS, AND SANITARY SEWER
MAINS AND LATERALS ON EAST SHADY LANE**

WHEREAS, the Village of Fox Crossing Board of Trustees, Winnebago County, Wisconsin, did pass a Preliminary Resolution (#190708-1) on the 8th day of July, 2019, declaring its intention to exercise special assessment powers under WI Statutes, Chapter 66.0703 for the construction of 3,800 lineal feet of new water and sanitary sewer mains and water and sanitary sewer laterals to certain properties located along East Shady Lane, and did publish the required statutory Notice of Public Hearing on Special Assessments in the *Post-Crescent*, and did further mail a copy of said Notice of Public Hearing to affected property owners within the required statutory time. A Preliminary Engineer's Report is available for viewing and inspection within regular business hours in the Village Clerk's office; and

WHEREAS, the specially benefited property affected by the construction of new water and sanitary sewer mains and laterals is the area East Shady Lane from Irish Road to the west lot line of Parcels 121-0204 and 121-0198 (see map in attached Engineer's Report); and

WHEREAS, the Village of Fox Crossing Board of Trustees, Winnebago County, Wisconsin, did hold a Public Hearing at the Fox Crossing Municipal Complex, 2000 Municipal Drive, Neenah, Winnebago County, Wisconsin on the 26th day of August, 2019 at 6:00 p.m., pursuant to the published Notice of Public Hearing and a mailing of said Notice to property owners, for the purpose of informing and hearing all interested persons concerning the Preliminary Resolution and the Report of the Village Engineer on the proposed improvements (East Shady Lane from Irish Road to the west lot line of Parcels 121-0204 and 121-0198) and did hear all persons desiring audience at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Fox Crossing, Winnebago County, Wisconsin, as follows:

- 1.) That the Engineer's Report drafted by McMahon Associates, Inc. pertaining to the project and all plans and specifications are hereby approved and adopted.
- 2.) That the Village of Fox Crossing Board of Trustees are aware that the work for the improvements shall be carried out in accordance with the Engineer's Report.
- 3.) That payment of said improvements be made by assessing the cost to abutting property owners in accordance with the schedule of assessments as determined in the Engineer's Report as authorized under Chapter 66.0703, WI Statutes 2017-2018 as amended in the exercise of the Village of Fox Crossing police powers.
- 4.) That all costs to area property owners shown in the Engineer's Report are true and correct, have been determined on a reasonable basis, and are hereby confirmed. That all improvements for which assessments are being made are determined to specially benefit the real estate in the area being assessed by the Village of Fox Crossing Board of Trustees.

- 5.) That the Village of Fox Crossing advertised for bids for this project, and that the Village of Fox Crossing is further directed to carry out the work for said improvements, all as aforementioned.
- 6.) That the assessment shall be paid in cash, in full, or in annual installments (based on the table below) with all deferred payments to bear interest at the rate of 2% above the rate of the Village borrowing, which will be charged per annum on the unpaid balance. That the balance of the assessments and interest to date will be paid if and when the benefited real estate is sold. A minimum \$250 principal payment must be made in a year.

<u>Assessment Amount</u>	<u>Installment Term</u>
\$500 - \$4,999	Five (5) years
\$5,000 - \$19,999	Ten (10) years
\$20,000 - greater	Fifteen (15) years

- 7.) That the Village of Fox Crossing adopts Wisconsin Statute 66.0721, as amended, for parcels qualifying for the Farmland Special Assessment Deferral. Qualifying property owners must apply to the Fox Crossing Finance Department to receive the deferral.

A. In accordance with Wisconsin Statutes 66.0721, to qualify for the special assessment deferral, the applicant must own thirty-five (35) or more acres of contiguous land which is/was devoted exclusively to agricultural use during the year preceding the assessment. Contiguous land includes parcels that abut a road right-of-way but are on opposite sides of the roadway and any part of either parcel is directly opposite from the other.

B. The land subject to the special assessment produced gross farm profits of not less than \$6,000 for the previous year or \$18,000 over the previous three (3) years.

C. Upon initiation of the special assessment, the property owner must apply for the qualifying farmland deferral through the Village of Fox Crossing Finance Department. A yearly farmland deferral administration fee will be imposed upon each parcel that is deferred. Should a parcel already have a farmland deferral administration imposed from another special assessment deferral, there shall be only one fee imposed on the parcel.

D. The special assessment deferral shall terminate if any requirements to maintain the deferral under Wisconsin Statutes 66.0721, as amended, are no longer met. This would include if a parcel to which the deferral applies is subdivided and any portion of the subdivided parcel is no longer used exclusively for agriculture. The deferral also terminates if the exempt parcel is not devoted exclusively to agricultural use for a period of one year or more.

- 8.) The Village Clerk of the Village of Fox Crossing is directed to publish the resolution as a Class One (1) Notice in the *Post-Crescent*, Appleton, Wisconsin.
- 9.) The Village Clerk shall mail a copy of this Final Resolution and a statement of the final assessment to each property owner affected whose name appears on the assessment roll and whose post office address is known or can, with reasonable diligence, be ascertained.

Assessments may be revised whereas the assessment may be less; however, the assessments shall not exceed the Engineer's Report pursuant to Chapter 66, WI Statutes.

Adopted this 26th day of August, 2019

Requested By: Karen Backman, Village Clerk

Submitted By: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-2

CHANGE ORDER #2 – EAST SHADY LANE WATER AND SANITARY SEWER MAIN EXTENSION PROJECT, INSTALLATION AND MATERIALS

WHEREAS, on May 20, 2019, Jossart Brothers, Inc., was awarded the installation contract for the East Shady Lane Water and Sanitary Sewer Main Extension Project, for the Base Bid amount of \$1,015,827.20; and

WHEREAS, on May 20, 2019, Change Order #1 was approved reflecting a decrease of \$476,522.20 in the project cost; and

WHEREAS, Change Order #2 reflects an increase of \$189,119.00, due to extending the water main an additional 1,120 feet, and extending the sanitary sewer main an additional 880 feet; and

WHEREAS, the increase of \$189,119.00 from Change Order #2 items results in a new total contract price of \$728,424.00 (bid tabulation attached); and

WHEREAS, it is the recommendation of Village Engineer Brad Werner and Utility Superintendent David Tracey to approve Change Order #2 to Jossart Brothers, Inc., for an increase in the amount of \$189,119.00, resulting in a new contract amount of \$728,424.00.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves Change Order #2 to the installation contract for the East Shady Lane Water and Sanitary Sewer Main Extension Project, resulting in an increase in the amount of \$189,119.00 to **Jossart Brothers, Inc., 1682 Swan Road, DePere, Wisconsin**, for the adjusted contract amount of \$728,424.00.

Adopted this 26th day of August, 2019

Requested by: David Tracey, Utility Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-3

**CERTIFIED SURVEY MAP – PARCELS 12102360307, 12102360308, 12102360309
LOCATED ON WEST AMERICAN DRIVE**

WHEREAS, the applicant, OSMS Real Estate Inc., is requesting approval of a Certified Survey Map to combine three lots (parcels 12102360307, 12102360308, 12102360309) located on the corner of West American Drive and Cold Spring Road; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their August 21, 2019 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 CSM.

Planning Commission: 5 Aye 0 Nay 2 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 26th day of August, 2019

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-4

CERTIFIED SURVEY MAP – 1335 CONSTITUTION DRIVE

WHEREAS, the applicant, Steve Eisch, is requesting approval of a Certified Survey Map to combine two (2) lots on Constitution Drive; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their August 21, 2019 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 CSM.

Planning Commission: 5 Aye 0 Nay 2 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 26th day of August, 2019

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-5

CERTIFIED SURVEY MAP – 1191 RACINE ROAD & 605 AIRPORT ROAD

WHEREAS, the applicant, Karen Kaas, is requesting approval of a Certified Survey Map to combine three (3) lots into two (2) lots on Racine Road and Airport Road; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their August 21, 2019 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 CSM.

Planning Commission: 5 Aye 0 Nay 2 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 26th day of August, 2019

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-6

CERTIFIED SURVEY MAP – 1847 EAST SHADY LANE

WHEREAS, the applicant, Jim Hansen, is requesting approval of a Certified Survey Map to split his property at 1847 East Shady Ln. into three (3) lots; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their August 21, 2019 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 CSM.

Planning Commission: 5 Aye 0 Nay 2 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 26th day of August, 2019

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-7

CERTIFIED SURVEY MAP – 1586 COLD SPRING ROAD

WHEREAS, the applicant, David Hildebrand, is requesting approval of a Certified Survey Map to split his property at 1586 Cold Spring Road into four lots; and

WHEREAS, the Village of Fox Crossing Planning Commission reviewed this item at their August 21, 2019 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 CSM.

Planning Commission: 5 Aye 0 Nay 2 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 26th day of August, 2019

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-8

CONSIDERATION OF BIDS FOR THE JACOBSEN ROAD CROSS CULVERT REPLACEMENT PROJECT

WHEREAS, on August 22, 2019, sealed bids for the Jacobsen Road Cross Culvert Replacement Project were due in the office of the Street Department by 10:00 a.m., at which time they were publicly opened and read; and

WHEREAS, five (5) bids were received: (bid tabulation enclosed);

<u>Contractor</u>	<u>Base Bid</u>
DeGroot Construction, Inc., Green Bay	\$384,319.07
Soper Grading & Excavating, Oshkosh	\$472,133.50
PTS Contractors, Inc., Green Bay	\$541,916.00
Woleske Construction Co., Inc., Madison	\$614,796.00
Superior Sewer & Water, Inc., Luxemburg	\$944,728.00.

NOW, THEREFORE, BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, to:

- ___A. Award the Jacobsen Road Cross Culvert Replacement Project to the lowest responsible bidder, **DeGroot Construction, Inc., 4201 Champion Road, Green Bay, Wisconsin, 54311**, for the amount of **\$384,319.07**.

Additionally, the Board further resolves to authorize the direct purchase of a 4'0" x 10'0" precast box culvert from **County Materials Corporation, 2448 Century Road, Green Bay, Wisconsin, 54307**, in the amount of **\$254,976.00**.

- ___B. Reject all bids due to the lowest responsible bid exceeding the Engineer's Probable Cost Estimate for the project. The Board directs staff to rebid the project within the next twelve (12) months.

Adopted this 26th day of August, 2019

Requested by: Randy Gallow, Street Superintendent

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-9

AMEND FOX CROSSING PERSONNEL POLICY MANUAL – REGULAR PART-TIME HOLIDAY BENEFITS

WHEREAS, in 2014, the Village of Fox Crossing amended the regular part-time employee benefits to allow regular part-time employees to receive sick, vacation and holiday pay at a percentage of the full-time employee benefit; and

WHEREAS, the percentage of accrual, for employees in regular part-time position classifications is based upon number of hours budgeted (excluding overtime), in that year, as follows:

Budgeted hours (excluding overtime)	Accrual Percentage
1,040 – 1,299	50.00%
1,300 – 1,559	62.50%
1,560 – 2,079	75.00%

; and

WHEREAS, it is the recommendation of Village staff to change the holiday percentage for employees who are temporarily working full time, due to staff shortages, to receive full-time paid holiday benefits, excluding personal holidays; and

WHEREAS, it is the recommendation of the Village staff to retroactively apply this benefit change, effective July 1, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby amends the Village Personnel Policy Manual to change the holiday percentage for employees who are temporarily working full-time during the week of a holiday, due to staff shortages, to receive full-time paid holiday benefits, excluding personal holidays.

BE IT FURTHER RESOLVED that this change will be retroactively effective on July 1, 2019.

Adopted this 26nd day of August, 2019

Requested by: Jeffrey Sturgell, Village Manager

Myra Piergrossi, Finance Director

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-10

**VILLAGE OF FOX CROSSING STORMWATER TOTAL SUSPENDED SOLIDS (TSS)
CAPACITY PURCHASE POLICY**

WHEREAS, developers may desire to purchase total suspended solid (TSS) capacity within the basins of Cold Spring, Tayco, Independence, and Community First Credit Union (CFCU) ponds to meet their requirements for new and expanded development; and

WHEREAS, the Village of Fox Crossing has available excess TSS capacity within the basins of these ponds which may be purchased by developers; and

WHEREAS, the Village has established the 2019 purchase price to be paid by developers to use the available TSS capacity within these basins as follows:

1. Cold Spring Pond Basin – Seven thousand eight hundred and forty-four dollars (\$7,844) per acre of impervious surface.
2. Tayco Pond Basin – One thousand eight hundred and twenty-nine dollars (\$1,829) per acre of impervious surface.
3. Independence Pond Basin – Four thousand five hundred and fifty-eight dollars (\$4,558) per acre of impervious surface.
4. Community First Credit Union Basin – Thirteen thousand three hundred and eighty dollars (\$13,380) per acre of impervious surface.

WHEREAS, any developers purchasing TSS capacity from the Village of Fox Crossing within the basins of any of the ponds described above shall not be eligible for any credits for TSS removal but would be eligible for stormwater flow credits under the Village's adopted Stormwater Utility Credit Policy (Section IV); and

WHEREAS, the purchase of TSS capacity will not relieve the developer of the need to address the additional stormwater flow created by any new impervious surface of a development.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees approves the Village of Fox Crossing Stormwater Total Suspended Solids (TSS) capacity purchase policy as specified in this resolution.

BE IT FURTHER RESOLVED, that the Stormwater TSS capacity purchase policy will be increased annually at a rate equal to the percentage change in the Engineering News Record Construction Cost Index for the previous 12 months, with the adjustment effective January 1 of each year. The Finance Director shall calculate the adjusted fees and maintain a copy of the calculation and adjusted cost.

BE IT FURTHER RESOLVED, that this Stormwater TSS capacity purchase policy supersedes any previously approved Stormwater TSS capacity purchase policy.

Adopted this 26th day of August, 2019

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

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-11

OPERATOR LICENSE APPLICANTS

WHEREAS, the operator license applicant(s) listed below have made proper application with the Police Department; and

WHEREAS, applicant(s) either currently holds 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:

Jackson Miller	Approve
Elise Jakusz	Approve
Austin Roth	Approve
Kristi Marquardt	Approve
Alec Bell	Approve
Michael Arndt	Approve

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees recommend the above applicant(s) 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 26th day of August, 2019

Requested by: Tim G. Seaver, Police Chief

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk

RES #190826-12

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$ 4,461,378.26

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

Pending:		
General Fund	\$	520,099.90
Special Revenue Fund	\$	92,508.78
Debt Fund	\$	-
Capital Projects Fund	\$	3,729.54
Water Fund	\$	61,402.33
Sewer Fund	\$	115,779.41
Stormwater Fund	\$	86,491.47
Trust & Agency Fund	\$	-
Park Commission Processed Payments	\$	12,388.89
Special Processed Payments	\$	3,568,977.94
Total:	\$	<u>4,461,378.26</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 26th day of August, 2019

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

Dale A. Youngquist, Village President

Attest: Karen Backman, Village Clerk