

**Village of Fox Crossing Board of Trustees Regular Meeting**  
**Monday, June 28, 2021 - 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
  - a) Annual Audit Report for Fiscal Year 2020 – Krisztina Dommer, CPA of KerberRose, S.C.
3. Public Hearings
4. Minutes to Approve/ Minutes and Correspondence to Receive
  - Minutes to Approve**
    - a) Special Village Board Meeting – June 14, 2021
    - b) Regular Village Board Meeting – June 14, 2021
  - Minutes and Correspondence to Receive**
    - c) Planning Commission Meeting Minutes – May 19, 2021
    - d) Neenah Menasha Sewerage Commission Minutes – April 27, 2021 & May 25, 2021
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) 210628-1:ORD Create Fox Crossing Municipal Code Chapter § 274 Mobile Food Vendors *First Reading*
  - b) 210628-1 Approve the Fourth Addendum and Amendment to Option and Ground Lease Agreement for Palisades Park Cell Tower
  - c) 210628-2 Memorandum of Understanding between the City of Menasha, Winnebago County, Menasha School District, and Village of Fox Crossing for the Midway Road Pedestrian Crossing at Maplewood Middle School
  - d) 210628-3 Amend Sanitary Sewer Lateral Program for Utility Projects
  - e) 210628-4 Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2022
  - f) 210628-5 Designation of July as Parks & Recreation Month in Fox Crossing
  - g) 210628-6 Temporary Class "B" Retailer's License – Saving Paws Animal Rescue
  - h) 210628-7 Operator License Applicants
  - i) 210628-8 Expenditures
9. **Reports**
  - a) Fire Chief Brian Harbison – Fire Station #40 will serve as a COVID-19 Vaccination Site for the Winnebago County Health Department on Tuesdays from 2:30 p.m. to 5:30 p.m. for Five (5) Weeks Beginning Tuesday, June 29, 2021
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.*

**CREATE FOX CROSSING MUNICIPAL CODE CHAPTER 274 MOBILE FOOD VENDORS**

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

Part I. Chapter 274 of the Municipal Code of Ordinances relating to mobile food vendors is hereby created to read as follows:

**MOBILE FOOD VENDOR LICENSE**

**§274-1 License required.**

It shall be unlawful for any mobile food vendor to do any of the following within a public right-of-way, or from private property open to the public, in the Village of Fox Crossing including to vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the Village, without first obtaining a license from the Village Clerk and paying the license fee. All mobile food establishments used for vending food shall be licensed for such use by the Winnebago County Health Department and all other applicable agencies.

**§274-2 Definitions.**

The following definitions shall apply to this chapter:

***Edible goods*** shall include but are not limited to:

1. Prepackaged and prepared food including, but not limited to, ice cream, custard and other prepackaged frozen treats, hot dogs, deserts, and pizzas.
2. On-site prepared food including, but not limited to, shaved ice, smoothies, sandwiches, and tacos.

***Mobile*** shall mean the state of being in movement, though not necessarily in continuous movement.

***Mobile food establishment*** means a restaurant or retail food establishment where edible goods are served or sold from a movable vehicle, cart, trailer, or boat, which periodically or continuously changes location.

***Mobile food vendor*** means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the Village.

***Service base*** means an establishment operated under license or permit of an appropriate regulatory authority (Winnebago County Health Department) where edible goods are manufactured, stored, prepared, portioned, packaged, or any combination of these, where such edible goods are intended for consumption at another establishment or place, and where such mobile food establishments are serviced, cleaned, supplied, maintained, and where the equipment, utensils, and facilities are serviced, cleaned, and sanitized. Service bases are not licensed separately through the Village, but are licensed separately through the Winnebago County Health Department.

***Vehicle*** shall mean any motor vehicle as defined by §340.01(35), Wis. Stats., or trailer as defined by §340.01(71), Wis. Stats. "Vehicle" shall also include any bicycle or other self-propelled device.

***Vend*** shall mean to sell or transfer the ownership of an article to another for a price in money.

**§274-3 Application for License.**

Any person desiring to operate a mobile food establishment within the Village of Fox Crossing shall be required to complete and return to the Village Clerk an application form provided by the Village Clerk which shall require the following information:

- A. If applying as an individual, application must include applicant's full legal name, permanent address, date of birth (applicant must be 18 years of age), and signature. If applying as a Corporation or Limited Liability Company, application must include corporation/LLC's full registered name along with each officer/member(s) full legal name, permanent address, and signature.
- B. Description of mobile food establishment vehicle including make, model, vehicle identification number (VIN), and license plate number.
- C. Description of the nature of business and description of the goods being sold.
- D. Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's business within the last five (5) years, and the nature of the offense and place of conviction.

All applicants shall present valid copies of the following documents to the Village Clerk for examination at the time of application:

- A. Current Driver's License
- B. Vehicle Certificate of Registration/Licensing
- C. Wisconsin Seller's Permit (in same legal name as applicant/business)
- D. Food Permit issued by the Winnebago County Health Department
- E. Address of the Service Base and evidence of satisfactory inspection of said Service Base by the Winnebago County Health Department, if applicable
- F. Certificate of Insurance along with proof that the Village of Fox Crossing has been named as an additional insured
- G. State certificate of examination and approval from the Sealer of Weights and Measures, only applicable if the applicant's business requires the use of weighing and measuring devices approved by state authorities
- H. Written authorization(s) of the property owner(s) where mobile food establishment will be located, if applicable
- I. Written authorization from the Park & Recreation Department, if mobile food establishment will be located at a Village park.
- J. Written authorization from any permanent merchant retailing a similar product, if mobile food establishment will be selling within 200 feet of permanent merchant

All applications will be reviewed by the Village Police Department, Finance Department, Municipal Court, and Community Development Department. If approved by all of these departments, the Village Clerk shall issue the license to the applicant.

**§274-4 License fee.**

At the time the permit application is returned to the Village Clerk, fees as set forth in the Village Fee Schedule, reference this Code section, shall be paid to the Village Clerk. The annual license shall have a term of one (1) year commencing on January 1<sup>st</sup> and expiring

December 31<sup>st</sup> of each year. A single day and/or six-month license may also be obtained. These fees are not pro-rated and are non-refundable. Each mobile food establishment shall be licensed separately.

**§274-5 Insurance.**

- A. *Liability insurance.* The license holder under this Chapter shall have in force a minimum liability and contractual liability policy in the amount of one hundred thousand dollars (\$100,000.00) for each person, three hundred thousand dollars (\$300,000.00) for each accident for bodily injury, and one hundred thousand dollars (\$100,000.00) for property damage.
- B. *Proof of insurance.* Applicant shall furnish a Certificate of Insurance, evidencing the existence of adequate liability insurance naming the Village of Fox Crossing, its employees and agents, as additionally insured in an amount not less than one million dollars (\$1,000,000.00). The Certificate of Insurance shall be filed with the Village Clerk as part of the application.
  - (1) License Holder shall provide 30 days written notice to the Village upon cancellation, nonrenewal, or material change in said insurance policy.

**§274-6 Sanitation requirements.**

- A. Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the Winnebago County Health Department including, but not limited to, the time, temperature, plumbing, operation, and maintenance for mobile food establishments.
- B. Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the Winnebago County Health Department regarding preparation facilities, serving areas, and operation areas.
- C. The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the Winnebago County Health Department for annual inspections of the establishment at a location designated by said health department.
- D. Authorities of the Winnebago County Health Department may require that mobile food establishments found in violation of sanitation and health requirements have follow-up inspections to verify compliance.

**§274-7 Service Base required.**

- A. All mobile food establishments shall have a service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the Winnebago County Health Department.
- B. Any food item desired to be cooked or prepared on the mobile food establishment shall first be inspected by the Winnebago County Health Department.
- C. All mobile food establishments shall be cleaned, serviced, and sanitized as often as necessary at the service base.
- D. The service base shall be inspected and approved by the Winnebago County Health Department prior to operating the mobile food establishment.
- E. Mobile food establishment shall return to its service base at least once every 24 hours for service and maintenance.

**§274-8 Business conduct regulations.**

The following regulations shall apply to mobile food establishments during the regular conduct of business:

- A. Licensee shall not falsely or fraudulently misrepresent the quantity, character, or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, wares, or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.
- B. Licensee shall not use the license provided by the Village of Fox Crossing after expiration or revocation of the license.
- C. Licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust, and insects. All mobile food vendors shall comply with requirements of state and local authorities.
- D. Licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the Village of Fox Crossing between the hours of 7:00 a.m. and 9:00 p.m. only. Licensee may periodically and infrequently extend the hours of service of the mobile food establishment from 7:00 a.m. to 3:00 a.m. for business purposes only (exemption not applicable in any residential zoning district). No mobile food vehicle shall be left unattended on a public way nor remain on a public way outside of these allowed hours of operation.
- E. All mobile food vendors shall abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times. Vendors shall obey any lawful order of a Police Officer or other designated Village official to move to a different permitted location to avoid congestion or obstruction of a public way or remove the mobile food establishment entirely from the public way if necessary.
- F. A person with a valid driver's license of such a classification to allow the operation of the mobile food vehicle shall be with the vehicle at all times in which any activity is taking place in the mobile food vehicle. The mobile food vehicle licensee is liable for any violation of this subsection.
- G. All vendors conducting business on a sidewalk or terrace must maintain within 25 feet of their sales location, a clean, sanitary, and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters, or storm drain. Each person conducting business on a sidewalk or terrace under the provisions of this Chapter shall carry a minimum 30-gallon container for placement of such litter by customers or other persons and remove such receptacle(s) at the conclusion of their sales daily. Trash shall not be placed in any public or private trash receptacles, including dumpsters, unless owned or leased by the mobile food establishment licensee.
- H. Mobile food vendors shall take every precaution to ensure their operation does not materially affect the peace and welfare of the general public, nor cause any unreasonable loud, disturbing, and/or unnecessary noise.
- I. A mobile food establishment shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this Chapter.

- J. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.
- K. Mobile food establishments shall be located so as to not obstruct a public right-of-way, impair movement of pedestrians or vehicles, or pose a hazard to public safety. Patrons may only be served from the curbside of the vehicle at all times; service in the street is prohibited. No sales shall be made from a mobile vending vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property on which the vehicle is parked.
- L. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.
- M. No person shall provide or allow any dining area to the mobile food establishment, including, but not limited to, tables and chairs, booths, stools, benches, or stand up counters.
- N. Signage may only be permitted when permanently affixed to the mobile food establishment. No external free-standing signs, bollards, seating, or any other equipment not contained within the vehicle are permitted.

**§274-9 Vehicle regulations.**

- A. Any vehicle or other on-street unit used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product(s) to be vended.
- B. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with Chapter §302-8 and Chapter §287-13 of the Fox Crossing Municipal Code.
- C. All mobile food establishments located on a public way shall be entirely self-contained in regards to gas, water, electricity, and equipment required for operation of the unit, and shall not use utilities drawn from the public right-of-way. No power cable or equipment shall be extended at grade across any Village street, alley, or sidewalk.
- D. All mobile food vehicles must have valid license plates and registration as provided by Chapter 341, Wis. Stats.
- E. No vehicle or on-street unit may violate any traffic or parking statute or ordinance when stopping to make sales.
- F. No mobile food establishment shall use or maintain any outside sound amplifying equipment, flashing, blinking lights, or strobe lights, or any noisemakers such as bells or horns while stationary. All lighting is subject to review by the Community Development Department and Police Department and shall be removed if deemed to be in conflict with safe travel.
- G. All mobile food establishments shall comply with all Federal, State, and local regulations regarding vehicle size requirements.

**§274-10 Zoning restrictions.**

- A. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public right-of-way. No vendor shall engage in the licensed business on any Village owned property, unless involved in a Village

sanctioned event. No vendor shall engage in the licensed business at any public park without first seeking permission from the Village Parks & Recreation Department, or unless involved in a Village sanctioned event. The vendor shall comply if asked to leave the private property by the property owner or a Village official.

- B. No mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, trails, motor vehicle lanes, bicycle lanes, and other designated parking areas.
- C. No mobile food establishment shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food establishment at all times. The vendor shall comply if asked to leave the private property by the property owner or a Village official.
- D. No more than two (2) mobile food establishments shall be allowed to conduct business on the same property at the same time, unless involved in a Village sanctioned event.
  - (1) Mobile food establishments operating on the same property at the same time should be located a safe distance from one another to avoid potential fire hazards.
  - (2) Upon application and approval of a Special Event license from the Village Clerk's office, the owner of private property may allow more than two (2) mobile food establishments to conduct business on said property at the same time during the normal hours of operation. See Municipal Code Chapter 150 for information on Special Event licenses.
- E. No mobile food establishment shall conduct business within 500 feet of any fair, festival, special event, or civic event that is licensed or sanctioned by the Village unless the licensee has obtained written permission from the event sponsor.
- F. A mobile food establishment shall be located on a gravel or paved surface at all times unless it is part of a Village-sanctioned special event.
- G. No mobile food establishment may conduct business on a sidewalk or curbside in any of the following places:
  - (1) Within 20 feet of the intersection of the sidewalk with any other sidewalk.
  - (2) Within ten (10) feet of the extension of any building entrance or doorway to the curb line.
  - (3) Within 150 feet of a public entrance of any business which is a licensed or permitted restaurant by the Winnebago County Health Department, during the hours the particular business is open for business, unless written permission is granted by the business.
  - (4) Within 150 feet of a Village park where food concessions are sold, during the hours that concessions are being sold, unless written permission is granted by the Park & Recreation Department.
- H. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district, including R-1 through R-8 and Planned Development Districts for exclusive residential uses, unless in conjunction with a Special Event License. The subsection shall not apply to ice-cream trucks.

**§274-11 Alteration of license; failure to display license.**

No person shall alter or change in any manner any license issued under the provisions of this Chapter, and such alteration or the failure of the holder of the license to display the license in a permanent and prominent place on the mobile food establishment or to exhibit the license upon demand of any officer, customer, or prospective vendee shall be cause for revocation of such license.

**§274-12 Transfer of license.**

A license issued under this Chapter shall not be transferable from person to person or business to business. A license is valid for one (1) vehicle only and shall not be transferrable between vehicles.

**§274-13 License suspension or revocation.**

The Village Board, Police Department, or Village Clerk may revoke or suspend any license under this Chapter for any material omission or materially inaccurate statements in the license application, any violation by any vendor or the vendor's employee or agent of any provision of this Chapter or any State law or Village ordinance which renders future vending contrary to the public health, safety, or welfare, or for fraud or misrepresentation in solicitation under this Chapter.

**§274-14 Violations & Penalties.**

A licensee or vendor who violates any provision of this Chapter or any regulation, rule, or order made hereunder shall be assessed a penalty as set forth in Chapter A450, Fines and Penalties, reference this Code section.

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

Part III. The Board hereby amends Chapter A450 – Fines & Penalties, the Fox Crossing Fee Schedule, and the Fox Crossing Bond Schedule, as attached.

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

Date Introduced: \_\_\_\_\_

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

*Requested by: Darla M. Fink, Village Clerk*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk



RES #210628-1

**APPROVE THE FOURTH ADDENDUM AND AMENDMENT TO OPTION AND GROUND LEASE AGREEMENT FOR PALISADES PARK CELL TOWER**

WHEREAS, on September 25, 2000, the Town of Menasha entered into an Option and Ground Lease Agreement with Nextel WIP Lease Corp., (d/b/a Nextel Partners) for a cellular tower site in Palisades Park; and

WHEREAS, the Option and Ground Lease Agreement was amended by the First Addendum and Amendment to Option and Ground Lease Agreement dated October 27, 2000; the Second Addendum and Amendment to Option and Ground Lease Agreement dated March 9, 2001; and the Third Addendum and Amendment to Option and Ground Lease Agreement dated April 10, 2001; and

WHEREAS, over time, through the sales of cell tower lease contracts, American Tower Asset Sub, LLC, has become the “Tenant” under the terms of the Option and Ground Lease Agreement; and

WHEREAS, the Option and Ground Lease Agreement has entered into the last five (5) year renewal term as designated under the original agreement; and

WHEREAS, American Tower Asset Sub, LLC, desires to renegotiate the terms of the agreement to lower the monthly lease payment made by American Tower Asset Sub, LLC to the Village of Fox Crossing, but extend the Option and Ground Lease Agreement for six (6) terms of five (5) years each, with a final expiration date of March 1, 2056.

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Fourth Addendum and Amendment to Option and Ground Lease incorporated herein by specific reference as attached.

BE IT FURTHER RESOLVED that the Village President and Village Clerk are authorized to sign the Fourth Addendum and Amendment to Option and Ground Lease on behalf of the Village of Fox Crossing.

Adopted this 28<sup>th</sup> day of June, 2021

*Requested by: George Dearborn, 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: Darla M. Fink, Village Clerk

RES #210628-2

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MENASHA,  
WINNEBAGO COUNTY, MENASHA SCHOOL DISTRICT, AND VILLAGE OF FOX  
CROSSING FOR THE MIDWAY ROAD PEDESTRIAN CROSSING AT MAPLEWOOD  
MIDDLE SCHOOL**

WHEREAS, the Menasha School District has requested the pedestrian crossing on Midway Road at the Maplewood Middle School be reviewed for potential safety improvements due to the number of near misses, particularly in the absence of the crossing guard, of vehicles striking students attempting to cross at the crosswalk; and

WHEREAS, the Menasha School District services the students typically utilizing the crosswalk, the City of Menasha maintains jurisdiction of the northern portion of Midway Road, the Village of Fox Crossing maintains jurisdiction of the southern portion of Midway Road, and Midway Road (or County Highway AP) is owned and maintained by Winnebago County; and

WHEREAS, representatives of the four (4) parties have developed a plan for a safety improvement project for the crossing that would include relocating the crosswalk approximately 50 feet to the east of its current location, and installing a HAWK Signal System to better manage the traffic at the crosswalk; and

WHEREAS, a Memorandum of Understanding between the four (4) parties has been drafted to identify the roles of each party in the agreement, and allocate the cost of the project evenly between the four (4) entities.

NOW, THEREFORE BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Memorandum of Understanding between the City of Menasha, Winnebago County, Menasha School District, and the Village of Fox Crossing, as attached.

Adopted this 28<sup>th</sup> day of June, 2021

*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: Darla M. Fink, Village Clerk

RES #210628-3

**AMEND SANITARY SEWER LATERAL PROGRAM FOR UTILITY PROJECTS**

WHEREAS, the infiltration and inflow (I/I) of clear water into the Fox Crossing Utilities' sanitary sewer laterals and mains costs utility customers more than \$200,000 per year in treatment costs at the regional treatment plants; and

WHEREAS, it is the desire of Fox Crossing Utilities to replace, repair, and seal leaking sanitary sewer laterals and mains to limit the quantities of I/I entering the sewer system; and

WHEREAS, the Utility District initiated a Sanitary Sewer Lateral Pilot program from 2013 through 2016 to aid in the limiting of I/I entering into the sanitary sewer collection system; and

WHEREAS, in 2017, Fox Crossing Utilities adopted Resolution #170327-6:UD to make permanent the Sanitary Sewer Lateral program for Utility projects; and

WHEREAS, in 2019, Fox Crossing Utilities adopted Resolution #191216-2, to clarify that funds for the Sanitary Sewer Lateral Program are available only to residential property owners—not commercial or industrial property owners; and

WHEREAS, Resolution #191216-2 also stated that all special charges invoiced to residential property owners for the lateral work shall be paid in cash, in full, or in annual installments up to five (5) years, with all deferred payments to bear interest at the rate of 2% above the rate of the Village borrowing rate, which will be charged per annum on the unpaid balance; and

WHEREAS, due to the high cost of the some of the sanitary sewer lateral work being accomplished in certain neighborhoods of the Village, the Board desires to extend the timeframe in which residential property owners may finance their special charge amounts from five (5) years to ten (10) years; and

WHEREAS, Fox Crossing Utility staff proposes the following Sanitary Sewer Lateral Program to aid in the limiting of I/I entering into the sewer collection system:

- During the replacement of a Utility District sewer main all laterals affixed to the main must be inspected and replaced if defective and/or out of standard.
- Standards for sanitary sewer laterals will be established by the Utility Superintendent.
- All property owners will be given two (2) options:
  - a) Utilize the Utility District's contractor to conduct the work
  - b) Hire their own certified plumber/contractor to conduct the work
- All property owners utilizing the Utility District's contractor must sign:
  - a) Permission of Special Charge / Permission to Conduct Work Form
  - b) Temporary easement to allow work to be performed on their property
- In cases where a residential property owner elects to utilize the Utility District's contractor, the Utility District will absorb 50% of the per foot cost of the sanitary sewer lateral running from the property line to the residence up to a maximum of 50 feet—the property owner is responsible for 100% of the cost of the sanitary sewer lateral for any portion of the lateral running longer than 50 feet.

- In cases where a residential property owner elects to utilize the Utility District’s contractor, the Utility District will pay for the cost of one (1) furnco connection, and will provide a flat reconnection credit to be used toward all assessable sanitary sewer lateral reconnection costs (the reconnection credit will be determined by the Utility Superintendent on a project by project basis).
- In cases where a commercial or industrial property owner elects to utilize the Utility District’s contractor, the property owner is responsible for 100% of the cost of the sanitary sewer lateral from the property line to the residence, and is not eligible for reimbursement funds from the Lateral Replacement Fund.
- All property owners hiring their own contractor/plumber must have the lateral replaced within 120 days from the date of completion of the project or face a monthly surcharge of \$50 on their utility bill.
- In cases where a residential property owner elects not to utilize the Utility District’s contractor, the property owner is responsible for 100% of the cost of the sanitary sewer lateral from the property line to the residence, and is not eligible for reimbursement funds from the Lateral Replacement Fund.
- At no point will the Utility District reconnection credit for an individual property exceed the total cost of the sanitary sewer lateral work completed for that individual property.
- Special charges invoiced to the residential property owners for the lateral work shall be paid in cash, in full, or in annual installments up to ~~ten~~ (10) years, with all deferred payments to bear interest at the rate of 2% above the rate of the Village borrowing rate, which will be charged per annum on the unpaid balance. The balance of the special charge and interest to date will be paid if and when the benefited real estate is sold. A minimum of \$250 principal payment must be made in a year. This provision takes effect for all projects commencing after January 1, ~~2021~~. All non-residential property owners are not eligible for financing, and must pay the special charge in full within the time period listed on the invoice.

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NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves and adopts the Sanitary Sewer Lateral Program as outlined above for future sewer main replacement projects.

BE IT FURTHER RESOLVED that any issues regarding the interpretation of the Sanitary Sewer Lateral Program shall be resolved by the Village President.

Adopted this 28<sup>th</sup> day of June, 2021

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: Darla M. Fink, Village Clerk

RES #210628-4

**INTERGOVERNMENTAL AGREEMENT TO SATISFY ELIGIBILITY FOR  
RECYCLING CONSOLIDATION GRANT FOR CALENDAR YEAR 2022**

WHEREAS, Act 10 and Act 32 legislation, passed in 2011, amended state statutes and administrative codes governing the State of Wisconsin municipal recycling programs and created a new grant identified as the “Recycling Consolidation Grant”; and

WHEREAS, for the Village of Fox Crossing to qualify for the “Recycling Consolidation Grant” for the grant period January 1, 2022 to December 31, 2022, the Village must enter into an Intergovernmental Agreement with other Responsible Units (RUs) to demonstrate the intent to effectively and efficiently provide for the recycling needs of village citizens; and

WHEREAS, the cities of Menasha and Omro, the villages of Winneconne and Fox Crossing, and the towns of Algoma, Black Wolf, Clayton, Neenah, Nekimi, Omro, Vinland, Winneconne, and Wolf River, each of which is a municipal corporation, and each of which is a Responsible Unit (RU) as defined in Section 287.01(9) of the Wisconsin Statutes, entered into a County/Municipal Recycling Agreement in 1992, to effectively and efficiently process and market recyclable materials; and

WHEREAS, by entering into the attached Intergovernmental Agreement, the Village of Fox Crossing plans to qualify for the Recycling Consolidation Grant for the grant period of January 1, 2022 through December 31, 2022. We will work with the above RUs to distribute and make available to our residents a Tri-County Recycling Guide, to improve the education of our residents and in turn improve the processing and marketing of recyclables in a more cost efficient manner.

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees hereby approves the Intergovernmental Agreement, as attached, in order to qualify for the Recycling Consolidation Grant for the grant period of January 1, 2022 through December 31, 2022.

BE IT FURTHER RESOLVED, the Village of Fox Crossing Board of Trustees authorizes the Village President and the Village Clerk to sign and execute the necessary paperwork.

Adopted this 28<sup>th</sup> day of June, 2021

*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: Darla M. Fink, Village Clerk

RES #210628-5

**DESIGNATION OF JULY AS PARKS AND RECREATION MONTH IN FOX CROSSING**

WHEREAS, July is celebrated nationally as Parks and Recreation Month; and

WHEREAS, the Fox Crossing Parks and Recreation Department and Park Commission's mission is to improve the quality of life in the Fox Crossing community by providing top-quality parks, programs, facilities and trails; and

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the Village of Fox Crossing; and

WHEREAS, parks and recreation generates opportunities for people to come together and experience a sense of community through fun recreational pursuits; and

WHEREAS, our parks and recreation programs are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and

WHEREAS, parks, playgrounds, nature trails, and open spaces make communities attractive and desirable places to live, work, play, and visit, in a manner that contributes to our ongoing economic vitality; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and enjoy recreation outdoors; and

WHEREAS, the Village of Fox Crossing recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, BE IT RESOLVED by Village of Fox Crossing Board of Trustees that July will be recognized as Parks and Recreation Month in Fox Crossing.

Adopted this 28<sup>th</sup> day of June, 2021

*Requested by: Park Commission and 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: Darla M. Fink, Village Clerk

RES #210628-6

**TEMPORARY CLASS “B” RETAILER’S LICENSE – SAVING PAWS ANIMAL RESCUE**

WHEREAS, Saving Paws Animal Rescue has submitted a Temporary Class “B” Retailer’s License application to sell fermented malt beverages in the south parking lot of the Holiday’s Bar & Grill premises (see attached site plan) located at 1395 W. American Drive, Neenah, on July 11, 2021 from 1:00 p.m.-5:00 p.m. during a pet adoption fundraiser; and

WHEREAS, appropriate application has been made and the proper fees have been paid and received.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees, that the Temporary Class “B” Retailer’s License is hereby granted to Saving Paws Animal Rescue to sell fermented malt beverages in the south parking lot of the Holiday’s Bar & Grill premises on July 11, 2021.

Adopted this 28<sup>th</sup> day of June, 2021.

*Requested by: Darla M. Fink, Village Clerk*

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

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Dale A. Youngquist, Village President

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Attest: Darla M. Fink, Village Clerk

RES #210628-7

**OPERATOR LICENSE APPLICANTS**

WHEREAS, the operator license applicants for the upcoming two-year term, listed below, have made proper application with the Police Department; and

WHEREAS, all applicants either currently hold a valid two-year server license elsewhere, or 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 applicants with a recommendation of approval as follows:

Stephanie Buchanan – Approved  
Andrew Fox – Approved  
Julie Payne – Approved  
Mitchell Schenzel – Approved  
Debbie Tessen – Approved  
Crystal Ziegert – Approved

NOW, THEREFORE, BE IT RESOLVED that the Village of Fox Crossing Board of Trustees recommends the above applicants recommended for approval be approved, pending payment, successful background checks, and completion of a state-approved alcohol awareness training program, for the licensing period beginning July 1, 2020 - June 30, 2022.

Adopted this 28<sup>th</sup> day of June, 2021

*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: Darla M. Fink, Village Clerk



RES #210628-8

**EXPENDITURES**

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$2,005,713.51

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

Pending:		
General Fund	\$	382,509.39
Special Revenue Fund	\$	23,889.10
Debt Fund	\$	-
Capital Projects Fund	\$	323,861.32
Water Fund	\$	79,602.94
Sewer Fund	\$	536,575.84
Stormwater Fund	\$	22,111.71
Trust & Agency Fund	\$	432.00
Special Processed Payments	\$	636,731.21
Total:	\$	<u>2,005,713.51</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 28th day of June, 2021

*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: Darla M. Fink, Village Clerk