

Village of Fox Crossing Board of Trustees Regular Meeting
Monday, March 13, 2023 - 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 – February 27, 2023Minutes and Correspondence to Receive
 - b) Park Commission Meeting Minutes – February 8, 2023
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 or “electioneering” will be permitted. Commenters must be orderly, wait to be called, speak from the podium, and direct their comments to the Board. A maximum of **2-minutes** per person is allowed and you must return to the audience when signaled to do so. The total time allocated for public comments shall not exceed 30 minutes. 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**
 - a) 230227-1 Final Resolution Authorizing Special Assessments for the Buttes Des Morts Beach Road Water and Sanitary Sewer Extension Project
8. **New Business- Resolutions/Ordinances/Policies**
 - a) 230313-1 Award Bid – County Highway II (CTH II) Water and Sanitary Sewer Main Extension Project
 - b) 230313-2 Award Bid – Larsen Road Temporary Signals Project
 - c) 230227-1:ORD Amend Fox Crossing Municipal Code Chapter § 435 Zoning Ordinance – Rezone 1133 Racine Road from R-1 Rural Residential, and 1141 Racine Road from A-2 General Agriculture, to M-1 Mixed Use District
Second Reading & Adoption
 - d) 230227-2:ORD Amend Fox Crossing Municipal Code Chapter § 182 Cigarettes and Tobacco Products Possession by Minors *Second Reading & Adoption*
 - e) 230313-3 Operator License Applicants
 - f) 230313-4 Expenditures
9. **Reports**
 - a) Community Development Director George Dearborn—Village Accepting Applications for Openings on the Zoning Board of Appeals; Applications are Due by End of Business on Friday, March 31, 2023
 - b) Clerk Darla Fink – Early Voting for the April 4 Spring Election will be held Tuesday, March 21, 2023 through Friday, March 31, 2023; Voting will be Open from 8:00 a.m. to 4:30 p.m., Monday through Friday, with the Exception of Friday, March 31, in which Voting will be Open Until 5:00 p.m.
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 #230227-1

FINAL RESOLUTION AUTHORIZING SPECIAL ASSESSMENTS FOR THE BUTTES DES MORTS BEACH ROAD WATER AND SANITARY SEWER EXTENSION PROJECT

WHEREAS, the Village of Fox Crossing Board of Trustees, Winnebago County, Wisconsin, did pass a Preliminary Resolution (#230123-2) on the 23rd day of January, 2023, declaring its intention to exercise special assessment powers under WI Statutes, Chapter 66.0703 for the installation of water mains and laterals, and sanitary sewer mains and laterals, to certain properties located along Buttes Des Morts Beach Road, 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 installation of new water mains and laterals, and new sanitary sewer mains and laterals, is the area along Buttes Des Morts Beach Road from the Fox West Regional Wastewater Treatment Plant north to Stroebe Road (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 27th day of February, 2023 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 (along Buttes Des Morts Beach Road from the Fox West Regional Wastewater Treatment Plant north to Stroebe Road) 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 2019-2020 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 negotiated costs 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.) 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.
- 8.) 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.

First presented the 27th day of February, 2023
Adopted this 13th day of March, 2023

Requested By: Darla M. Fink, Village Clerk
Submitted By: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #230313-1

**AWARD BID – COUNTY HIGHWAY II (CTH II) WATER AND SANITARY SEWER
MAIN EXTENSION PROJECT**

WHEREAS, on February 23, 2023, sealed bids for the County Highway II (CTH II) Water and Sanitary Sewer Main Extension project were due in the office of the Utility Department by 10:00 a.m., at which time they were publicly opened and read; and

WHEREAS, ten (10) bids were received: (bid tabulation enclosed)

<u>Contractor</u>	<u>Base Bid</u>
PTS Contractors, Inc.	\$ 805,000.00
Kruczek Construction, Inc.	\$ 811,000.00
Carl Bowers & Sons Construction, Co.	\$ 815,295.00
Dorner, Inc.	\$ 848,492.40
Superior Sewer and Water, Inc.	\$ 864,458.90
Don Hietpas and Sons, Inc.	\$ 865,310.65
David Tenor Corporation	\$ 869,022.00
Robert Immel Excavating	\$ 924,564.55
De Groot, Inc.	\$1,015,231.72
Advance Construction, Inc.	\$1,043,232.00

WHEREAS, it is the recommendation of Engineer Zach Laabs and Utility Superintendent David Tracey to award the Base Bid to the lowest responsible bidder, PTS Contractors, Inc., in the total amount of \$805,000.00, with final quantity adjustments made by change order to reflect actual quantities.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to hereby award the Base Bid for the County Highway II (CTH II) Water and Sanitary Sewer Main Extension project, to the lowest responsible bidder, **PTS Contractors, Inc., 4075 Eaton Road, Green Bay, Wisconsin**, for the total amount of **\$805,000.00**.

Adopted this 13th day of March, 2023

Requested by: David Tracey, Utility Superintendent
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #230313-2

AWARD BID – LARSEN ROAD TEMPORARY SIGNALS PROJECT

WHEREAS, on March 7, 2023, sealed bids for the Larsen Road Temporary Signals 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, two (2) bids were received: (bid tabulation enclosed)

<u>Contractor</u>	<u>Base Bid</u>
Elmstar Electric Corporation	\$ 99,274.50
Vinton Construction Co.	\$151,615.64

WHEREAS, it is the recommendation of Engineer Corey Schuh and Street Superintendent Gallow to award the Base Bid to the lowest responsible bidder, Elmstar Electric Corporation in the total amount of \$99,274.50, with final quantity adjustments made by change order to reflect actual quantities.

NOW, THEREFORE BE IT RESOLVED by the Village of Fox Crossing Board of Trustees to hereby award the Base Bid for the Larsen Road Temporary Signals project, to the lowest responsible bidder, **Elmstar Electric Corporation, 800 East Line Road, Kaukauna, Wisconsin**, for the total amount of **\$99,274.50**.

Adopted this 13th day of March, 2023

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

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ORD #230227-1:ORD *Second Reading & Adoption*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER § 435 ZONING
ORDINANCE – REZONE 1133 RACINE ROAD FROM R-1 RURAL RESIDENTIAL,
AND 1141 RACINE ROAD FROM A-2 GENERAL AGRICULTURE, TO M-1 MIXED
USE DISTRICT**

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

Part I. Chapter § 435, Zoning Ordinance, and the Zoning Map made a part thereof, is hereby amended by rezoning 1133 Racine Road from R-1 (Rural Residential), and 1141 Racine Road from A-2 (General Agriculture), to M-1 (Mixed Use) as shown in Attachment 1.

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

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

Date Introduced: February 27, 2023

Date Adopted: _____

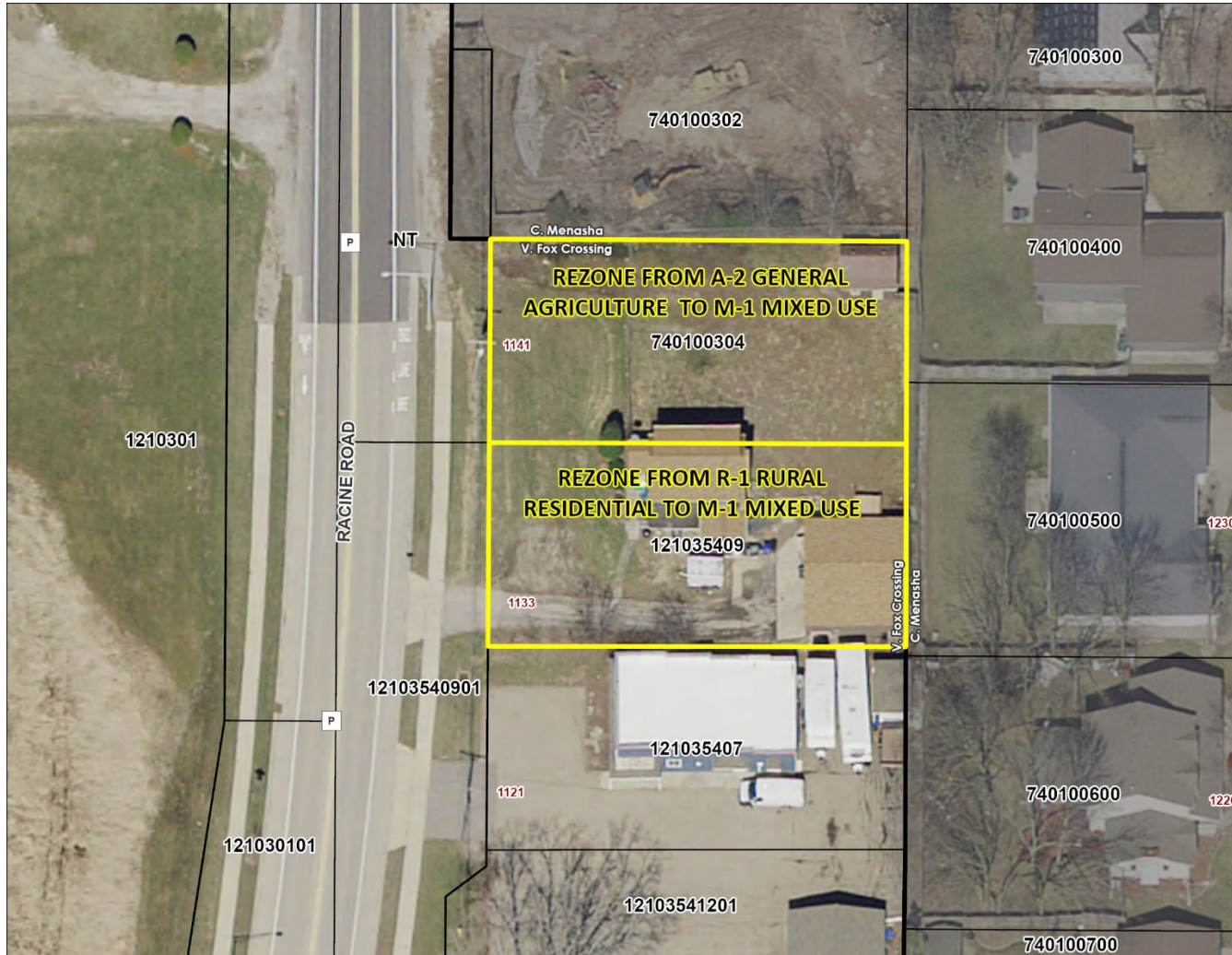
Requested by: George Dearborn, AICP, Director of Community Development

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

ATTACHMENT 1: Proposed Zoning Map Amendment



AMEND FOX CROSSING MUNICIPAL CODE CHAPTER §182 CIGARETTES AND TOBACCO PRODUCTS POSSESSION BY MINORS

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

Part I. Chapter §182 Cigarettes and Tobacco Products Possession by Minors, is hereby amended to read as follows (amendment in red):

§182-5 Restrictions.

- A. Except as provided in § **182-6**, no person under the age of **18 21** may buy or attempt to buy any cigarettes, nicotine products, or tobacco products, falsely represent his or her age for the purpose of receiving any cigarette, nicotine product or tobacco product, or possess any cigarette, **nicotine product**, or tobacco product.
- B. Except as provided in § **182-7C**, no retailer or adult over 18 years of age, with the exception of a parent or guardian, may sell or give cigarettes, nicotine products, or tobacco products to any person under the age of **18 21**.
 - (1) A vending machine operator is not liable under this subsection for the purchase of cigarettes, nicotine products, or tobacco products from his or her vending machine by a person under the age of **18 21** if the vending machine operator was unaware of the purchase.
 - (2) A retailer shall put a sign in areas within his or her premises where cigarettes, nicotine products, or tobacco products are sold to consumers, stating that the sale of any cigarette, **nicotine product**, or tobacco product to a person under the age of **18 21** is unlawful under this article or comparable state law.
 - (3) No person may place a vending machine within 500 feet of a school.
 - (4) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes, nicotine products, or tobacco products for nominal or no consideration to any person under the age of **18 21**.

§182-7 Defenses.

Proof of all the following facts by a retailer who sells cigarettes, nicotine products, or tobacco products to a person under the age of **18 21** is a defense to any prosecution for a violation of **§182-5B** above:

- A. That the purchaser falsely represented that he or she had attained the age of **18 21** and presented an identification card;
- B. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of **18 21**; and
- C. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of **18 21**.

§182-10 Violations and Penalties.

- A. Any person under the age of **18 21** who shall violate the provisions of this article shall upon conviction be subject to a forfeiture set forth in the Ordinance Bond Schedule, reference this Code section, plus any and all court costs.
- B. Any person under the age of **18 21** who violates any provision of this article may, upon conviction, at the sole discretion of the court, be offered the opportunity to have the citation dismissed upon attendance in a tobacco-use education program approved by the court. This opportunity will be available at the sole discretion of the court, irrespective of the number of citations any individual receives.
- C. No citation may be issued for violation of a minor having possession of any cigarette, nicotine product, or tobacco product unless personally observed by the issuing officer.
- D. Any person who shall violate **§182-5B** of this article shall upon conviction forfeit an amount set forth in the Ordinance Bond Schedule, reference this Code section, together with the costs of prosecution, and in default of the forfeiture and costs of prosecution, or either of them, such convicted person shall be committed to and confined within the county jail of Winnebago County, Wisconsin, until such fine and costs of prosecution are paid, but not to exceed 30 days.

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: February 27, 2023

Date Adopted: _____

Requested by: Scott Blashka, Chief of Police

Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #230313-3

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:

Satnam Singh – Approved
Nicholas Mielke – 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, 2022 - June 30, 2024.

Adopted this 13th day of March, 2023

Requested by: Scott Blashka, Police Chief
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

RES #230313-4

EXPENDITURES

WHEREAS, the Village of Fox Crossing has outstanding invoices totaling: \$1,230,445.56

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

Pending:		
General Fund	\$	101,720.12
Special Revenue Fund	\$	60,719.37
Debt Fund	\$	-
Capital Projects Fund	\$	5,839.34
Water Fund	\$	367,915.10
Sewer Fund	\$	19,931.92
Stormwater Fund	\$	57,300.62
Trust & Agency Fund	\$	195.90
Special Processed Payments	\$	616,823.19
Total:	\$	<u>1,230,445.56</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 13th day of March, 2023.

Requested by: Jeremy Searl, Finance Director
Submitted by: Dale A. Youngquist, Village President

Dale A. Youngquist, Village President

Attest: Darla M. Fink, Village Clerk

VILLAGE OF FOX CROSSING
2000 Municipal Drive
Neenah, WI 54956

EXPENDITURE SUMMARY

For Accounts Payable Period Ending: March 7, 2023
 For Village Board Meeting of: March 13, 2023

REGULAR PROCESSED CHECKS	AMOUNT
General Fund	\$101,720.12
Special Revenue Funds	\$60,719.37
Debt Fund	\$0.00
Capital Projects Fund	\$5,839.34
Water Fund	\$367,915.10
Sewer Fund	\$19,931.92
Stormwater Fund	\$57,300.62
Trust & Agency Fund	\$195.90
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Total Bills for	March 13, 2023
	<u><u>\$613,622.37</u></u>

SPECIAL PROCESSED PAYMENTS

CHECK #	PAYEE	DEPT. /PURPOSE	AMOUNT
	Village Specials	2/22-3/7/23	\$135,411.97
		See Attached Listing	
ACH	Employee Benefits Corp	2/22-3/8/2023	\$3,228.04
ACH	WI DOT	2/22/2023	\$21.00
ACH	WI Deferred Comp	3/3/2023	\$6,231.03
ACH	WI Retirement	3/7/2023	\$78,766.49
ACH	ETF	3/7/2023	\$140,469.02
ACH	Plug N Pay	3/3/2023	\$30.00
ACH	Elavon	3/7/2023	\$63.62
ACH	Elavon	3/7/2023	\$131.74
ACH	Elavon	3/7/2023	\$83.32
46307-46311	Payroll	3/2/2023	\$2,524.22
ACH	Payroll	3/2/2023	\$178,146.04
ACH	Payroll	3/2/2023	\$71,716.70
		Taxes	<hr/>
Total Special Processed Payments			<u><u>\$616,823.19</u></u>
 GRAND TOTAL			 <u><u>\$1,230,445.56</u></u>