

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, February 18th, 2015

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

b. Staff

Administrator – Johnston	PRESENT
Treasurer – Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rose Simon	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s):

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, February 4th, 2015 with the correction to page 5, item K about variances from the Town's minimum road standards. Motion to approve the ordinance.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, February 4th, 2015 with the above correction.

IV. Open Forum – Non-Agendized Town-related Matters:

V. Correspondence:

- A. Distribution of the Town's MS4 Notice of Intent to Apply for a Permit.
- B. Distribution of a plowing complaint by a Town resident.
 - Discussed the condition of roads relative to the photos presented. Discussed the schedule of plowing relative to the area of complaint.
- C. Correspondence from the State Office of the Commissioner of Insurance.

- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy Stephanie McMillan present, nothing to report.
 - C. Clayton-Winchester Fire Department
 - Chief Rieckmann present, nothing to report.
 - D. Larsen-Winchester Sanitary District
 - E. Administration Comments
 - Engineer Miller discussed the bid process for 2015 Capital Projects. Discussed utility schedule and the culvert schedule.
 - Discussed finalization of collection of property taxes. Mentioned one resident who has consistently paid their taxes the last two years that were non-sufficient funds. Talking to our attorney it was been decided that we still take the check every year and proceed as we have in the past and possibly increase fees for dealing with these checks.
 - Supervisor Geise reviewed the details of the tax settlement.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Melissa Lone
 - B. Renewal:
 - i. None
- VIII. Business referred by the Plan Commission:
- Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):
- A. Plan Commission review and recommendation to the Board on proposed revisions to, and the rescission and re-creation of, the Town's Abandoned Vehicle Ordinance.
 - Chair Knapinski recommended that the Town Board take this issue under consideration.
 - B. Plan Commission review and recommendation to the Board on the Town's CY 2009 update of the Town's Comprehensive Plan and recommendation to the Board on the possible need for a five-year update of the Town's Comprehensive Plan.
 - Chair Knapinski recommended that the Town Board take this issue under consideration.
- IX. Business referred by the Green Space Committee:
- Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):
- A. Review of the plan update of the Town's CY 2009 comprehensive plan.
 - Administrator Johnston presenting.
- X. Business:
- A. Discussion/Action: Town Board review and consideration of a waiver request submitted by the Clayton/Winchester Firefighters Auxiliary for the balance of the Town's share of donations generated by the Auxiliary's CY 2011 ClaytonFest Silent Auction.

Attached please find a copy of an e-mail from Amy Rieckman, President of the Clayton/Winchester Firefighters Auxiliary (Auxiliary) as well as documentation provided by the Town's Treasurer relative to the Auxiliary's CY 2011 and 2012 ClaytonFest Silent Auction revenues. Over the past few years the Joint Fire Board's Attorney and the Winnebago County Sheriff's Department have investigated the distribution of the Auxiliary's CY 2011 and 2012 Silent Auction revenues to the Town. As a result of that investigation it was determined that the Auxiliary owed the Town \$1992.56, (\$1,089.18 in CY 2011 and \$903.38 in CY 2012). The Auxiliary paid the CY 2012 debt of \$903.38 in CY 2014 (see attached documentation). The Auxiliary is asking the Board for relief from the CY 2011 debt in the amount of \$1,089.18. The Auxiliary acknowledges its debt; however, the organization is suffering from internal embarrassment and shame because of the violation of trust and frustration and friction because its fundraising activities today are being used to pay off debt that was incurred in CY 2011. The embarrassment is based on the violation of the trust and faith placed by the Auxiliary in one of its members, the frustration is based on the idea that the funds raised today to provide services to the Clayton/Winchester Joint Fire Department are being used to satisfy debt incurred in CY 2011. The Auxiliary has put in place a check and balance system that will mitigate the possibility of any future illicit activities; however, it will always carry the embarrassment and shame caused by the failure of one of its members. The frustration and friction are a different issue; the Town can forgive the debt and allow the Auxiliary to put the issue into the past and move forward with its service work. The Administration has always Budgeted the revenues from the ClaytonFest events as Unanticipated Revenues; in that sense the revenues are not used for operational purposes and would technically not impact the Town's operations. The loss of the revenues would however reduce the Fund Balance carryover at the end of the year. Based on the age of the debt, the lack of a budgetary impact, and the effect of the debt on the internal harmony of the Auxiliary as an organization that supports the Joint Fire Department Volunteers, the Administration is recommending that the Board forgive the CY 2011 debt owed by the Auxiliary in the amount of \$1,089.18. Should the Board agree, a motion would be in order to forgive the CY 2011 debt owed by the Auxiliary in the amount of \$1,089.18.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to forgive the CY 2011 debt owed by the Auxiliary in the amount of \$889.18.

Motion carried by unanimous consent.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried 5 ayes and 0 nays.

- B. Discussion/Action: Town Board review and consideration of a proposal submitted by Martenson and Eisele Planning & Environmental Services to update the Town's CY 2004 Comprehensive Plan (updated in CY 2007 and 2009).

The Town Board included funding in the Town's CY 2015 Budget to update the Town's Comprehensive Plan. At their Wednesday, February 11th, 2015 meetings both the Town's Green Space Committee and the Town's Plan Commission recommended that the Town Board proceed with the update of the Town's Comprehensive Plan (Plan). The Plan was originally created in CY 2004 with updates in CY 2007 and CY 2009. Since the Administration expects to update the Plan on a 5-year basis, the proposed CY 2015 project would meet the Administration's recommended update schedule. Procedurally, the Administration would like to start the update process with a joint meeting between the Town's Green Space Committee, the Town's Plan Commission, and the Town Board. Following that meeting staff will follow the statutorily required process of public notice, public participation, public visioning, and Public Hearings. In an attempt to minimize the project costs staff has asked the Town's Planner, Ken Jaworski (Ken), to schedule the update process as part of the Plan Commission's regular meetings to the extent possible though it will not be possible for every meeting. Attached please find a proposal submitted by Ken to complete the Comprehensive Plan Update during CY 2015 at a cost of \$21,300.00. Given the changes that have occurred in the Town over the past five years and the expected changes over the next few years, the Administration is recommending that the Board approve the Comprehensive Plan update process. Should the Board agree with the Administration's recommendation, a motion would be in order to approve the Comprehensive Plan update proposal submitted by Martenson and Eisele Planning & Environmental Services at a cost not to exceed \$21,300.00 with the funding to come from the Town's CY 2015 Budget Planning Consultant Line Item.

- Discussed e-mail from Knapinski relative to a presentation.
- Discussed updated time table, maps and cost of the update.
- Ken Jaworski summarized changes relative to community growth and pros to updating the community comprehensive plan.
- Scott Reif, 4496 Grandview Road, Larsen, WI. Has the comprehensive plan been placed in 2015? Yes it has.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve the Comprehensive Plan update proposal submitting by Martenson & Eisele, planning and environmental services at a cost not to exceed \$21,300.00 with the funding to come from the Town's CY 2015 Budget Planning Consultant Line Item.

Motion carried by unanimous consent.

C. Discussion/Action: Town Board review and consideration of the purchase of the following properties in the Town of Clayton taken by the County for Tax Deed.

i. Owner:	Key Development LLC
Tax Id #:	006-1663
Assessed Value:	\$13,400.00
Tax Value:	\$ 2,112.96 +/-

Attached please find documentation from the Winnebago County Treasurer relative to the above listed property taken by the County for Tax Deed. The property is what the Town calls "Hidden Park". Based on further research staff has determined that the Plat of the development (see attached) did not say the land was to be dedicated to the Public however, the Town did place and maintain park improvements on the property. The Administration

believes that the former Administrator thought that the property was to be deeded to the Town as park. The Administration believes that the Town should own property that is commonly thought to be designated and dedicated to the Town in order to control the site and any possible use of the property. The Administration believes that the Town has little choice but to purchase the property from the County for the \$2,122.96 owed for past due taxes. The Administration is recommending that the Town purchase the property in question. Should the Board agree with the Administration's recommendation, a motion would be in order to authorize the purchase of the property known as Tax ID # 006-1663 from the County for the \$2,122.96 in back taxes with funding to come from the Town's reserve accounts.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Geise

Motion: Motion to authorize the purchase of the property known as Tax ID # 006-1663 from the County for the \$2,122.96 in back taxes with funding to come from the Town's reserve accounts.

Motion carried by unanimous consent.

D. Discussion/Action: Town Board review and direction to staff on providing a meal at the meeting of the Winnebago County Unit of the Town's Association scheduled to be held at the Town of Clayton Offices on Thursday, April 2nd, 2015.

The Town will be hosting the Winnebago County Unit of the Town's Association meeting on Thursday, April 2nd, 2015. Staff has researched and solicited proposals for providing a meal for the event based on two criteria: the first being Town based businesses, the second being catering businesses. The Town based businesses will provide a pickup service off their respective menus or an hors d'oeuvres type of service. The catering businesses provide the service we are looking for as part of their business model. Staff contacted Bridgewood Premier Catering, Zuppas Catering Service, and Debé Catering; staff has had positive experiences with Debé, their prices are reasonable, and the owner lives in the Town of Clayton. Rather than debate the service and the menu the Administration is recommending that the Board authorize staff to use Debé based on their record, their prices, and local ownership. The Administration is further recommending that the Town Chair approve the menu at a cost not to exceed \$500.00 to \$750.00 for an expected attendance of 45 individuals. Should the Board agree with the Administration's recommendation, a motion would be in order to authorize staff to use Debé based on their record, prices, and local ownership with the Town Chair approving the menu at a cost not to exceed \$500.00 to \$750.00 for an expected attendance of 45 individuals with funding to come from the Town's CY 2015 Legislative Support Budget Line Item.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to authorize staff to use Debé catering to provide a meal at the upcoming Winnebago County Town's Association meeting scheduled to be held at the Town of Clayton on Thursday, April 2nd, 2015 at a cost not to exceed \$750.00 for the expected 45 people to attend with the funding to come from the Town's CY 2015 Legislative Support Budget Line Item. This is the first time we have catered this event in four and a half years.

Motion carried 4 to 1. Chair Luebke voted no.

- E. Discussion/Action: Town Board review and consideration of the demolition of the Elmer property located at 8328 CTR “T”, Larsen, WI 54947 and specifically identified as Tax ID# 006-0535-06-02 in the Town of Clayton, County of Winnebago.

At the Board’s direction staff has solicited demolition proposals for the above referenced property from area firms. To date only one firm has provided a proposal to the Town (see attached). Staff will contact the other firms and ask that each provides a proposal prior to the Board’s meeting. The Administration estimated that the demolition of the home would cost approximately \$10,000.00 with the caveat that the proposals may vary depending on the amount of asbestos found in the home. The proposal received falls within the Administration’s estimated cost. Should the Board wish to proceed with the demolition of the building, a motion would be in order to award the demolition contract to the low bidder with funding for the project to come from the Town’s Solid Waste and Recycling Budget. Additionally, staff has prepared a site plan for the properties in the area that reflects what would be the ideal layout of the properties and the Town’s future Yard Waste Site.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to award the demolition project to Eggbert Excavating in Green Lake, WI with funding from the project to come from the Town’s Solid Waste and Recycling Budget at a cost of \$6,980.00.

Motion carried by unanimous consent.

- F. Discussion/Action: Town Board review and direction to staff on the draft budget line items for the proposed full time Building Inspector Position for the Town of Clayton and possible Intermunicipal Agreement to provide Building Inspection services for several adjoining municipalities.

The Administration has received direction from the Board to prepare a draft revenue and expense budget for a Building Inspector/Assessor position for the Town of Clayton. The Administration would like to advise the Board that the Governor’s biannual budget contains language that would remove the assessment responsibility from the municipality and place it as a County function. This action, if approved, will mitigate any savings the Town may have gained by moving the assessment function in house. Based on the expectation that the Governor’s action will be approved, the Administration is only factoring the costs to the Town of the Building Inspector position and the associated contracts with any adjoining municipalities. Knowing the Board’s intent and comfort with the process will allow Tom to continue to comfortably decide if he would like to stay with the Town and would allow the Administration to understand what direction the Board would like to take if Tom decides to accept the offer from the City of Oshkosh. The attached draft revenue and expense budget starts with a salary range for the building inspector that is commensurate with his skills and licensing and includes all of the expenses a Building Inspection Department would require. The only real question is the skills and licensing issue as they are beyond what the Town needs today but reasonable for a municipality that provides sanitary sewer and water utilities and has room to grow in the commercial and industrial area. The Town is able to bridge the growth

gap by using Intermunicipal Agreements to provide services and generate the revenue needed. Staff has informally asked if the adjoining municipalities would be interested in entering into these types of agreement and the response has been favorable. If the Board is comfortable with the process a motion would be in order to direct staff to continue to plan for the full time Building Inspector position and to start the formal process of generating the proposed Intermunicipal Agreements with the adjoining municipalities.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to direct staff to continue the plans for a full-time Building Inspector position and to start the formal process of generating the proposed Intermunicipal Agreements with the adjoining municipalities.

Motion carried by unanimous consent.

- Scott Reif. Have other communities been approached? Chair Luebke wanted to know what the time frame was for having a full-time Building Inspector.

XI. Upcoming Meeting Attendance:

- Monday, February 23rd, 2015 Joint Fire Board meeting
- Wednesday, February 25th, 2015 Special Town Board meeting after Electors meeting
- Tuesday, April 21st, 2015 Annual Meeting

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:15 p.m.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk