

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, March 4th, 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 18th, 2015.

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 18th, 2015.

Approval of Minutes:

- B. Approval of the Minutes of the Special Town Board Meeting held at 7:00 P.M. on Wednesday, February 25th, 2015.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Special Town Board Meeting held at 7:00 P.M. on Wednesday, February 25th, 2015.

IV. Open Forum – Town-related Matters not on the Agenda:

- V. Correspondence:
- A. Community Foundation for the Fox Valley Region, Inc. Annual Report.
 - B. Request by the County Planning Department to use the Clayton Town Hall for a County Comprehensive Plan update meeting.
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - C. Clayton-Winchester Fire Department
 - Lt. Jeremy Jesse with updated report.
 - D. Larsen-Winchester Sanitary District
 - E. Administration Comments
 - Building inspector permits report for 2014 reviewed and report from February of 2015.
 - Reviewed engineer status report. Meeting to be scheduled with WE Energies the week of March 9th, 2015. Oakcrest Drive culvert replacement project. Larsen Road culvert replacement project.
 - Treasurer/Assistant Administrator Straw discussed the debt services payment completion. Working on the worker's compensation and town audits. Trying to complete the moving of the Town's accounts and ACH payments switched to Wells Fargo.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. None.
 - 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. No Referrals.
- 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. No Referrals.
- X. Business:
- A. Discussion/Action: Town Board review and consideration of Resolution 2015-002 A Resolution Approving the Transfer of Funds from the Town's Unassigned Reserve Account to purchase property as authorized by the Town Electors.
- Attached please find a draft copy of Resolution 2015-002 A Resolution Approving the Transfer of Funds from the Town's Unassigned Reserve Account to purchase property as authorized by the Town Electors. By Statute the Board needs to formally transfer the funds required for the purchase of the specified property from the Town's Unassigned Reserve Account to the Town's

CY 2015 Capital Fund, Unclassified Budget Line Item. This transfer should be a formality and will require approval by a super majority vote of the Board (4 of 5 members). A motion would be in order to direct staff to transfer the required funds to purchase the specified property from the Town's Unassigned Reserve Account to the Town's CY 2015 Capital Fund, Unclassified Budget Line Item and to report to the Board on the specific transfer amount at its Wednesday, March 18th, 2015 meeting.

- Lengthy discussion regarding the purchase of this property with the closing to possibly be on March 6th, 2015. Home inspection and possible updates to the home discussed. Home inspection to be completed. The house is very dated and needs updates as far as windows, doors, etc.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to direct staff to transfer the required funds to purchase the specified property for the Town's Unassigned Reserve Account to the Town's CY 2015 Capital Fund, Unclassified Budget Line Item and to report to the Board on the specific transfer amount at its Wednesday, March 18th, 2015 meeting and to insure that all of the electrical issues and vent fan issues are resolved.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

- B. Discussion/Action: Town Board review and consideration of Resolution 2015-003 A Resolution Authorizing an Application for a Department of Natural Resources Urban Nonpoint Source & Storm Water Management Program Planning Grant.

The Board has expressed an interest in applying for a Department of Natural Resources, Urban Nonpoint Source & Storm Water Management Program Planning Grant, the application requires a Resolution authorizing the application. The attached draft of Resolution 2015-003 A Resolution Authorizing an Application for a Department of Natural Resources Urban Nonpoint Source & Storm Water Management Program Planning Grant should meet the application requirements for authorizing the grant application and identifying those individuals authorized by the Board to sign the required documents. Should the Board wish to proceed with preparing an Urban Nonpoint Source & Storm Water Management Program Planning Grant Application a motion would be in order to approve Resolution 2015-003as presented.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve Resolution 2015-003 as presented.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

- C. Discussion/Action: Town Board review and consideration of Resolution 2015-004 A Resolution Authorizing the allocation of funds into the Town Storm Water Utility Budget to be used as matching funds for a Wisconsin Department of Natural Resources Nonpoint Source Pollution Planning Grant.

The Board has expressed an interest in applying for a Department of Natural Resources, Urban Nonpoint Source & Storm Water Management Program Planning Grant and approved the Resolution authorizing the Application. One of the criteria of the Grant Application is the availability of local funding to provide the match for the State's funds. The Grant program provides a maximum of a 70% State match to a 30% Municipal funding contribution with a maximum State funding of \$85,000.00. The attached Resolution funds the Storm Water Management Utility Grant Funding Line item at a little more than the amount needed to match the State's maximum funding; specifically, the Line Item is funded at \$40,000.00. The Administration is asking for the Board to approve the allocation so that the Town can get the points granted for approved funding. No Grant Funding will be available until CY 2016 with a two year timeline to complete the Grant project. Since the project expenditures will not take place until CY 2016 the Board will need to carry over any project funding allocated in CY 2015. If the Board agrees with the Administration's process and recommendation, a motion would be in order to approve the allocation of \$40,000.00 to the Town's CY 2015 Storm Water Management Utility Budget, Grant Funding Line Item.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve the allocation of \$40,000.00 to the Town's CY 2015 Storm Water Management Utility Budget, Grant Funding Line Item.

Resolution 2015-004 as presented.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

- D. Discussion/Action: Town Board review and consideration of a bid award for the Town's CY 2015 Capital Construction and Development projects to include the following projects:

- i. Winncrest Road and Acorn Road
- ii. Darrow Road, Murray Road, and Balfour Street
- iii. Oakcrest Drive and Woodcrest Drive
- iv. The development of Phase 1 of the Plat of Whispering Meadows.

The Town Engineer has scheduled the Bid Opening for the above referenced projects at the Town Hall at 10:00 A. M. on Monday, March 2nd, 2015. The Town Engineer will have a Bid Tabulation and Engineer’s recommendation ready for the Board’s Meeting. Funding for the Town’s projects will come from the CY 2014 Borrowing, funding for the Developer’s project will require an irrevocable letter of credit from the Developer for the bid costs plus a 10% contingency. The Administration will make its recommendation to the Board following the Bid opening and receipt of the Bid tabulation.

Per unanimous consent this issue to be tabled to the next Town Board meeting.

- E. Discussion/Action: Town Board review and consideration of a request by Ryan M. Pheifer, 9336 Timber Ridge Road, Neenah WI 54956 and Michael Pheifer 9350 Timber Ridge Road, Neenah WI 54956 to refund the remaining balance in the Timber Ridge Road construction escrow account.

Attached please find copies of correspondence from Ryan M. Pheifer (Ryan) and Michael Pheifer (Michael) relative to funds that were escrowed as part of the construction of Timber Ridge Road. The total escrow amounts to \$5,000.00 with \$3,000.00 from Michael and \$2,000.00 from Ryan. The Administration did have a conversation with the previous Town Administrator relative to this issue and was advised that there were drainage issues on the corner of Timber Ridge Road and Shady Lane that needed to be dealt with. Additionally, the Administration asked the Town’s Engineering firm for an explanation of the drainage issues in the area: the conversation revolves around the ditching in the area and the need to place a back slope on the ditches. Over the course of the past few years staff has observed the area and come to the conclusion that the ditches in the area are working well and that given the topography and the water flow in the area adding a back slope to the ditch would trap storm water on the adjoining property and not allow it to flow to the roadside ditch. When Ryan approached staff relative to releasing the escrow funds the Administration advised him to make his request in writing and that staff would support releasing the funds. Based on that conversation and the attached documentation the Administration is recommending the release of the \$5,000.00 in escrow money as it is held. If the Board agrees with the recommendation, a motion would be in order to release the Timber Ridge Road construction escrow funds as they are held.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to release the Timber Ridge Road construction escrow funds as they are held.

Motion carried by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of proposals for replacing the roof on the Clayton Park Pavilion and the Clayton Park Playground Shelter with standing seam metal roofs.

Attached please find copies of the quotes provided by area contractors to replace the roofs on the Clayton Park buildings. Staff asked the contractors to provide quotes for exposed fastener metal roof and standing seam metal roofs, the quotes are as follows:

Contractor	Exposed fastener metal roof	Standing seam metal roof
Security/Luebke Roofing	\$45,470.00	\$55,967.00
Mathena Roofing	\$28,000.00	\$38,000.00
ARC Contracting	\$23,592.00	\$31,285.54
Titan Roofing and Siding		\$28,600.00
Jim McAloon	\$18,500.00	\$20,300.00

Based on a review of the proposals all of the contractors are bidding on the same work with the same type of materials. Staff will confirm that the quality of the metal product is consistent across the bids. Additionally, if the Board would like to authorize it, the Town could purchase the materials and guarantee the quality and consistency of the material used in the project. The Town’s Green Space Committee has recommended that the Board consider the project along with the other updates to the Clayton Park facilities. The Administration is recommending that the Board award the project to the low bidder and that the Town purchase the materials. Additionally, the Administration would direct the Town’s Public Works Foreman to schedule departmental work so that he can supervise the work being done by the contractor. If the Board agrees with the recommendation, a motion would be in order to award the project to the low bidder and to direct Town staff to purchase the materials and to direct the Town’s Public Works Foreman to schedule departmental work so that he can supervise the work being done by the contractor.

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Schmidt

Motion: Motion to award the bid to JimMcAloon not to exceed \$20,300.

Motion carried by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of a proposal from Green Bay Highway Products, 1501 Paulson Road, Green Bay, WI 54313, to provide an assembled 54’ X 10’ X 4’10” Aluminum Box Culvert as specified by the Town’s Engineer to be installed in Larsen Road approximately 800’ east of Oakwood Avenue.

Attached please find a proposal for the assembled 54’ X 10’ X 4’10” Aluminum Box Culvert as specified by the Town’s Engineer to be installed in Larsen Road approximately 800’ east of Oakwood Avenue. This project is scheduled to be completed in CY 2015 as the Town’s County Bridge Aids project. As in the past the County will fund 50% of the eligible project costs. The Administration has asked for the quote to include the assembly of the culvert based on past experience: staff assembled the culvert installed at the intersection of Oakwood Avenue at Golf Wood Drive and because of the lack of experience the assembly process was time consuming and inefficient. In order to avoid a recurrence of those issues staff is asking the Board to approve the assembly by Green Bay Highway Products. The installation of the culvert will be completed by Town staff during the summer of CY 2015. The cost for the assembled culvert is \$25,670.00 with the funding to come from the Public Works Department, CY 2015 Bridge Aids Budget Line Item.

If the Board is comfortable with the project as proposed, a motion would be in order to approve the purchase of an assembled 54' X 10' X 4'10" Aluminum Box Culvert as specified by the Town's Engineer, at a cost not to exceed \$25,670.00 with the funding coming from the Public Works Department, CY 2015 Bridge Aids Budget Line Item.

Motion approved per unanimous consent.

H. Discussion/Action: Town Board review and consideration of approving a rental and accounting process for the municipally owned home located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton and specifically identified as Tax ID # 006-0363-06.

The Town Electors authorized, and the Board directed, the Town Chair to complete the purchase of the above referenced property. The offer on the property is \$164,900.00 with \$1,000.00 in earnest money paid to the realty company; the Administration is using the Town's Unassigned Reserve Account to fund the purchase of the property. The Administration has recommended that the Town rent the property while it owns it. The Administration believes that the property and the rental revenue would be taxable; however, the Town's Attorney is of the opinion that the Board could declare that the property was purchased for a municipal purpose (see the attached opinion) and that therefore it should be tax exempt. Although the Administration believes that the tax exempt position is defensible it is of the opinion that it would be proper to keep the property on the tax rolls and to pay the property and income taxes as any other landlord would have to do. This position would mitigate the argument that the Town is getting into the rental business and competing unfairly with other landlords who do not have a choice in the matter of paying taxes. Additionally, to simplify the rental process the Administration is recommending that the Board use a rental agency for the property; this will allow for control of the tenants without placing the burden on the Board or staff. The Administration is looking for direction from the Board relative to the rental process. The only formal recommendation the Administration is making is to place any rental revenue from the project into the Town's Unassigned Reserve Account following the Town's Annual Audit and to place the proceeds of the sale of the property into the Town's Unassigned Reserve Account when such a sale occurs. Additionally, the Administration continues to recommend that the Treasurer keep the costs and revenues of the rental unit segregated and create a spreadsheet that tracks all revenues and the expenses relating to the rental property so that the Town Board can readily track the costs of the project and assign any surplus revenue following the Town's Annual Audit.

- Discussed hiring a rental agency for handling the renting of the property at 8649 Clayton Avenue.
- Directed staff to get prices/bids on property management companies. Municipalities are normally not in the business of having rental properties.

I. Discussion/Action: Town Board review and consideration of setting a meeting with the Town Board of the Town of Vinland and the Town Board of the Town of Winneconne to set the basis of an Intermunicipal Agreement for shared Building Inspection services.

As part of the process of creating the Building Inspectors position for the Town of Clayton, staff has been working with Tom Spierowski (Tom) to facilitate the creation of an Inter-municipal Agreement with the Town of Vinland and the Town of Winneconne. Based on conversations with Tom and Charles Farrey, Town of Vinland Board Member, the Administration is recommending that the Clayton Town Board hold a joint organizational meeting with the Town Board of the Town of Vinland and the Town Board of the Town of Winneconne. It appears that conceptually,

all of the parties are in agreement with the project and would like to keep Tom as their Building Inspector. Once the basis of an Intermunicipal Agreement has been set any details could be finalized by the respective Town Chairs and/or their delegates. In order to continue moving forward with the project the Administration would like to hold the first meeting during the month of March. It would be good if the Board members could have several times and dates available so that staff could set a time and date for the proposed meeting. Please be advised that the meeting would need to be posted as a Special Town Board meeting.

- Meeting with Towns for intermunicipal agreement for Building Inspector services. Try to schedule after March 18th preferably in the afternoon and done around 3:00 p.m.

XI. Upcoming Meeting Attendance:
Annual Meeting: April 21st, 2015
Capital day in Madison: March 24th, 2015

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment:
MOTION:
Motion made by unanimous consent to Adjourn at 7:54 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk