

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

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

- Tabled to the next Town Board meeting.

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

V. Correspondence:

- A. Invitation from the Office of Reid J. Ribble, Member of Congress.
- B. Invitation to a UW Extension local elected and appointed officials workshop.
- C. Winnebago County Housing Authority information on Affordable Housing: Home Owner & Buyer Series.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy McMillan appearance.
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Miller discussed her report. WE Energies in Oakcrest and Winncrest relocation of the facilities.
 - Attorney Simon discussed the Brucks hiring an attorney regarding removal of the concrete apron. Legal authority presented to the Town Board. Giving them until June 1, 2015 for removal of concrete apron. Citation served to the Lasees at 8094 Coleman Ridge. Described the differences between mandatory court appearance vs. voluntary. Supervisor Schmidt expressed concern regarding the letter with citation regarding the pool/pond fence.
 - Administrator Johnston discussed getting ready to do the next road salt order.
 - Treasurer Straw reviewed what she has been working and her new office.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Kristen Dathe
- 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 recommendation to the Town Board on proposed revisions to, and the rescission and re-creation of, the Town's Abandoned Vehicle Ordinance.

Town Staff reviewed the draft Abandoned Vehicle Ordinance including the written comments provided by the Town's Attorney; after some discussion a motion was made to recommend the revised document to the Town Board for approval.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion: To forward the proposed revised Abandoned Vehicle Ordinance to the Town Board for its review and consideration.

Vote: Carried by unanimous voice vote.

- Chair Knapinski reviewed the information from the Plan Commission meeting of March 11, 2015.

MOTION:

Motion made by unanimous consent to approve

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to refer this back to staff to add to the Town Board agenda.

Motion carried by unanimous consent.

- B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by David L. Lerche, 3123 Larsen Road, Neenah, WI 54956 for property located at 3123 Larsen Road, Neenah, WI, 54956 and specifically identified as Tax ID # 006-0670 being part of the southeast ¼, of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Business

A. Plan Commission Action:

Plan Commission recommendation to the Town Board on the proposed revisions to, and the rescission and re-creation of, the Town's Abandoned Vehicle Ordinance.

Town Staff reviewed the draft Abandoned Vehicle Ordinance including the written comments provided by the Town's Attorney; after some discussion a motion was made to recommend the revised document to the Town Board for approval.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion: To forward the proposed revised Abandoned Vehicle Ordinance to the Town Board for its review and consideration.

Vote: Carried by unanimous voice vote.

B. Plan Commission Action:

Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by David L. Lerche, 3123 Larsen Road, Neenah, WI 54956 for property located at 3123 Larsen Road, Neenah, WI, 54956 and specifically identified as Tax ID # 006-0670 being part of the southeast ¼, of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Town staff reviewed the report on the proposed CSM with the Commission.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion: To recommend approval of the proposed CSM with the conditions outlined by staff.

Vote: Carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion: Motion that we approve the Certified Survey Map (CSM) Application submitted by David L. Lerche, 3123 Larsen Road, Neenah, WI 54956 as identified above along with all staff recommendations and administrative comments.

Motion carried by unanimous consent.

C. Plan Commission Action:

Plan Commission review of the proposed timeline for the update of the Town's Comprehensive Plan.

Staff reviewed the schedule of activities for updating the Town's CY 2009 Comprehensive Plan with the Commission. Staff also suggested that the Commission may wish to survey the community as a way of getting public input and participation for the project. The Commission directed staff to work on a survey tool and to use the Town's Home Page as an additional tool to inform the community.

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):

- Nothing to report.

X. Business:

A. 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 Chair, the Town Vice Chair, the Town Engineer and Town staff held a Bid Opening for the above referenced projects at the Town Hall at 10:00 A. M. on Monday, March 2nd, 2015.

Attached please find a copy of the summary of the bid tab for the project. The Town Engineer will review the details of the bid tab with the Board. The Administration is recommending that the Board award the following projects:

- i. Winncrest Road and Acorn Road
 - Administrator Johnston is possibly postponing to next year. Scheduling different in 2016.
- ii. Darrow Road, Murray Road, and Balfour Street
 - Discussion on list on the posted agenda vs. memorandum. Dollar figures different on memo.
- iii. Oakcrest Drive and Woodcrest Drive

The record reflects that Chair Luebke recused himself and turns the floor to Vice Chair Geise.

- Discussed both developers getting the irrevocable letter of credit. Developer projects are contingent upon getting the letter of credit.
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- iv. The final lift of asphalt for the Fox Valley Asphalt Development Project.

It is the Administration's understanding that the low bidder for its recommendation will be MCC, Inc. at a cost of \$810,830.50. The Town will be responsible for \$759,999.25 and Fox Valley Asphalt will be required to provide the Town with an Irrevocable Letter of Credit for \$50,831.25 plus a 10% contingency to cover its share of the project bid costs. The Developer of Phase 1 of the Plat of Whispering Meadows will need to advise the Town on the award of that portion of the bid. Should the Developer wish to proceed with the project he too will need to provide the Town with an Irrevocable Letter of Credit or an alternative guarantee for the costs of the project plus a 10% contingency.

Funding for the Town's projects will come from the CY 2014 Borrowing. The Administration is recommending that the Board award the following CY 2015 Capital Reconstruction projects to MCC, Inc at a cost not to exceed \$759,999.25 and conditionally award the final lift of asphalt for the Fox Valley Asphalt Development Project pending the receipt of the required Irrevocable Letter of Credit for \$50,831.25 plus a 10% contingency to cover its share of the project bid costs.

Additionally, the Administration is recommending that the Board conditionally award Phase 1 of the Plat of Whispering Meadows pending the receipt of the required Irrevocable Letter of Credit for costs of the project plus a 10% contingency.

The Administration will place the consideration of hiring of a fourth person for the Town's Public Works Department on the Board's Agenda during the summer months with final action to be taken with the development of the Town's CY 2016 General Fund Budget.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve the Capital Construction projects to MCC, Inc. which are to include sections one, two, three and four on our agenda to MCC Inc. at a cost not to exceed \$759,999.25 and conditionally approve based upon receiving an irrevocable letter of credit for the cost of the project plus a 10% contingency for Whispering Meadows (number 4).

Motion carried by unanimous consent.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Recused.

Motion carried with 4.

- B. Discussion/Action: Town Board review and consideration of approving a rental management agreement and an 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 Administration has recommended that the Town rent the property while it owns it for \$1,000.00 +/- per month. The Administration believes that the property and the rental revenue ought to 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. Attached please find proposals for providing limited property management from several area property managers. The Administration has limited the scope of services to renting the unit, providing back ground checks on potential tenants, providing a point of contact for tenant complaints, and a point of contact for responding to tenant requests for service (see attached). Also attached is a simplified revenue and expense budget that will keep the revenue, the expenses and the retained earnings segregated from the Town's General Fund Budget. The Administration's accounting proposal carries over the retained earnings from the project from year to year allowing the funds to be used for maintenance of the building as needed. The Town Chair has indicated that he may wish to submit a proposal for providing rental management services since it fits with what he does with the manufactured home park and the storage rental facility. The Administration will have all of the property management material for the Board to review and be ready to make a recommendation to the Board at its Wednesday, March 18th, 2015 meeting.

- Referred back to staff for more clarity of services provided and more argument for taxes.

C. Discussion/Action: Town Board review and consideration of the schedule set for a meeting with the Town Board of the Town of Vinland, the Town Board of the Town of Winneconne, and the Town Board of the Town of Clayton to discuss a framework for an Intermunicipal Agreement for shared Building Inspection services.

As part of the process of creating the Building Inspector position for the Town of Clayton, staff has been working on scheduling a joint organizational meeting with the Town Board of the Town of Vinland and the Town Board of the Town of Winneconne. It is the Administration's understanding that the proposed meeting has been scheduled for 1:00 P.M. on March 31st, 2015. The Administration is respectfully asking for confirmation that this meeting schedule will work before it creates and posts the agenda for the meeting.

Motion carried per unanimous consent.

D. Discussion/Action: Town Board review and consideration of any agenda items the Board may wish to place on the agenda for the 165th, Annual Meeting of the Town Electors.

Attached please find a draft copy of the agenda for the 165th, Annual Meeting of The Town Electors scheduled for Tuesday, April 21st, 2015. The Administration is respectfully asking the Board for any agenda items it may wish to add to the agenda before it is published and posted.

- No suggestions for agenda items. Flyer provided to the Town Board updating the electors on incorporation of Menasha.

E. Discussion/Action: Town Board review and consideration of a proposal to replace the toilets and sinks in the Clayton Park Pavilion facility.

Attached please find a copy of a proposal for the plumbing work submitted by Jeff's Water Conditioning & Greenville Plumbing, N1918 Municipal Drive, Greenville, WI 54942. The first proposal replaces the toilets in both bathrooms in the Clayton Park Pavilion at a cost of \$1,510.

The second proposal replaces the toilets and the wash basins at a cost of \$2,505.00. The Administration is taking the opportunity provided by the Clayton Park Pavilion renovation project to update the facility and to eliminate some of the issues staff has had with vandalism at the Park. Specifically, staff is placing the tanks and the flushing mechanism for the toilets in the utility room and replacing the faucets on the wash basins with self canceling units. The Administration has asked the Public Works Foreman to solicit additional proposals from area plumbing firms; as of the writing of this memorandum the additional proposals have not been received. The Administration will have the additional information and its recommendation to the Board at its Wednesday, March 18th, 2015 meeting. Funding for the project will come from the Town's CY 2015 Capital Reconstruction Budget, Clayton Park Line Item.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion that we replace the toilets in both bathrooms at Clayton Park and the wash basins at Clayton Park Pavilion at a cost not to exceed \$2,505.00.

Motion carried by unanimous consent.

- XI. Upcoming Meeting Attendance:
Supervisor Geise going to Madison on March 24th for Capital Day.
- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
- XIV. Adjournment:
MOTION:
Motion made by unanimous consent to Adjourn at 8:13 p.m.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk