

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 9:08 P.M. on Wednesday, March 7, 2012

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

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

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	ABSENT (Excused)
Supervisor Geise	PRESENT

b. Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamerter	PRESENT
Town Engineer Miller	PRESENT

II. Public Hearing:

A. Public Hearing before the Town Board on Resolution 2012-004: A Resolution extending by Ordinance the Terms of Office for Elected Town Officials in order to comply with pending State Legislative activities.

1. Chair Luebke called the Public Hearing to order at 7:00 P.M.
2. Chair Luebke asked three times for public input – no public input

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Geise

Close and adjourn the Public Hearing at 7:01 P.M.

CARRIED by unanimous voice vote.

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, February 15, 2012

MOTION:

Motion by: Unanimous consent

Approve the Regular Town Board Meeting minutes of Wednesday, February 15, 2012, as written.

CARRIED.

- IV. Open Forum – Non-Agendized Town-related Matters:
 - A. No items.

- V. Correspondence:
 - A. Winnebago County Planning and Zoning Department – Farmland Preservation Plan Steering Committee Meeting
 - B. Winnebago County Zoning Department – No items for Town of Clayton to review in March

- VI. Discussion Items (No action will be taken.):
 - A. County Supervisor Report
 - 1. County Supervisor Joanne Sievert –present, no report
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - 1. Sheriff Deputy Grube present No deputy present
 - 2. No issues or concerns; approximately mid-April the speed trailer will be placed out and about in the community
 - C. Clayton-Winchester Fire Department
 - 1. No CWFD member present.
 - 2. Update: 21 calls year-to-date
 - D. Larsen Winchester Sanitary District
 - 1. No LWSD member present.
 - 2. No update.
 - E. Administration Comments
 - 1. Administrator: Notice of Public Hearing for the CDBG grant to be held at the 2nd Town Board meeting in March; Polling Place is set up with a new layout to reflect what the layout will be once the remodel is complete
 - 2. Clerk: Dane County judge placed a hold on the Voter ID portion of the new election changes, all other changes made will remain in place for the April 3, 2012, election
 - 3. Public Works Foreman: approximately 99% of new road signs have been installed in the SW quadrant; winter plowing this season went well
 - 4. Engineer: Continuing on Ridgeway Heights Subdivision and Braun Court projects; Deer Trail Estates & Sunburst Estates are waiting for snow to melt to complete survey work
 - 5. Chair Luebke: Difficult decisions to balance town budget; thanked Clerk Nester-Huebner for continuing to work knowing her position will end; thanked Public Works crew for continuing to work knowing with a lay-off coming, weight limits now on town roads
 - 6. Supervisor Lettau: no report
 - 7. Supervisor Grundman Erdmann: Board of Review training at the WTA District meeting
 - 8. Supervisor Schmidt: no report
 - 9. Supervisor Geise: no report

Sheriff Deputy Grube arrived at 7:08 P.M.

VII. Licenses and Permits:

- A. Discussion/Action: Consideration and approval of Change of Agent for Boe, LLC (d.b.a. The Spot Sports Bar & Nite Club) from Jeffrey A. Boe to Russell C. Marx

1. Application paperwork submitted; background check completed

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman Erdmann

Approve the Change of Agent for Boe, LLC (d.b.a. The Spot Sports Bar & Nite Club) from Jeffrey A. Boe to Russell C. Marx.

CARRIED by unanimous voice vote.

VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

- A. No Referrals.

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

- A. Committee recommendation to the Board relative to spraying the Town's Parks and Cemeteries for weeds.

1. Green Space Committee recommended that the Board proceed with directing staff to spray the Town's Parks and Cemeteries with fertilizer and herbicides on an as-needed basis, not to exceed three (3) applications per year.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman Erdmann

Accept Green Space Committee's recommendation for spraying the weeds in the Town's parks and cemeteries.

CARRIED by unanimous voice vote.

- B. Committee recommendation to the Board relative to having staff mow the grass in the Town's Parks and the Town's Cemeteries.

1. Green Space Committee recommended that the Board proceed with the purchase of the needed mowing equipment and direct staff to mow the Town's Parks and Cemeteries on an as-needed basis.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor GE

Accept Green Space Committee's recommendation to mow the Town's parks and cemeteries.

CARRIED by unanimous voice vote.

C. Committee recommendation to the Board on projects that could be undertaken by the Fox Cities Morning Rotary Club.

1. Green Space Committee recommended that the Town offer the Fox Cities Morning Rotary Club the opportunity to help with the construction of the lime enclosure at Clayton Park.
2. Board direction: Staff to further investigate offering the Fox Cities Morning Rotary Club the opportunity to help with the construction of the lime enclosure at Clayton Park

No motion on this item.

D. Committee/ClaytonFest Committee discussion on CY 2012 ClaytonFest activities.

1. Green Space Committee is working on planning CY 2012 ClaytonFest activities.

No motion on this item.

X. Business:

A. Discussion/Action: First reading of Resolution 2012-004: A Resolution extending by Ordinance the Terms of Office for Elected Town Officials in order to comply with pending State Legislative activities.

1. Each Town Board member received a copy of Resolution 2012-004: A Resolution extending the Terms of Office for Elected Town Officials for CY 2012 and CY 2013 in order to comply with pending State Legislative activities.
2. Staff has prepared the Draft Resolution in anticipation of the Legislature passing and the Governor signing AB 476 and SB 381.
3. If the Legislature does pass, and the Governor does sign, the Legislation there will be a one-week period when the Town has no governing body.
4. This Resolution allows the Board to extend its term of service for one week in both CY 2012 and CY 2013.
5. Staff has scheduled the Public Hearing and first and second reading of the Ordinance for the Board's March meetings in order to resolve any potential problems with the election transition period.
6. A motion by the Board to direct staff to schedule the Second Reading and Approval of the proposed Ordinance for the Board's Wednesday, March 21, 2012, meeting would be in order.
7. Chair Luebke read aloud Resolution 2012-004
8. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman Erdmann

Direct staff to schedule the Second Reading and Approval of the proposed Ordinance for the Board's Wednesday, March 21, 2012, meeting.

CARRIED by unanimous voice vote.

B. Discussion/Action: Town Board review and consideration of Resolution 2012-005: A Resolution Disallowing the Capital Credit Union Claim for Special Fees levied by the Town for CY 2011 paving of the roads in the Plat of Strawberry Estates.

1. Each Town Board member received a copy of Mr. Ernst's Claim against the Town and copies of sample denial of claim notice formats from the Town's Insurance provider.
2. Each Town Board member received a copy of Resolution 2012-005: A Resolution Denying a Claim for Damages Made by Capital Credit Union, as well as a Notice of Denial of Claim that will be sent to Capital Credit Union following the Board's action.
3. Both the Town's Attorney and the Town's Insurance provider have recommended denying the Claim made by Capital Credit Union.
4. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Approve Resolution 2012-005: A Resolution Disallowing the Capital Credit Union Claim for Special Fees levied by the Town for CY 2011 paving of the roads in the Plat of Strawberry Estates.

CARRIED by unanimous voice vote.

C. Discussion/Action: Town Board review and consideration of the Administration's performance evaluations of the following Town Employees:

1. Performance evaluations of the following Town Employees:
 - a. Clerk
 - b. Treasurer
 - c. Public Works Foreman
2. Each Town Board member received copies of the individual Employee's Performance Evaluation documents, as well as copies of the Administration's Performance Evaluation Documents for each employee.
3. Please be advised that, in addition to updating the employees' job descriptions and setting the Board's expectations of the employee, the Administration considers the annual Performance Evaluation as the opportunity to review the employee's job description, the employee's recommendations on ways to improve job satisfaction, and ways to improve the challenges of the job.
4. If the Administration has a specific problem with an employee's job performance, that issue will be discussed at the time of the incident.
5. In this particular case, the Board should be sensitive to the fact that one of its administrative employees is being terminated and that the other position will have to absorb additional responsibilities while having seen no increases in pay over the past three years.
6. Additionally, the State's recent legislative activities have resulted in 6% to 8% pay cuts to non-represented staff.

7. The Board may wish to take this opportunity to give its staff some reassurance that their efforts are valued and that they will be compensated for those efforts in the proximate future.
8. Barring any changes the Board may wish to make to the Administration's Performance Evaluations of staff, a motion would be in order to accept the Administration's Performance Evaluations and place them in their respective personnel files.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman Erdmann

Accept the Administration's performance evaluations and place them in their respective personnel files.

CARRIED by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of an amendment to the Town's Purchasing Procedures Policy to include a Policy Statement on the use of the Town's Petty Cash Fund.

1. With the Town's CY 2012 Budget, the Board created a Petty Cash Fund Line Item in the Legislative Support Budget.
2. The Town has routinely used a petty cash fund that was not funded; the money was simply appropriated from the Legislative Support Budget.
3. With the creation of the specific Budget Line Item, the Administration believes that staff should have a Policy on how the Petty Cash Fund is to be used.
4. Each Town Board member received a draft copy of the proposed revisions to the Town Board's Purchasing Procedures Policy.
5. The proposed revisions (highlighted in yellow) to the Town's Purchasing Procedures Policy are simple and are intended to give staff a set of rules for how the fund can be used and accounted for.
6. If the Board agrees with the intent and the text of the Petty Cash Policy Amendment, a motion would be in order to approve the Amended Town's Purchasing Procedures Policy as presented.
7. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Approve the Town's Amended Purchasing Procedures Policy as presented.

CARRIED

- E. Discussion/Action: Town Board review and consideration of a legal opinion rendered by the Town's Attorney relative to the legality of the Outagamie County Airport Overlay Zoning Ordinance extending into the Town of Clayton in Winnebago County.

1. At the Board's request, the Administration has asked the Town's Attorney to provide the Board with a Legal Opinion on the legality of Outagamie County's

implementation of its Airport Overlay Zoning Ordinance on the Town of Clayton in the County of Winnebago.

2. Each Town Board member received a copy of the Town Attorney’s Legal Opinion.
3. It is the Administration’s belief that Outagamie County’s action is both legal and properly implemented; the Town’s Attorney has confirmed that belief.
4. The Administration would respectfully request the Board’s direction relative to this issue.
5. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Direct staff to send the attorney’s opinion to residents Arden Schroeder and Robert Manteufel as a courtesy.

CARRIED

F. Discussion/Action: Town Board review and consideration of financing alternatives to fund the costs of implementing the reconstruction projects outlined in the Town’s 5-Year Capital Plan.

1. Based on the Board’s apparent resistance to entering into a debt cycle to fund the reconstruction projects identified in the Town’s 5-year Capital Reconstruction Plan, the Administration has created the following list of funding options for the Board to consider:

a. **Increases in the Tax Levy:**

- 1) Prior to recent legislation, the Board could ask the Town Electors to approve up to a 3% increase in the annual tax levy in order to fund the costs of the projects identified in the Town’s 5-year Capital Reconstruction Plan.
- 2) However, the State has placed a freeze on the Town’s Tax Levy for at least the 2012/13 biennium.
- 3) Please be advised that the Levy freeze does not apply to the Town’s Debt Service Levy.
- 4) The end result of the State’s levy freeze is that the only increase in the Town’s Tax Levy will come from natural growth in the Town’s Equalized Value.
- 5) At today’s natural growth rates, that increase is likely to be in the area of \$5,000.00 to \$10,000.00 per year.
- 6) The only alternative the Board has to increase the Town’s Tax Levy is to hold a referendum before the Town’s Electors at one of the Town’s annual general elections.
- 7) The Referendum would have to identify the amount of the increase in the Town’s Tax Levy and declare if the increase in the Tax Levy was to be permanent or for a specific time-period.

b. **Utility and Impact Fees:**

- 1) Before discussing this issue, it is important to clarify the difference between a fee and a tax.
- 2) A *fee* is levied on a property when the specific beneficiary can be identified: i.e., a Building Permit, which is an impact fee that is

charged to an individual who is building a new home in order to cover the costs (to the Town) of the additional services required by the individual during the process of building the home.

- 3) A **tax** is charged to residents (based on the property value) when it is impossible to identify the number of individual services or the amount of any given service they will use in any given year.
- 4) Specifically, we cannot reasonably identify the number of Town roads an individual drives on, or the number of miles an individual drives on any given Town Road, so we spread the costs of maintaining the Town Roads over the property tax levy.
- 5) Based on the stated difference between a fee and a tax, the Board could consider creating Utility Districts that charge fees for service to the residents within the Utility District.
- 6) The example the Board has discussed in the recent past is the Storm Water Utility District.
 - a) Specifically, a Town-wide Storm Water Utility District would levy a fee based on an Equivalent Residential Unit (ERU) for each property in the Town.
 - b) Individual fees would be based on a fraction or multiple of the average ERU.
 - c) Storm Water Utilities will normally make allowances for different types of property and for on-site Storm Water Management facilities.

a. **Special Assessment for Capital Construction:**

- 1) Special Assessments are a process by which a property owner is charged for work done on the Public Infrastructure that creates a direct benefit conferred to the property
- 2) The benefit charge is based on a Special Assessment Ordinance passed by the Town Board.
- 3) The Special Assessment Ordinance would create a Special Assessment Policy that staff would use to implement the Special Assessments process.
- 4) One of the single most important elements of a Special Assessment Ordinance is the statutory exemption granted to property zoned A-1 (Agri Business District).
- 5) Because property that is zoned A-1 cannot have a Special Assessment levied against it, the municipality would normally hold the Special Assessment in abeyance until the property is rezoned and then levy the Special Assessment pursuant to its Policy.
- 6) Many Municipalities treat property that is zoned A-2 (General Farming District) in essentially the same way with the exception that the Special Assessment is levied and deferred until the property makes use of the Public Infrastructure Improvements.
- 7) A Special Assessment Policy can assess all, or any portion, of the benefit conferred to a property.
- 8) For example, the Town could assess the complete cost of reconstructing a road to the abutting properties based on a 50/50 share of the project costs on a per-linear-foot of property owned.

- 9) Alternatively, the Town could pay for the middle third of the road out of its general fund taxes and Special Assess 1/3 of the project costs to the abutting property owners on a per-linear-foot of property owned basis.
 - 10) Additionally, most Special Assessment Policies have a payment option that spreads the assessment payments over a period of time of up to 10-years.
 - 11) The Board would need to create the Policy using a method that it views as equitable.
2. These are examples of the three most common types of revenue sources used by many municipalities.
 3. The Board may have alternatives in mind to generate the funds needed to do the work identified in the Town’s 5-year Capital Reconstruction Plan.
 4. As an alternative the Board could opt to not do the proposed work.
 5. Please be advised that staff is working with the Town’s Engineer to find ways to reduce the costs of the Town’s capital reconstruction projects without negatively impacting the quality and the life expectancy of the projects.
 6. The Administration respectfully asks the Board for direction relative to these funding issues.
 7. Commented on this item: no resident comments.

No motion on this item.

G. Discussion/Action: Town Board review and consideration of a Financial Advisory Agreement with of Lantern Associates, LLC, represented by Michael S. Hallmann, to provide the Board direction relative to possible long-term debt financing to be issued by the Town of Clayton.

1. Each Town Board member received copies of the material provided to the Town by Michael S. Hallmann of Lantern Associates, LLC.
2. The Contract that is being presented for approval does not commit the Town to any costs or borrowing until the point when the Board approves a resolution authorizing the borrowing.
3. The Fees identified in the Advisory Agreement will only become a liability to the Town if the Board proceeds with the proposed borrowing.
4. Additionally, the \$21,350.00 fee payable to Lantern Associates, LLC, is a total of the three fees highlighted in yellow in the report on Financing Town Projects, dated February 15, 2012.
5. Administration has no concern authorizing the signing of the proposed contract.
6. Each Town Board member received a copy of an e-mail from Mr. Hallmann commenting on the sensitivity of timing related to the bidding and financing of the Town/Fire Hall project.
7. If the Board agrees with the Administration’s recommendation, a motion would be in order to authorize the Town Chair to sign the Financial Advisory Agreement with Lantern Associates, LLC, as presented.
8. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Authorize the Town Chair to sign the Financial Advisory Agreement with Lantern Associates, LLC, as presented.

CARRIED

H. Discussion/Action: Town Board review and direction to staff relative to an update on the proposed meeting between the property owners on Lehrer Lane and the Town.

1. Each Town Board member received copies of several documents relative to the above-captioned issue.
2. Based on the Board's direction staff has generated the attached letter which, if approved, will be forwarded to the affected property owners.
3. In summary, the letter indicates that the Town is not willing to proceed with the project because of the lack of consensus between the property owners on the need for an improved municipally-owned road and how the project would be paid for.
4. If the Board agrees with the attached letter, a motion would be in order to direct the Administration to send the letter to the affected property owners and to place a copy of the letter in their respective tax parcel files.
5. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman Erdmann

Direct administration to send the letter to the affected property owners and to place a copy of the letter in their respective tax parcel files.

CARRIED by unanimous voice vote.

I. Discussion/Action: Town Board review, and consideration of the process, and approval of a Layoff Notice to one of the Town's Teamsters Union Represented Public Works Department Employees.

1. As part of the Town's CY 2012 Budget, the Board has elected to lay off one of the Town's Public Works employees during the spring, summer, and fall months.
2. This decision was based on a need for both cost savings and maintaining the Town's snow plowing schedule.
3. Each Town Board member received a copy of the Town's Teamsters Union Contract.
 - a. Article 21 – Seniority, Section D explains how an employee would be laid off.
 - b. The Contract requires a minimum of a two-week notice before a layoff can occur.
4. The Administration recommends that the Board direct staff to give its notice of intent on Friday, March 9, 2012, with the intent to make the layoff effective on or about Friday, March 30, 2012.
5. Please be advised that any individual who is laid off has the option of using any accrued benefits prior to applying for State and Federal Unemployment Benefits.

6. Additionally, since the Town is not required to contribute to the State's unemployment fund unless and until drawing benefits, staff will make the required payments from the wage and benefits line item in the Town's CY 2012 Public Works Budget.
7. A motion to direct staff to proceed with the process would be in order.
8. Commented on this item: no resident comments.

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Geise

Direct administration to proceed with the process issuing the Layoff Notice to one of the Town's Teamsters Union Represented Public Works Department Employees on March 9, 2012, to make the layoff effective on March 30, 2012.

CARRIED by unanimous voice vote.

- J. Discussion/Action: Town Board review and consideration of a Public Works Department proposal to clean the fill material at the Town's Yard Waste site with a rented screen so that it can be used as fill for the Department's CY 2012 projects.
1. The Town has, over time, accumulated a significant amount of fill at the Yard Waste Site.
 2. Unfortunately, the fill contains a significant amount of contaminants (concrete, rocks, and woody material).
 3. The Administration would like to clean the material so that the fill can be used in the Town's CY 2012 stormwater management projects.
 4. Specifically, most of the cleaned fill would be used on the Grand Meadows Crossing stormwater management ditch-enclosure project and the contaminants in the fill would be taken to a disposal site.
 5. Staff has researched using locally available screens to accomplish the project goals, however, given the degree of contamination in the fill material staff is concerned with the size of the screens and the liability for the equipment.
 6. Therefore, staff is recommending renting a larger screen from Aring Equipment Company, Inc., of Butler, Wisconsin, at a cost of \$3,200.00 per week to complete the project.
 - a. The Administration believes that the work could be completed with Town staff in one week.
 7. The Administration would also like to complete the project before the pending Public Works staff layoff.
 8. Funding for the project would come from the Town's CY 2012 Solid Waste and Recycling Roadside Pick-up Contingency Line Item.
 9. If the Board agrees with staff's proposal, a motion would be in order to approve the fill screening project with funding from the Town's CY 2012 Solid Waste and Recycling Roadside Pickup Contingency Line Item at a cost not to exceed \$3,200.00.
 10. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Approve the fill screening project with funding from the Town's CY 2012 Solid Waste and Recycling Roadside Pickup Contingency Line Item at a cost not to exceed \$3,200.00.

CARRIED by unanimous voice vote.

K. Discussion/Action: Town Board review and approval of a refund to the following property owners for Solid Waste and Recycling Fees (\$187.59) collected in error on the Town's CY 2012 Tax Bills:

1. Property owners:
 - a. Walter Farms, Inc. – Tax ID #006-0742
 - b. Lois and Donald Shaw – Tax ID #006-0031
2. Staff has used the assessment by the County of a Personal On-Site Water Treatment System (POWTS) fee as the triggering event for placing the Town's Solid Waste and Recycling Fee on an individual property owner's Tax Bill.
3. In order to confirm the accuracy of this assessment model, staff has conducted a detailed review of the assessment list.
4. This detailed review has identified two properties that were assessed for Solid waste and Recycling services that do not have housing units on the properties.
5. In order to correct this issue, the Treasurer would like to refund the fees charged in error.
6. Additionally, staff is working on a more accurate assessment model that will eliminate the possibility of this error in future.
7. Because the Solid Waste and Recycling Fees go into the revenue line item, the refund should go into the same expense line item.
8. A motion would be in order to authorize the Treasurer to refund the Solid Waste and Recycling Fees charged in error with funding to come from the Town's CY 2012 Solid Waste and Recycling Contract Line Item.
9. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Authorize the Treasurer to refund the Solid Waste and Recycling Fees charged in error with funding to come from the Town's CY 2012 Solid Waste and Recycling Contract Line Item.

CARRIED by unanimous voice vote.

L. Discussion/Action: Town Board review and consideration of the exchange purchase of a two-cycle gas-powered post pounder to replace the natural gas-fired post pounder purchased as a part of the equipment needed to complete the 4-year project of replacing the Town's new traffic control signs.

1. As part of the Town's 4-year sign replacement project, staff was authorized to purchase a propane-fired post pounder at a cost of \$2,100.00.
2. The Public Works Department has had significant issues with the device since it was delivered.

3. In order to try to remedy the problems, the manufacturer has replaced a number of parts and ultimately, the entire machine.
4. Staff has continued to experience the same dependability issues with the new machine.
5. The alternative to a gas-fired-propane post pounder is a two-cycle-engine post pounder at a cost of \$4,500.00.
6. Staff had originally rejected the unit based on the cost and the weight of the unit which makes it difficult for one person to pound a post alone.
7. However, having two individuals to pound the post and a single individual to go back and install the signs is better than having one person trying to do both steps with a unit that is not dependable.
8. The Public Works Foreman has negotiated an exchange that will allow the Town to purchase the two-cycle post pounder for \$1,200.00 from Land Enterprises of Wisconsin, Inc. (Lange).
 - a. Since the Town purchases its signs from Lange, it is willing to make the exchange to keep a happy customer.
9. The Administration respectfully requests that the Board authorize the exchange at a cost not to exceed \$1,200.00, with the funding to come from the Town's CY 2012, Public Works Department, Equipment Purchase Line Item.
10. If the Board is comfortable with the exchange, a motion would be in order to authorize the exchange at a cost not to exceed \$1,200.00, with the funding to come from the Town's CY 2012, Public Works Department, Equipment Purchase Line Item.
11. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Authorize the exchange at a cost not to exceed \$1,200.00, with the funding to come from the Town's CY 2012, Public Works Department, Equipment Purchase Line Item.

CARRIED by unanimous voice vote.

M. Discussion/Action: Town Board review and consideration of a Contract with the Town's Engineer to complete the Drainage Plan for the Plat of Oak Openings.

1. Each Town Board member received a copy of an e-mail from the Town's Engineer and a Proposal for work in the Plat of Oak Openings.
2. Since the Town had an agreement with the Town's Engineer for work in the Plat, staff asked for an update on that agreement.
3. Staff's recommendation was that the Town's Engineer was directed to stop work on the project late in CY 2009.
4. The Town's Engineer's memorandum confirms the stop work order and billing to-date.
5. Each Town Board member received a memorandum that states the following "As you requested over the phone on Tuesday, our agreement for Oak Openings, Drainage and Street Upgrades, dated May 29, 2009, was for \$30,168.90. M&E

- billed the Town of Clayton a total of \$24,130.50 on that project before we were directed to stop work.”
6. Each Town Board member received a copy of a Proposal for completing the Oak Openings Drainage Study at a cost of \$4,180.00.
 - a. This work includes providing an overall drainage plan map of proposed improvements within the subdivision, along with a report including a description and cost estimate for proposed drainage improvements.
 7. With this clarification from the Town’s Engineer, the Administration is recommending that the Town Board approve the Oak Openings Engineering proposal at a cost of \$4,180.00, with funding to come from the Town’s CY 2012, Public Works Department, Engineering Line Item.
 8. If the Board is comfortable with the Administration’s recommendation, a motion would be in order to approve the Oak Openings Engineering proposal at a cost of \$4,180.00, with funding to come from the Town’s CY 2012, Public Works Department, Engineering Line Item.
 9. Commented on this item: Joanne Sievert (7383 Murray Rd., Neenah)

MOTION:

Motion by: Unanimous consent
 Approve the Oak Openings Engineering proposal at a cost of \$4,180.00, with funding to come from the Town’s CY 2012, Public Works Department, Engineering Line Item.
 CARRIED by unanimous voice vote.

N. Discussion/Action: Town Board consideration and approval of a Contract with the Town’s Engineer to complete a Stormwater Utility Study for the Town of Clayton.

1. Each Town Board member received a copy of an Engineering proposal from the Town’s Engineer for generating a Stormwater Utility Study for the Town of Clayton.
2. The Board has approved the Draft Language for a Stormwater Utility Ordinance.
3. The Administration was directed to place this item on the Agenda for the Town Elector’s Annual Meeting.
4. In order to have a working document to present to the Town’s Electors the Town Engineer will need to start the study in the very near future.
5. The \$23,840.00 cost of the project would come from the Town’s CY 2012 Budget, Planning Line Item.
6. As an alternative, the Board may wish to take the concept of a Stormwater Utility to the Town Electors Meeting.
7. Please be advised that this option will not answer the likely question of “how much?”
8. The only way to answer the cost question is to do the study and determine what each Equivalent Residential Unit (ERU) will be charged.
9. A motion to direct staff would be in order.
10. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent
Direct staff to take this issue to the Annual Meeting with fee projections based on those levied by surrounding communities.
CARRIED

DRAFT

O. Discussion/Action: Town Board review and consideration of the Community Foundation Statement of Funds held by the Foundation for the Town of Clayton.

1. The Town has a little over \$10,000.00 held by the Community Foundation for the Fox Valley Region, Inc. (Foundation).
2. These funds are invested by the Foundation and are intended to generate a positive return for the Town.
3. Each Town Board member received a copy of the Foundation's CY 2011 Balance Sheet and Income Statement for the Town of Clayton Community Trails Fund.
4. Unless the Board would like to look for alternate uses for these funds, the Administration is recommending that the Board accept the Foundation's report and place the document on file.
5. A motion to direct staff to do so would be in order.
6. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent
Accept the Foundation's report and place the document on file.
CARRIED by unanimous voice vote.

P. Discussion/Recommendation: Town Board review and direction to staff relative to the potential issues with the Town's CY 2013 Capital Reconstruction Projects.

1. The Town's Engineer has been working on the Town's CY 2013 Capital Reconstruction projects.
2. Staff has looked at the stormwater management functions of the Braun Court area and determined that what is likely to be the best possible way to deal with the stormwater in the area would be to run it in a stormwater easement on the west side of the development.
3. Specifically, staff wanted to run the stormwater in the area through a swale located in a 25-foot easement jointly shared by the adjacent farmer and resident.
4. When staff contacted the farmer to see if he would be willing to grant the stormwater easement, he indicated that he would not.
5. After some adjustments, the Town's Engineer has revised the Engineering Plan to place the stormwater management easement all on the residential property.
6. Staff would like to redirect the stormwater in the plat to a swale in an easement because the bulk of the stormwater in the Plat comes from an adjoining farm field on the south side of the Plat.
7. If staff is able to reroute the stormwater, it will minimize the need for deep ditches and a large culvert on Braun Court.
8. This should significantly reduce the costs of the project.
9. Commented on this item: no resident comments.

No motion on this item.

- Q. Discussion/Recommendation: Town Board review and direction to staff relative to hours of operation and staffing levels at the Town’s Yard Waste Site.
1. The Town’s CY 2012 Budget and Solid Waste and Recycling Contract allow the Board to consider expanding the services offered to Town residents at the Yard Waste Site.
 2. Specifically, the Town’s CY 2012 Budget allows the Board to staff the site for more hours than were allotted in the past and the Solid Waste and Recycling Contract allows the Town to place garbage and recycling dumpsters at the Yard Waste site.
 3. In order to control the use of these services, the Administration is recommending that the Board authorize hiring temporary seasonal staff to attend the site when it is open.
 4. Based on comments received by staff during the past year, the Administration is recommending that the site be open on the following days and staffed for the following hours:
 - a. April 1 to November 30
 - b. Thursdays from 3:00 P.M. to 7:00 P.M.
 - c. Saturdays from 8:00 A.M. to 4:00 P.M.
 - d. Sundays from 12:00 P.M. to 4:00 P.M.
 5. If the Board agrees with the Administration’s recommendation, the new days and hours of operation will be noticed in the Town’s Spring Newsletter and on the Sign at the Yard Waste Site.
 6. Additionally, staff will recruit area residents who may be willing to work the hours that the site is open and schedule with Veolia to place dumpsters at the site.
 7. Board direction: Bring back complete information to the next Town Board meeting to include a recommended fee schedule
 8. Commented on this item: Burt Drews (3113 County Road II, Neenah)

No motion on this item.

- XI. Upcoming Meeting Attendance
 - A. WTA District Meeting
- XII. Board Member Requests for Future Agenda Items
 - A.
- XIII. Review of Disbursements
 - A. Town Board reviewed disbursements.
- XIV. Adjournment – 9:08 P.M.

MOTION:
Motion by: Unanimous consent
Adjourn.
CARRIED

Respectfully submitted,

Susan Nester-Huebner, *Town Clerk*

DRAFT