

TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

April 6, 2011
7:00 p.m. – 10:03 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke.

Roll: Town Board

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Klingenberg	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Treasurer Bowen	PRESENT
Public Works Foreman Pamerter	PRESENT
Town Engineer Madsen	PRESENT
Town Architect Schulz	PRESENT

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Town Board Meeting – March 16, 2011
MOTION: (unanimous consent) Approve Regular Town Board Meeting Minutes from March 16, 2011, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters – none

IV. Correspondence

- Neenah Animal Shelter – Clarification of contract terms
- Winnebago County Solid Waste Management Board – February Tonnage Report

V. Discussion Items (No action will be taken.)

- County Supervisor Report – Supervisor Joanne Sievert, District 29, present: no updates to report
- Winnebago County Sheriff's Dept. – no Deputy present
- Clayton-Winchester Fire Chief Report – Fire Chief Mathison not present: Fire Department has received 28 calls year-to-date
- Administration Comments –
Town Administrator: Emerald Valley paving escrow held in an account in the Bank of Little Chute
Clerk: Newsletter mailed late March, April 5, 2011, Spring Election – Town of Clayton had 1135 electors vote (approximately 41.4% turnout), Town Board Chairperson / Mark E. Luebke, Town Board Supervisor 1 / Kay E. Lettau, Town Board Supervisor 2 / Linda Grundman Erdmann
Town Engineer: Asphalt paving program bids taken last Friday; met with Town of Neenah regarding drainage issues on Larsen Road east of Clayton Avenue

VI. Zoning – Receipt of Information from Plan Commission – none

VII. Licenses

- A. **Discussion / Action** – Consideration and approval of Operator Licenses:
 - New – Kayla E. Anderson (Appeal from March 16, 2011) – not present
 - New – Cassandra K. Lamb
 - New – Kevin A. Chaignot (present)

MOTION: (Unanimous consent) Approve Operator License for Cassandra K. Lamb.
CARRIED.

MOTION: (Unanimous consent) Approve Operator License for Kevin A. Chaignot.
CARRIED.

VIII. Business

- A. **Discussion / Action** – Town Board review and consideration of the Outagamie County Airport Overlay District Presentation held before the Town’s Plan Commission on Wednesday, March 9, 2011.

Tim Roach (Administrator, Outagamie Zoning Department), Mike Hendrick (Planning Director, Outagamie Planning Department), Marty Lenss (Airport Director, Outagamie County Regional Airport), and Mark Brown (Town Assessor) will be in attendance at the Board’s meeting. These individuals will present the details of the Airport Overlay Zoning Ordinance and should be able to answer any questions the Board may have relative to the subject. Staff has also included a set of draft minutes for the Wednesday, March 9, 2011, Plan Commission Meeting. The Town’s public address system failed to record the meeting, therefore, the minutes were generated from notes taken by Outagamie County staff, Town staff, and Plan Commission members. Several individuals owning properties in the Overlay District have indicated that they will be in attendance at the Board’s meeting in order to gather additional information on the issue. Staff is also including copies of the material distributed for the Wednesday, March 9, 2011, Plan Commission Meeting.

Present: Tim Roach (Administrator, Outagamie County Zoning Department)

Discussed the following: Working through the following items – CBRF, Non-conforming lots of record, airport expansion, future planning; intention is to allow people to keep what they have; 2 consistent issues – non-conforming, equal treatment (what’s good for the airport should be good for people outside the airport)

Present: Marty Lenss (Airport Director, Outagamie County Regional Airport)

Discussed the following: Many factors that influence plane noise; update of the airport master plan (20-year projection, land use planning, runway expansion plans)

Present: Mike Hendrick (Planning Director, Outagamie Planning Department)

Discussed the following: Permits for non-conforming lots

No questions from anyone in attendance

No motion on the item.

- B. **Discussion / Action** – Town Board review and consideration of the Town Audit presented by Mike Konecny of Schenck SC, the Town’s Auditors.

Attached please find copies of the revised CY 201 Town Audit and Management Letter. The revisions can be seen on page 2 of the Management Letter and on page 21, Schedule of Findings, of the Audit document. Mike Konecny of Schenck, S.C., the Town’s Auditor, will be in attendance at the Town Board meeting to present the Town Audit and Management Letter to the Board. As soon as the presentation is complete, and the Town Audit and the Management Letter are accepted by the Board, staff will place the documents on the Town’s Home Page (Thursday, April 7, 2011). A representative from the Town’s auditing firm, Schenck, S.C., will be in attendance at the Town’s April 12, 2011, Annual Meeting to present the Audit and Management Letter to the Town’s Electors.

Town Administrator: Audit reflects what is actually here, what is actually here doesn’t reflect what we’ve done (still need to make the physical transfer of funds from the specific segregated accounts to reimburse the savings account where the bills were issued from)

Present: Mike Konecny (Schenck SC)

Presented highlights from two documents: Annual Financial Report and Management Letter

Financial Statements:

Pages 1 and 2 – Auditors’ report/opinion (4th paragraph – “present fairly, in all material respects...”)

Pages 3 and 4 – A bit of redundancy has to do with the way the Town does the accounting

Page 5 – Balance Sheet (Assets, Liabilities and Fund Balances) (in good financial shape)

Page 6 – Statement of Revenues, Expenditures, and Changes in Fund Balances / Governmental Funds (positive increase in fund balance for offsetting cost of paving subdivisions)

Page 7 – Statement of Revenues, Expenditures, and Changes in Fund Balance / Budget and Actual / General Fund (most informative statement) (overall positive net change)

Page 8 – Statement of Revenues, Expenditures, and Changes in Fund Balance / Budget and Actual / Paving Assessment Fund (paving statement is a required statement)

Notes to the Basic Financial Statements:

Page 13 – Summary of outstanding long-term obligations (debt)

Page 14 – Required retirement commitment statement

Aid reductions are forthcoming. We are a rather wealthy, high-per-capita town with high valuation; various revenues may be cut 50%, as well as transportation aids.

Page 16 – Revenues detail

Page 17 and 18 – Expenditures schedule

Additional Independent Auditors’ Report for Basic Financial Statements:

Page 19 – Internal Controls lists two findings

Page 21 – Control Deficiencies (Finding 1 = one person completes the bank records and the accounting records so there is no separation of duties) (Finding 2 = year-end closing finding means that Schenck SC prepares the year-end report)

Management Communications:

Pages 1, 2, and 3 – Introductory letter (Auditor responsibilities, internal control response, any unusual estimates in audit – there are none, no difficulties completing audit, no misstatements, no disagreements with management, staff to sign management representation letter that will be inserted into audit documentation, staff has made available all records for audit)

Page 8 – Comparative Summary of Fund Balances compared to prior year, development of capital asset records

Page 9, #3 – Regarding reporting the Joint Fire Department (under GAAP it is considered a joint venture for the CWFD, should disclose in statements of equity ownership, Town of Clayton has not received a complete financial statement from CWFD (cash balances, capital assets)

- C. **Discussion / Action** – Town Board review and consideration of a staff recommendation to publish the Town’s Newsletter in a digital format on the Town Internet Site and on a hard copy by request.

In order to save budgeted funds, the Administration is proposing the publishing of the Town’s quarterly newsletter on the Town’s Home Page. In order to provide the newsletter service to residents who do not have access to the internet, staff proposes to mail the newsletter to residents who make a request to the office. The only condition on mailing would be to drop the addresses of any returned newsletters from the Town’s mailing list.

After consulting with the Town Chair, staff has published this information in the current newsletter so that residents will be aware of the Administration’s recommendation. The notice indicates that interested residents should attend the Board’s Wednesday, April 6, 2011, meeting if they wish to have input before the Board takes any action. It is the Administration’s recommendation that this process

take effect immediately. This would mean that the summer newsletter would be distributed electronically and mailed only to those residents who make the request.

Currently, in round numbers, including staff time, approximately \$2,000.00 per newsletter to publish. This is an attempt to save money.

MOTION: (Lettau, Geise) Publish the town’s newsletter in a digital format on the internet site and in hard copy by request.
CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board review and consideration of a drainage study for the area of the Town of Clayton located east of STH “76”, south of Winnegamie Drive, north of Fairview Road, and east of the Rat River Preserve.

The Town Engineer will be presenting an analysis of the drainage basin located west of STH “76”, south of Winnegamie Drive, north of Fairview Road, and east of the Rat River Preserve. In general, staff has been advised that the area flows water at a rate of approximately 250 cubic feet per second during a 20-year rain event. Based upon Administration’s experience, this is a lot of water to put through the 60-inch culver located at Oakwood Avenue and Golf Wood Drive. The Town Engineer will provide the details of the study and the study area as part of his presentation.

Present: Town Engineer – Briefly discussed Stormwater Studies, options for replacing culverts, culvert sizes, debris, navigable streams, DNR permitting process

Present: Tim and Nancy Kesler (9480 Oakwood Ave., Neenah) presented photos of water on their property that occurred on March 17, 2011.

Commenting on item: Tim and Nancy Kesler, Bob Spiegelberg (9504 Oakwood Ave., Neenah, WI)

Issue – it appears that the culvert is actually set at the wrong direction to the water flow so it negatively impacts water flow.

MOTION: (Geise, Schmidt) Accept the report from Martenson & Eisele for the hydrological study.
CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board review and action on staff recommendations to correct a storm water drainage problem on Oakwood Avenue at the corner of Oakwood Avenue and Golf Wood Drive.

Based upon the Town Engineer’s study and the Town’s 5-year Capital Construction Plan, the Administration would like to make the following recommendation to the Board. The Town’s CY 2011 County Bridge Aids funding is to be used to install a large open-bottom culvert in Pioneer Road north of Medina Junction Road. The Administration would recommend moving this project to Oakwood Avenue and Golf Wood Drive and replacing that 60-inch culvert with a large open-bottom culvert. This type of culvert would allow significantly more water to flow under Oakwood Avenue and thus relieve the potential for flooding on the north side of Oakwood Road. Additionally, the Administration would recommend replacing the large culvert in Pioneer Road north of Medina Junction Road as the Town’s CY 2012 County Bridge Aids project. The size and type of culverts are similar and the dollars involved in funding both projects is similar. In order to save some money, the Administration is recommending that the Town do both projects with force account labor.

Commenting on item: Nancy Kesler, Becky Haskell (9080 Oakwood Ave.)

MOTION: (Klingenberger, Lettau) Move the Oakwood Avenue project up to this year, delay the Pioneer/Medina Junction area project to CY 2012, and authorize the engineer to prepare a proposal for engineering the Oakwood Avenue project.
CARRIED by unanimous voice vote.

- F. **Discussion / Action** – Town Board review and consideration of the staff recommendations for the distribution of the Town’s Fund Balance Carryover from CY 2010.

The Town’s Capital Reserve allocation for CY 2010, the proposed Capital Reserve allocations for CY 2011, and the capital equipment replacement cost analysis were included in the Board’s meeting packet. Also included in the Board’s material is a copy of the Town’s CY 2010 Annual Financial Report, State Form C, and the Management Letter. On page 5 of the Annual Financial Report under the Fund Balances category, under the Unreserved, Undesignated are \$122,487.00 in undesignated reserves. On page 6 of the Annual Financial Report under the Net Change in Fund Balances line are

\$120,544.00 in audited surplus from the Town’s CY 2010 Budget. The Board will need to distribute the \$120,544.00 in CY 2010 Budget Surplus. Listed below please find staff’s recommendations for the distribution of the surplus funds:

1) CY 2011 Fund Balance Carryover to Designated Reserves	\$ 27,180.92
2) Plow Truck Replacement Account	\$ 50,000.00
3) Backhoe Replacement Account	\$ 28,500.00
4) CY 2011 Expenses Budget, Internet Home Page Updates	\$ 1,550.00
5) Designated Capital Improvement Fund (Fire Station Renovation)	<u>\$ 13,313.08</u>
Total	\$120,544.00

The recommended distribution is based upon the Town’s draft Capital Equipment Replacement Schedule and should be considered a starting point for the Board to make its decisions.

MOTION: (Geise, Schmidt) Distribute the audited surplus of \$ 120,544.00 as described in #1-5 immediately above.

CARRIED by unanimous voice vote.

G. **Discussion / Action** – Town Board review and consideration of the updates to the Town’s Capital Reserve Account Funds.

Funding can be figured at list price, but it is not to our advantage to start out at a discounted price and end up short of funds for replacement at the time it is scheduled to be replaced. MSRP is the list price. Municipal discount may not always be available at the time of purchase in the future. If we use the list price consistently, we can create a realistic situation. This would require a raise in the percentage each year throughout the funding schedule.

MOTION: (Schmidt, Lettau) Accept the updates to the Town’s Capital Reserve Account Funds.

AMENDMENT TO THE MOTION: (Klingenberger, Geise) Amend the motion for the rubber-tired backhoe to use more realistic selling price which Treasurer will research.

CARRIED by unanimous voice vote.

AMENDED MOTION: (Schmidt, Lettau) Accept the updates to the Town’s Capital Reserve Account Funds and have Treasurer research and use more realistic selling price for the rubber-tired backhoe.

CARRIED by unanimous voice vote.

H. **Discussion / Action** – Town Board review and action on the award of the Town’s CY 2011 Paving Program Bids.

Staff opened bids for the Town’s CY 2011 Paving Program Bids on Friday, April 1, 2011. The Town Engineer prepared the attached bid tab for the project. The low bidder is MCC, Inc., at a cost of \$475,907.50, not including the following bid alternate for concrete curb returns at a cost of \$33,958.00, making the total project cost, including alternates, \$509,865.50.

The Town Board has included approximately \$479,488.38 in the Town’s CY 2011 Capital Paving Budget. Based upon the Engineer’s recommendation, Administration recommends the award of the project to the low bidder, MCC, Inc. The Board will need to give the Administration direction relative to including the bid alternate.

Should the Board agree with the recommendation, a motion to award the project and the selected bid alternate would be in order. The Town’s Engineer will be at the Board’s meeting to review and answer any questions relative to the bid tab and bidding process.

Following engineer review of specifications, the cost to stake the areas where the curb returns will be installed is approximately \$1,000.00 in round numbers.

MOTION: (Klingenberger, Schmidt) Klingenberger Accept the MCC quote for the paving projects for CY 2011 including the alternate.

CARRIED by unanimous voice vote.

- I. **Discussion / Action** – Town Board review and action on drafting an agreement with the Westridge Golf Club to cost share the costs of improvement to the stormwater drainage ditch on the north side of Larsen Road for approximately 3,500 linear feet between the Westridge Clubhouse and Clayton Avenue.

Included in the Board’s meeting packet is a copy of the design and specifications approved by the Board for improving the flow line of the stormwater management ditch on the north side of Larsen Road, east of the Westridge Clubhouse. The Town Chair and staff met with the Westridge Golf Club operators to review the project and arrive at a cost-sharing proposal for the project. The Club operators have agreed in principal to a cost-sharing program where the Club will pay for the hard costs for the gravel and geotextile fabric (approximately \$5,000.00) and the Town will provide the labor for the project. The proposal is based upon the benefit that accrues to both parties. The Administration is asking for authorization from the Board to draft a formal agreement that would be signed by both parties. Funding for the Town’s portion of the proposed project would come from the CY 2011 Public Works, Payroll line item.

MOTION: (Klingenberger, Lettau) Authorize staff to draft a formal agreement for the cost-sharing program for the gravel and geotextile fabric that would be signed by both parties and include installation by Town of Clayton labor.
 CARRIED by unanimous voice vote.

- J. **Discussion / Action** – Town Board review and action on an amended contract with Modern Business Machines (MBM) to adjust the costs of the Town’s copier lease to more accurately reflect the use of the copier and to minimize the cost to the Town.

Included in the Board’s meeting packet is a copy of a revised copier contract between the Town and MBM. The revisions are in response to the increased use of the copier as a printer, especially the color printing function. Staff met with representatives from MBM to review and maximize the benefits to the Town of the proposed amendments to the Town’s contract. Staff is also working on a process to minimize the use of the copier as a printer. This would involve analyzing the cost of stand-alone printer use and making better use of the two printers we own. Additionally, the publication of the newsletter on the Town’s internet site should reduce the absolute number of copies and the relative number of color copies.

The Administration recommends to not sign the proposed revised contract with MBM, provided that the Board understands that it should allow for additional funding for the use of the Town’s leased copier because the Administration’s proposed changes may not reduce the use of the color function to the contracted number.

MOTION: (Klingenberger, Lettau) Reject the proposed contract amendment from MBM.
 CARRIED by unanimous voice vote.

- K. **Discussion/Recommendation:** – Town Board direction to staff relative to creating a Civil Service Grievance System as required by the State’s pending Budget Reconciliation Legislation.

Included in the Board’s meeting packet is a Power Point presentation created by Nancy L. Pirkey, an attorney with Buelow, Vetter, Buikema, Olson, & Vliet, LLC, of Waukesha, Wisconsin. The presentation was on the State Budget Repair Bill and the requirement to create a Grievance Procedure or a set of Civil Service Rules for Town employees. The grievance procedure must cover the following:

- 1) Employee discipline
- 2) Employee termination
- 3) Workplace safety

The procedure must be in place by the first day of the fourth month after the law takes effect. The Administration is looking for direction on how the Board would like to proceed with the implementation of the process.
 No motion on this item.

- L. **Discussion/Recommendation:** – Town Board direction to staff relative to the model number plaques and the implementation of the rural addressing number replacement in the Town of Clayton.

Staff presented samples of the printed rural addressing plaque and the numbered rural addressing plaque for the Board. Staff is preparing to implement the addressing sign replacement project. This activity will likely be completed by quadrant starting with the northwest quadrant of the Town.

Staff expects to use the printed rural addressing number plaques for the existing properties and the numbered rural addressing plaques for the new construction in the Town. The price of the installed unit will be #25.68 with the plaque costing \$14.93 and the post costing \$10.75. The Board may wish to consider adding an installation fee. Staff is looking for direction from the Board to move forward with the project.

Order protocol: Mass order initially for every existing home in the Town. Order individually as building permits are taken out and charge individual.

Posts: Stock posts are galvanized or green. Gray posts are a special order.

MOTION: (Luebke, Klingenberger) Order the signs in bulk, then as building permits are taken out, include the cost as part of the permitting process.

CARRIED by unanimous voice vote.

MOTION: (Schmidt, Lettau) Go ahead with the galvanized posts.

CARRIED by unanimous voice vote.

- M. **Discussion/Recommendation:** – Board direction to staff relative to the potential agenda items for consideration at the Town’s Annual Electors’ Meeting.

This item was placed on the agenda at the Chair’s request so that the Board could provide staff with direction on what items it would like to see on the agenda for the Annual Meeting of the Town’s Electors. The Administration would recommend that the Board place the Town’s CY 2010 Audit, and an update on the planned improvements to the Town’s Municipal Building on the agenda, in addition to any other issues Board members may wish to discuss.

Minutes from last year’s Annual Meeting

Set Supervisor #3 and Supervisor #4 wages for those positions to be elected in April, 2012

Set date for the next Annual Meeting

Potential Land Purchases (Hidden Park Plat – Outlots 3 and 4) (Property adjacent to Town Complex)

Statement that we are recycling – carry on as usual

X. Upcoming Meeting Attendance

- Town Board Reorganization Meeting: 11:00am on April 13, 2011
- April 25 Joint Fire Board
- April 30 Mark’s wedding posted 48 hours before

XI. Board Member Requests for Future Agenda Items – none

XII. Approval of Disbursements

MOTION: (Geise, Klingenberger) Approve disbursements as presented and authorize payment of \$50.00 per person to attend, Richard and Scott, and approve all other bills.

CARRIED.

XIII. Adjournment – 10:03p

MOTION: (Unanimous consent) Adjourn.

CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*