

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, April 1<sup>st</sup>, 2015

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

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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, March 18<sup>th</sup>, 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, March 18<sup>th</sup>, 2015.

- B. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, March 18<sup>th</sup>, 2015 with changes to remove comments to Administrator Johnston.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, March 18<sup>th</sup>, 2015 with mentioned changes.

- IV. Open Forum – Town-related Matters not on the Agenda:  
None.
  
- V. Correspondence:
  - A. No Correspondence
  
- 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
    - Chief Rieckmann contacted Supervisor Geise on needing more volunteer first responders.
    - Kirk Ecklund from Ecklund Motor Sports put the Clayton-Winchester Fire Department to win use of a Utility Terrain Vehicle (UTV) for one year and they won.
    - Town Chair mentioned that the Fire Department is responsible for cleaning and to bring that issue up at the next Joint Fire Board meeting. Issues with bathroom cleaning.
  - D. Larsen-Winchester Sanitary District
  - E. Administration Comments
    - Engineer Miller had a status update on the 2015 Roadway Improvement projects. When bids are approved at tonight’s meeting Engineer Miller will send contracts out to them.
    - Attorney Simon will be working on drafting an Inter-Municipal building inspector services agreement. Discussion on the upcoming court date for the resident at 8094 Coleman Ridge.
    - Treasurer Straw discussed the ongoing audit being finished. All of the accounts are now switched to Wells Fargo.
    - Administrator Johnston discussed Karen Borchert’s property at 8761 State Hwy 76 and the construction that will be starting near Hwy 10 and 441.
    - The roof on the Clayton Park pavillion has now settled and it has to be fixed.
    - Chair Luebke was contacted by Representative Rohrkaste about a bill that is presented on changing the TIF district amounts to \$450,000.
  
- VII. Operator Licenses Issued by the Town Clerk:
  - A. New:
    - i. No new operators licenses
  
  - B. Renewal:
    - i. No renewal operators licenses
  
- 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 Revised (revised to conform with DNR formatting) 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 revision of draft Resolution 2015-003 A Resolution Authorizing an Application for a Department of Natural Resources Urban Nonpoint Source & Storm Water Management Program Planning Grant should comply with the application format and 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 Revised Resolution 2015-003 as presented.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion that we approve the Revised Resolution 2015-003 as presented.

Motion carried by unanimous consent.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

B. Discussion/Action: Town Board review and consideration of Resolution 2015-005 A Resolution Approving the Transfer of Funds from the Town’s General Government Contingency, Contingency Line Item to the Land Acquisition Line Item in the Town’s CY 2015 Budget for the purpose of purchasing Outlot 1 of the Plat of Hidden Park South and specifically identified as Tax ID# 006-1163.

The Town Board has authorized the purchase of Outlot 1 in the Plat of Hidden Park South and specifically identified as Tax ID# 006-1163 for the purposes of controlling possible development on the property and maintaining the integrity of the storm water management devices for the Plat. Attached please find copies of the County’s documentation for the sale of the property for tax deed and a draft copy of Resolution 2015-005 A Resolution Approving the Transfer of Funds from the Town’s General Government Contingency, Contingency Line Item

to the Land Acquisition Line Item in the Town’s CY 2015 Budget. Since the Town does not normally purchase property staff would not fund the line item in the Budget unless the Board specifically indicated that it wanted to purchase property as part of the budgeting process. However, it is not unreasonable to transfer the required funds from a budgeted reserve account. The Administration is asking the Board to approve the transfer of funds as a formality and to satisfy the Town’s Auditors requirements. Should the Board agree with the Administration’s request, a motion would be in order to direct staff to transfer \$2,112.96 from the Town’s General Government Contingency, Contingency Line Item to the Land Acquisition Line Item in the Town’s CY 2015 Budget for the purpose of purchasing Outlot 1 in the Plat of Hidden Park South and specifically identified as Tax ID# 006-1163.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion: Motion to direct staff to direct staff to transfer \$2,112.96 from the Town’s General Government Contingency, Contingency Line Item to the Land Acquisition Line Item in the Town’s CY 2015 Budget for the purpose of purchasing Outlot 1 in the Plat of Hidden Park South and specifically identified as Tax ID# 006-1163 as Resolution 2015-005.

Motion carried by unanimous consent.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

C. Discussion/Action: Town Board review, consideration, and first reading of Ordinance 2015-001 an Ordinance rescinding and re-creating in its entirety Ordinance 4.5 known as the Town’s Abandoned Vehicle Ordinance.

Attached please find a Draft copy of the revised Ordinance 4.5 known as the Town’s Abandoned Vehicle Ordinance. The Town’s Plan Commission has recommended the revised Ordinance to the Town Board for approval. The revisions to the Ordinance are as follows:

**1. Definitions:**

a. At the Attorney’s recommendation the Administration has inserted the statutory definition of Vehicle to simplify the enforcement of the Ordinance.

**2. Applicability:**

a. Insert the term **not** into the applicability clause of the Ordinance.

**3. Applicability:**

a. The Commission recommended removing the exemption from the Ordinance for Municipal property as it appears to be unfair for the Town to set a standard for the community and not want to live up to that standard on its own property.

**4. Vehicle Abandonment Prohibited:**

c. Substitute the word vehicle for automobile.

**5. Enforcement Officer:**

a. Since the Town Electors have authorized the creation of a Constable position but the Town Board has not created the position of a Constable, the Ordinance includes the

following language “ the Constable and/or the Building Inspector or their authorized representative” in order to include all possible alternatives.

**6. Penalty:**

- a. Since imprisonment is not likely to occur the Plan Commission has recommended that the imprisonment language be removed from the Ordinance.

If the Board is comfortable with the public input and the Plan Commission’s recommendation of the revisions to Ordinance 4.5, Abandoned Vehicle Ordinance, a motion would be in order to refer Ordinance 2015-001 rescinding and recreating Ordinance 4.5, Abandoned Vehicle Ordinance to a second reading and final approval at the Town Board’s April 15<sup>th</sup>, 2015 meeting.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to refer the Draft Ordinance 2015-001 to a second reading and possible approval at the Board’s Wednesday, April 15<sup>th</sup>, 2015 meeting.

Motion carried by unanimous consent.

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

- i. Fox Valley Asphalt Development Project.

Town staff held a Bid Opening for the above referenced projects at the Town Hall at 10:00 A. M. on Monday, March 2<sup>nd</sup>, 2015. At its Wednesday, March 4<sup>th</sup>, 2015 meeting the Board awarded all but the Fox Valley Asphalt Development Project (Base Bid 5) which was inadvertently left off the agenda for the meeting. Attached please find a copy of the summary of the bid tab for the project. The Administration is recommending that the Board award the following project:

- i. Fox Valley Asphalt Development Project

The low bidder for the project is MCC, Inc. at a cost of \$50,831.25. 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 Administration is recommending that the Board conditionally award the final lift of asphalt for the Fox Valley Asphalt Development Project (Based Bid 5) 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.

**MOTION:**

Motion by: Chair Luebke

Seconded by: Supervisor Geise

Motion: Motion to award the bid to MCC, Inc.

Motion carried by unanimous consent.

- E. 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. Based on the conversation at the Board’s Wednesday, March 18<sup>th</sup>, 2015 meeting it is the Administration’s understanding that the Board would like to see the property in question as tax exempt; based on that understanding the Administration intends to make that request to the Town’s Assessor. Please be advised that the property will still be subject to any and all fees levied by the Town. Attached please find a copy of a proposal from Jim Seefeld at Pfefferle Management for providing limited property management for the Town at a cost of \$150.00 per month. The Board has asked if Pfefferle Management did both financial and criminal background investigations on potential tenants, and that answer is yes (see highlighted area on the attached e-mail). Also attached is an updated, 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 Board will need to make a motion accepting one of the proposals and approving the budget and accounting process.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion to accept the proposal the Town of Clayton received from Pfefferle Management, the budget, and the accounting process that is set up.

Motion carried by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of refunding the Town’s Unassigned Reserve Account for the funds used to purchase the residential unit located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton and specifically identified as Tax ID # 006-0363-06.

Over the course of the past two years the Administration has recommended, and the Board has approved, spending a significant amount of the Town’s Unassigned Reserve Account. Specifically, the Board has authorized the following projects:

- A. CY 2014 approximately \$50,000.00 for additional chip sealing on Fairview Road, Shady Lane, and Medina Junction.
- B. CY 2014 not to exceed \$75,000.00 for the Sanitary Sewer and Water Utility study on the east side of the Town of Clayton.
- C. CY 2015 \$170,000.00 +/- for the purchase of the property on Clayton Avenue north of CTH “IP”.

As part of the appropriation process staff has been looking at when and how the Town’s Unassigned Reserve Account will be re-capitalized. The Unassigned Reserve Account is normally capitalized from the General Fund Budget carryover. This activity is subject to Board approval and takes place following the approval of the Annual Audit by the Board. However, the Board actually has two choices for funding the capitalization: the first is to recapitalize the account by building up the Unassigned Reserve over time with the intent of borrowing if an emergency occurs; the second is to borrow to refund the account and to place the debt service payment on the levy in CY 2016. The Administration believes that there is

some merit to refunding the account by borrowing and placing the debt service on the levy. If the Board borrows the needed funds for three years and places the debt service on the levy, the first payment would come due in CY 2016 and the final payment would be due in CY 2018. This schedule would coincide with the next borrowing for the Town’s Capital Reconstruction projects. This would allow the Board to spread the impact of the required capital reconstruction borrowing on the levy over several years. An additional benefit would occur if the Board places the rental proceeds and the proceeds from selling the house into the Unassigned Reserve Account. Recapitalizing the Unassigned Reserve Account by borrowing the funds and placing the rental and sales proceeds into the Unassigned Reserve Account would result in an account with the recommended 25% +/- of the Town’s annual operating budget. The only thing that must be clear is that the Town is borrowing to purchase the property and **not** to recapitalize the Unassigned Reserve Account since borrowing for the purposes of creating a savings account is not permissible. Should the Board wish to proceed with this project, a motion directing staff to start the process of borrowing from the State’s Board of Commissioners of Public Lands would be in order.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to direct staff to start the process of borrowing from the State’s Board of Commissioners of Public Lands to purchase the residence at 8659 Clayton Avenue, Neenah, WI specifically identified as Tax ID # 006-0363-06 at a cost not to exceed \$165,000.

Motion carried by unanimous consent.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

G. Discussion/Action: Town Board review and consideration of staff recommended changes to the Town’s planned CY 2015 road maintenance projects, specifically, to adjust the projects to allow for the failure of Oakwood Avenue between Larsen Road and Oakridge Road.

The Board budgeted \$75,000.00 for chip sealing in the Town’s CY 2015 General Fund, Public Works Budget. As part of the budgeting process staff was recommending that the Town double chip seal the following roads (see attached map):

- A. Oakridge Road from Joseph Peters Drive to the east Town Line
- B. Medina Junction Road from Fairview Road to North Loop Road
- C. North Loop Road from Medina Junction Road to the west Town Line

Attached please find copies of several photographs of Oakwood Avenue between Larsen Road and Oakridge Road. The Town double chip sealed this stretch of Oakwood Avenue in CY 2011. When this work was done the base of the road was not in good repair and the project was intended to buy time until the road could be rebuilt. It is apparent from the attached photographs that the road has failed. Since the Town’s Unassigned Reserve Account has no

balance, the Administration is recommending that the Board amend the Town’s road maintenance plan and postpone one of the CY 2015 road maintenance projects so that Oakwood Avenue, between Larsen Road and Oakridge Road, can be pulverized and double chip sealed in CY 2015. Please be advised that this is another attempt to buy time before the road is rebuilt. Staff has completed a limited traffic count on both Oakridge Road east of STH “76” and North Loop Road at Medina Junction Road. The results of those traffic counts are as follows:

- A. Oakridge Road east of STH “76”, approximately 276 +/- cars per day.
- B. North Loop Road at Medina Junction Road, approximately 160+/- cars per day.

Staff is aware of the fact that there is limited traffic on Oakwood Avenue between Larsen Road and Oakridge Avenue, that the bulk of the traffic on Oakridge Road east of STH “76” is going to Neenah and other destinations east of the Town of Clayton, and that the bulk of the traffic on North Loop Road is going to Winchester and destinations west of the Town of Clayton. All of these roads merit being properly maintained but limited resources require that the Board make difficult decisions. The Administration is recommending that the Board direct staff to postpone the North Loop and Medina Junction project until CY 2016 and include the project for Oakwood Avenue between Larsen Road and Oakridge Road in the Town’s CY 2015 bid proposals. Please be advised that the Board may have to make more cuts based on the costs of the relative projects. If the Board agrees with the Administration’s recommendation, a motion would be in order directing staff to take the specified action.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion: Motion to direct staff to make the recommended changes to the Town’s planned CY 2015 road maintenance projects, specifically, to adjust the projects to allow for the failure of Oakwood Avenue between Larsen Road and Oakridge Road.

Motion carried by unanimous consent.

- H. Discussion/Action: Town Board review and consideration of staff’s recommendations on the CY 2015 road maintenance projects, the type of coating materials to be used on the Town’s annual road maintenance projects, and an Engineering Scope of Services proposal submitted by the Town’s Engineer for the Town’s road maintenance projects.

The Board budgeted \$75,000.00 for chip sealing in the Town’s CY 2015 General Fund, Public Works Budget. As part of the budgeting process staff was recommending that the Town double chip seal the following roads (see attached map):

- A. Oakridge Road from Joseph Peters Drive to the east Town Line
- B. Medina Junction Road from Fairview Road to North Loop Road
- C. North Loop Road from Medina Junction Road to the west Town Line.

Given the Town’s Budget, this is likely to be an exercise for future budgets. Based on the Town’s history with pulverizing and with double chip sealing and pulverizing and paving with a single layer of asphalt, staff has taken the opportunity of calculating the costs per linear foot of both types of projects. The cost breakdown is as follows:

- A. Pulverizing and double chip sealing costs approximately \$10.00 per linear foot (approximately \$52,800.00 per mile).
- B. Pulverizing, paving with a single 1 ¾ inch lift of asphalt, and shouldering costs approximately \$25.00 per linear foot (approximately \$132,000.00 per mile).

There are roads where the substructure of the road is in good condition and there would be a benefit to pulverizing the existing surface and repaving with a single 1 ¾ inch lift of asphalt. This would allow for placing a second lift of asphalt and shouldering the following year. This type of work is usually done as road maintenance where the substructure of the road is well constructed and has no evidence of failure.

The attached Agreement for Professional Services has two options. Staff was considering the possibility of pulverizing and double chip sealing North Loop Road and Medina Junction Road and pulverizing and paving Oakridge Road from Joseph Peters Drive to the east Town line. Based on the Town’s budgetary constraints and the failure of Oakwood Avenue between Larsen Road and Oakridge Road the Administration is recommending that the Board approve an Agreement for Professional Services with the Town’s Engineering firm that prepares and issues bidding documents for pulverizing and double chip sealing the following town roads:

- A. Oakridge Road from Joseph Peters Drive to the east Town line
- B. Oakwood Avenue between Larsen Road and Oakridge Road.

If the Board agrees with the Administration’s recommendation, a motion would be in order to approve a scope of services agreement with the Town’s Engineering Firm at a cost not to exceed \$4,000.00 for preparing and issuing a bid document for pulverizing and double chip sealing the following roads:

- A. Oakridge Road from Joseph Peters Drive to the east Town line
- B. Oakwood Avenue between Larsen Road and Oakridge Road.

Funding for the project is to come from the Town’s CY 2015 Public Works, Engineering Line Item. Please be advised that the Board may have to make cuts based on the costs of the relative projects.

Approved by unanimous consent.

- I. Discussion/Action: Town Board review and consideration of authorizing staff to solicit proposals for the Town’s CY 2015 road maintenance projects to include the following:
  - i. Crack Sealing
  - ii. Line Striping.

The Administration has reviewed the Town’s CY 2015 crack sealing and line striping projects with the Public Works Foreman and would like to propose the following projects:

- A. Crack Sealing:
  - a. Fairview Road from Pioneer Road to the west Town Line
  - b. Shady Lane from Center Road to Pioneer Road
  - c. Town Hall parking lot.

B. Line Striping:

- a. Oakridge Road from Joseph Peters Drive to the east Town line
- b. Oakwood Avenue between Larsen Road and Oakridge Road
- c. Oakwood Avenue between CTH “II” and Larsen Road
- d. Oakwood Avenue between CTH “II” and Fairview Road
- e. Oakwood Avenue between Fairview Road and Winnegamie Drive
- f. Shady Lane between STH “76” and Clayton Avenue
- g. Shady Lane between STH “76” and Center Road

Funding for the projects will come from the Town’s CY 2015 Public Works Department Crack Sealing (\$7,500.00) and Line Striping (\$7,500.00) Budget Line Items. Should the Board agree with staff’s recommendations, a motion would be in order to approve issuing a Request For Proposals (RFP) for the specified work with the funding to come from the Town’s CY 2015 Public Works Department Crack Sealing and Line Striping Budget Line Items.

Approved by unanimous consent.

- J. Discussion/Action: Town Board review and consideration of any additional agenda items the Board may wish to place on the agenda for the 165<sup>th</sup> Annual Meeting of the Town Electors.

Attached please find a revised draft copy of the agenda for the 165<sup>th</sup>, Annual Meeting of The Town Electors scheduled for Tuesday, April 21<sup>st</sup>, 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.

- XI. Upcoming Meeting Attendance:
- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
- XIV. Adjournment:  
**MOTION:**  
Motion made by unanimous consent to Adjourn at 8:24 p.m.

Respectfully submitted,  
Laurie L. Goffard, Deputy Clerk