

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:06 P.M. on Wednesday, May 7th, 2014

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

I. Call to Order:

A. Notice Verification, Roll

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

a. Board of Supervisors

| | |
|---------------------|---------|
| Chair Luebke | PRESENT |
| Supervisor Geise | PRESENT |
| Supervisor Lettau | PRESENT |
| Supervisor Grundman | PRESENT |
| Supervisor Schmidt | PRESENT |

b. Staff

| | |
|--------------------------------|---------|
| Administrator Johnston | PRESENT |
| Treasurer Bowen | PRESENT |
| Town Engineer – Mary Jo Miller | PRESENT |

II. Public Hearing:

- A. No Public Hearing(s) and/or Public Informational 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, April 16th, 2014.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, April 16th, 2014

Vote: Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, April 16th, 2014.

IV. Open Forum – Non-Agendized Town-related Matters:

- A. No Referrals

V. Correspondence:

- A. Winnebago County Recycling Board, Annual Report.
- B. April Building Inspection Permit Report.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - i. 7:30 p.m. Deputy ????
- C. Clayton-Winchester Fire Department
 - ii. Scott Rieckmann reported on the outcome of the controlled burn on April 19, 2014 with surrounding community fire department volunteers
 - iii. Met with the Appleton Airport fire chief and the Clayton-Winchester Fire Department will be invited to additional training in August and they offered more volunteer coverage during the day
 - iv. Two volunteer firefighters have resigned
 - v. The cistern is still not working at 100% and the tank level sensor on the fire truck was replaced
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - i. Mary Jo Miller from Martenson and Eisele discussion regarding 2013 and 2014 roadway construction projects such as replacing culverts and chip sealing projects. Mary Jo Miller will not be available to attend the May 21st and June 4th meetings.
 - ii. Richard Johnston discussion regarding RFP being sent out soon for capital projects.
 - iii. Discussed replacing culvert on Center/Shady
 - iv. Replacing culvert on Shady west of Oakwood on Friday, May 9, 2014
 - v. Seam on Ridgeway Drive Asphalt and discussed crack sealing the seam
 - vi. Chair Luebke asked about TIF voting districts relative to an articulate in the Town's Association Monthly publication. Act 147 relative to poll workers

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. No New Licenses.
- A. Renewal:
 - i. No Renewal 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. Green Space Committee referral to the Board of staff's park, trail and cemetery work plans for the spring and summer of CY 2014.
 - i. Discussion by Administrator Johnston regarding updating the facilities at Clayton Park and hiring out a subcontractor for the more specialized work
 - ii. Discussed moving the arch entry gate over the road back to the place it used to be

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2014-005 A Resolution Formally Denying a Notice of Circumstances of Claim Pursuant to Wisconsin Statute §893.80(1)(a) served on the Joint Fire Board by Attorney Michael R. Vanden Berg for David M. DeKeyser.

Attached please find a copy of the Claim served on the Joint Fire Board by Mr. DeKeyser's Attorney and a copy of Resolution 2014-005 denying the Claim served on the Joint Fire Board. Roger Clark (Roger) the Attorney for the Joint Fire Board has recommended that the Joint Fire Board and both the Town of Clayton and the Town of Winchester deny Mr. DeKeyser's Claim. Once the Town Board has denied the Claim the Joint Fire Board will need to defend itself from the Claim. It is the Administration's understanding that Roger has already started the process of preparing the Joint Fire Board's defense.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve Resolution 2014-005 denying the notice and circumstances of claimant pursuant to Wisconsin Statutes as presented

Vote: Motion made by unanimous consent

- B. Discussion/Action: Town Board, second reading, review, and consideration of Town Ordinance 2014-003 amending the Town's Artificial Pond Ordinance to bring the Artificial Pond Ordinance into conformity with the Permitted and Conditional Use Approval Sections of the Town's newly adopted Zoning Code of Ordinances.

Attached please find a copy of Ordinance 2014-003 amending the Town's Artificial Pond Ordinance and a draft copy of the Amended Artificial Pond Ordinance. The changes to the Artificial Pond Ordinance are highlighted in the document. The changes include: allowing staff to administratively approve Artificial Ponds that are not Conditional Uses in the Zoning Code, and removal of the stated fee in favor of a reference to the Town's Fee Schedule. The Plan Commission held a Public Hearing on the proposed amendments to the Artificial Pond Ordinance at its Wednesday, April 9th, 2014 meeting. Following the Public Hearing the Plan Commission recommended approval of the amended Artificial Pond Ordinance. The Board held the first reading of the Amended Artificial Pond Ordinance at its Wednesday, April 16th, 2014 meeting. Should the Board wish to proceed with the amendment process, a motion would be in order to approve Town Ordinance 2014-003 amending the Town's Artificial Pond Ordinance in order to bring the Artificial Pond Ordinance into conformity with the Permitted and Conditional Use Approval Sections of the Town's newly adopted Zoning Code of Ordinances and to direct staff to Publish the Ordinance Amendment as required.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to approve Town Ordinance 2014-003 amending the Town's Artificial Pond Ordinance

Vote: Motion made by unanimous consent

- C. Discussion/Action: Town Board review and consideration of the formal acceptance of the Town's CY 2013 Audit and Management Letter prepared by the Town's Auditors, Schenck SC.

Attached please find a copy of the Town's CY 2013 Audited Annual Financial Report and Management Communications. As the Town's Auditors reported at the Town's recent Annual Meeting, the Town has received an unqualified Audit. The term "unqualified" in this case, indicates that the Town's Auditors found no issues with staff's reporting and recording of the sources and uses of the funds allocated by the Board in its CY 2013 Budget. For CY 2013 the Town has \$315,334.00 in unassigned funds, \$250,000.00 of those funds are the Town's unassigned reserves, \$65,334.00 of those funds are the fund balance carryover from the Town's CY 2013 Budget and have historically been used to fund the Town's Capital Equipment Replacement Accounts. The Administration's recommendation relative to the distribution of the CY 2013 Fund Balance Carryover is the subject of the Board's next agenda item. If the Board wishes, a motion would be in order to accept, approve and place on file the Town's CY 2013 Audited Annual Financial Report and Management Communications.

Vote: Motion made by unanimous consent to approve

- D. Discussion/Action: Town Board review and consideration of the allocation to the Town's Audited Unassigned Reserves from the CY 2013 Budget to the Town's Equipment Capital Replacement Accounts.

The Board has accepted and approved the Town's CY 2013 Audited Annual Financial Report and Management Communications. For CY 2013 the Town has \$315,334.00 in unassigned funds, \$250,000.00 of those funds are the Town's unassigned reserves, \$65,334.00 of those funds are the fund balance carryover from the Town's CY 2013 Budget. The Town's Fund Balance Carryover has historically been used to fund the Town's Capital Equipment Replacement Accounts. The source of the dollar values the Administration is distributing can be found on page 7 of the Annual Financial Report. The attached spreadsheet shows the current balances and the Administration's recommendation relative to the distribution of the CY 2013 Fund Balance Carryover. The recommended distribution of the Town's reserves is as follows:

1. \$250,000.00 to the Town's General Fund Balance from the Unassigned Reserves
2. \$ 20,000.00 to the Town's General Fund Balance from the Solid Waste and Recycling Utility as debt service.
3. \$ 64, 334.00 to the Truck #2 Replacement Account from the Unassigned Reserves
4. \$ 13,000.00 to the Truck #2 Replacement Account from the Solid Waste and Recycling Utility Reserves Account.
5. \$ 10,424.00 to the Case Backhoe Replacement Account from the Solid Waste and Recycling Utility CY 2014 Budget, Equipment Replacement Line Item.
6. \$ 15,000.00 to the Storm Water Management Utility Excavator Replacement Account from the CY 2014 Storm Water Management Utility Budget, Equipment Lease Line Item..

The Administration is working on determining the Joint Fire Board Truck Replacement Reserve Account value and the dollar value of the unassigned reserves in the Storm Water Management Utility Fund. If these values are determined before the Board's Wednesday,

May 7th, 2014 Meeting the attached spreadsheet will be amended to reflect the additional dollar values. If the Board agrees with the Administration's distribution of the Town's unassigned reserves and CY 2014 budgeted replacement account funds, a motion to approve the reserve account distribution as presented would be in order.

Please be advised that the Storm Water Management Utility borrowed \$81,000.00 from the Town's Capital Replacement Accounts to purchase the Utility's wheeled excavator earlier this spring. With approval of this process the Utility will have repaid \$15,000.00 of that loan.

- i. Administrator Johnston addressed the CY 2013 Cap replacement accounts. Discussed allocation of 2013 fund balance carryover to equip Capital Replacement accounts

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to approve the reserve account distribution as presented

Vote: Motion made by unanimous consent

- E. Discussion/Action: Town Board review and consideration of the following retail fireworks permit applications:
- i. Application submitted by Ted Bemis for T&G, 8386 STH "76", Suite D, Neenah, WI 54956.
 - ii. Application submitted by Chuck Krause for Fireworks Free.com, 8616 STH "76", Neenah, WI 54956.

Attached please find the applications for the above referenced Fireworks sales permits. The applicants are the same two individuals who have had sales sites in the Town in prior years. Both Applications are complete and staff will require that any fees be paid prior to issuing any Permits. Both applicants will be keeping their respective sales sites in the same locations they used in CY 2013. The only significant change from CY 2013 is that Ted Bemis would like to open his establishment on weekends between May 23rd, and June 15th. Staff recommends approval of the Fireworks Sales Permits subject to the following conditions:

- 1) That the Applicants pay any and all Permit Fees.
- 2) That the Applicants provide the Town Treasurer with a copy of their respective Sellers Permits.
- 3) That the Applicants provide the Town Administrator with a site plan for their respective locations.
- 4) That the Applicants request the required Fire Department Inspection of the sales facilities and locations.
- 5) That the Applicants abide by the Town's Sign Ordinance for any and all signage for their respective sites.

Vote: Motion made by unanimous consent for Ted Bemis and Chuck Krause (request for fireworks to be donated for Claytonfest)

- F. Discussion/Action: Town Board review and consideration of a Planned Management Proposal for the auxiliary generator located at the Town/Fire Hall building.

As part of the renovation of the Town/Fire Hall the Board authorized the purchase of an auxiliary generator for emergency power to the facility. As a test function, the Administration has set the unit to run and assume powering the building every Monday; this process allows staff to keep track of the unit and to document that it is able to power the Town/Fire Hall building. The attached proposal is for a Planned Maintenance Agreement for the unit. This program will assure staff that the generator unit electronics are properly tested and maintained. Staff will do the routine mechanical maintenance of the unit including oil filter and oil changes, fuel filter replacement, and battery replacement. The Administration is not comfortable with Town staff maintaining the electronic and power generating portions of the generator unit. As proposed, the Planned Maintenance Agreement will cover inspections of the unit for five years with a 2-hour loadbank test in the fifth year. This maintenance schedule is similar to a schedule used for emergency generators in medical environments. Funding for the project would come from the Town's Building Maintenance Budget Line Item. The Administration expects to be over budget in this line item in the CY 2014 Budget; however, as staff becomes more familiar with the building and its operational requirements the Budget should become more accurate and should reflect actual operating costs. If the Board agrees with the Administration's recommendation to approve the attached proposal, a motion would be in order to approve the Planned Management Proposal for the auxiliary generator located at the Town/Fire Hall building as presented, with funding for the program to come from the Town's CY 2014 Building Maintenance Budget Line Item.

- i. Luebke asked about testing weekly relative to damage to computers. We use uninterruptable power source boxes so no effect. Municipal Building also used as an emergency building.

Vote: Motion made by unanimous consent to approve the service contract for five-years for the building generator

- G. Discussion/Action: Town Board review and consideration of an On-site Scheduled Maintenance Agreement for the Stormwater Management's wheeled excavator.

Attached please find a proposal from FABCO for an On-site Scheduled Maintenance Agreement for the Stormwater Management's wheeled excavator. The Administration has asked staff to solicit the proposal from FABCO for the wheeled excavator so that the maintenance that staff is not able or equipped to do does not go undone. Specifically, staff can do the routine maintenance to the unit; however, staff is not equipped or trained to do the specialized maintenance work to the hydraulics and/or electronic controls for the unit. The on-site function of the proposal eliminates the requirement for staff to take the unit to the repair site which minimizes the down time for the unit and eliminates the need for staff to load the unit and transport it to the repair site. Fundamentally, the Administration is trying to use an ounce of prevention rather than a pound of cure. The cost of the program would come from the Storm Water management Utility Budget. At this time there is no specific budgetary line item that would be used, however, the Administration will add the specific line item in the Utility's CY 2015 Budget. Should the Board agree with the Administration's recommendation, a motion would be in order to approve the On-site

Scheduled Maintenance Agreement for the Stormwater Management's wheeled excavator as presented, with the funding for the project to come from the Utility's CY 2014 Budget.

- i. Discussed cost of buying a low boy trailer to transport for maintenance

Vote: Motion made by unanimous consent to approve the service contract for three-years for excavator maintenance

- H. Discussion/Recommendation: Town Board review and direction to staff relative to issuing a Request For Proposals (RFP) for a 3-year Solid Waste and Recycling Contract for the Town of Clayton.

The Administration would like to remind the Board that the Town's Contract with Advance Disposal Services (Advance) will end on December 31st, 2014. The Administration is looking for direction from the Board relative to negotiating an extension to the current contract with Advance or issuing an RFP for a new 3-year Contract. The Administration has no preference on the process; however, the Board should know that staff has been contacted by other service providers that may have an interest in responding to an RFP issued by the Town. Additionally, the Administration would like to advise the Board that the fee charged by the Town for the solid waste and recycling service has not changed since the first year the Town offered the current level of service. As should be expected, the contractual cost for the service has escalated every year with a commensurate reduction in the Utility's surplus. Given those facts the Board should consider an increase in the fee charged to residents for the solid waste and recycling service. If the Board wishes to issue an RFP, it should direct staff to start the process or it should direct staff to negotiate an extension to the existing contract with Advanced.

NO ACTION TAKEN

- I. Discussion/Recommendation: Town Board review and direction to staff relative to the quality of the allowable signs under the Town's Zoning Code of Ordinances.

The Town Chair has asked that this item be placed on the Board's Agenda in order to discuss the quality of the signs as they relate to the requirements of the Town's Zoning Code of Ordinances. Specifically, questions have been asked about the sign approval process and the quality of the signs that are being approved. Staff will be prepared to answer any questions the Board may have relative to the signs in the Zoning Code of Ordinances and how staff approves sign applications.

- i. Discussed changes in procedures in approving signs relative to approval of Plan Commission to an administrative function
- ii. Discussed the pros and cons of regulating the quality of signs in the town, tabled until next meeting

NO ACTION TAKEN

XI. Town Board Reorganizational Business:

A. Additional Appointments

- a. Plan Commission Members (1 position for a 3-year term each with all terms effective May 1st, 2014)

- i. Name to be presented by the Town Chair
- ii. Dave Dorow introduced himself to the town board. Mr. Dorow will be at the May 14, 2014 meeting and would like to vacate his spot on the Green Space Committee when it is filled. He is an electrician by trade and lives on Sunburst Lane

Vote: Motion carried by unanimous consent to appoint Dave Dorow to the Plan Commission

- b. Zoning Board of Review (2 positions serving 3-year staggered terms that are to be determined by the Board)
 - i. Name to be presented by the Town Chair
 - ii. Name to be presented by the Town Chair
 - iii. No names at this time
- c. Green Space Committee Member (2 positions for a 3-year term each with all terms effective May 1st, 2014)
 - i. Name to be presented by the Town Chair
 - ii. 2 vacancies to be filled

XI. Upcoming Meeting Attendance:

- Fire Board meeting is scheduled for Monday, May 12, 2014 at 7:00 p.m. in the Town of Clayton meeting room
- Board of Review is scheduled for June 5, 2014 from 10:00 a.m. to 12:00 p.m.

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:06 p.m.

Respectfully submitted,
Laurie L. Goffard, Administrative Assistant