

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes
7:00 P.M. on Wednesday, May 4th, 2016
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Geise 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 Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	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, April 20th, 2016.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, April 20th, 2016.

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

- Tom Mayer, 2941 Braun Ct, Neenah, WI. Discussed the home on Lind Lane with many boats, etc. laying outside.
- Attorney Lehocky responded relative to the related ordinances and that a letter will be sent to the homeowner next week.
- James Stuart, 3197 Westfield Ridge, Neenah, WI. Discussed the stormwater run off on his property from property to the south.
- Administrator Johnston stated that this pond is located on private property. Residents/homeowners changed the design of the storm water system. This issue will be added to the Town Board agenda on May 18th.

V. Correspondence:

- A. April Building Inspectors Report.
- B. Winnebago County Amended CY 2016 Planning and Zoning Committee Schedule.
- C. Winnebago County Solid Waste Management Board Annual Financial Statement.

- D. Article on the next steps in the Incorporation of the Village of Fox Crossing.
- E. Fox Valley Visitor Spending Summary of Key Findings.
- F. Joint Fire Board final audit.
- G. Town of Clayton newsletter.

VI. Discussion Items:

A. County Supervisor Report

- Mike Rohrkaste from the State Assembly reporting.
- Wisconsin State Revenues spending. Too many open positions.
- 441 exchange construction is on schedule at this time.
- New bridge to open summer of 2016.
- Some delays are being reported into 2017/18.
- Mike Pfankuch discussed unfilled DNR positions.
- Mike Pfankuch inquired if Mike Rohrkaste is running again for re-election and he is running.

B. Winnebago County Sheriff's Department – Public Concerns and Issues

- Deputy Johnson present. Nothing to report.

C. Clayton-Winchester Fire Department

- Chief Rieckmann reviewed his report.
- Thanked the Town Board for allowing him to attend a conference in Indiana.
- Discussed response time.
- Cindy Pfankuch reviewed the training opportunities which the Town of Clayton has offered to the first responders.

D. Larsen-Winchester Sanitary District

- Mike Pfankuch reporting.
- Spring draw down today with 8 ½ million gallons being drained.
- Looking at ordinances to enforce hook-ups.
- Looking at change fee and penalty schedule.
- Received new meters to check if equipment reads.

E. Administration Comments

- Engineer Miller discussed the relocating of utilities on Clayton Avenue.
- Discussed the Public informational meeting.
- Bid opening for Whispering Meadows.
- Prepare bid documents for Hickory Avenue.
- Administrator Johnston discussing the engineering and sanitary projects.
- Ready for Open Book on May 6th, 2016.
- Treasurer Straw commented on projects she is working on and finishing the audit.
- Chair Geise discussed the purchase of 2 homes in the Town of Clayton and that the offers have been accepted.
- Right of first refusal on another home.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Amanda Knutson

B. Renewal:

- i. None

- VIII. Business referred by the Plan Commission:
Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):
A. 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 the award of a bid for the capital construction of the public infrastructure in the Plat of Whispering Meadows and the associated lots created by a Certified Survey Map in the Town of Clayton based on a Special Assessment Developers Agreement for the project.

The Town Engineer scheduled the Bid Opening for the above referenced project at 10:00 A. M. on Friday, April 29th, 2016. The Town Engineer has provided the attached Bid Tab listing ***R and R Wash Materials Inc***, 1110 Dartford Road, Ripon, WI 54971 as the low bidder for the project at a cost of \$300,691.56. The project is proposed to be constructed using municipal funds with a 10-year special assessment against the property to recover the costs of the project including administrative costs. The Administration's recommendation is to award the project to ***R and R Wash*** at the Bid cost with the funding for the Town's project to come from a Town Borrowing. Should the Board agree with the Administration's recommendation, a motion would be in order to award the bid for the capital construction of the public infrastructure in the Plat of Whispering Meadows and the associated lots created by a Certified Survey Map in the Town of Clayton subject to the signing of a Special Assessment Developer's Agreement for the project.

- Discussed the differences of bid money.
- Need to clarify issues with bid on "alternant 1."

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve the bid for Whispering Meadows to R and R Wash Materials, Inc. not to exceed \$299,949.06 plus the cost of paving "alternant 1."

Vote: Motion carried unanimously.

- B. Discussion/Action: Town Board review and consideration of the following retail fireworks permit application(s):
- i. Application submitted by Ted Bemis for T&G, 8386 STH "76", Suite D, Neenah, WI 54956.
 - ii. Application submitted by Chuck Krause for FVRR Fireworks 2896 CHT "JJ" Neenah, WI 54956.

Attached please find the applications for the above referenced Fireworks sales permits. The applicants have had a sales site in the Town in prior years. The Applications are complete and the application fees have been paid. Ted Bemis will be keeping his sales site in the same locations he used in CY 2015. Chuck Krause will be moving his site to the corner of CTH “JJ” and STH “76”. Since there are no significant changes from the CY 2015 applications staff recommends approval of the Fireworks Sales Permits subject to the following conditions:

- 1) That the Applicants provide the Town Treasurer with a copy of their respective proof of insurance documents.
- 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 facility and location.
- 5) That the Applicants abide by the Town’s Sign Ordinance for any and all signage for their sites.

Vote: Approved by unanimous consent to approve the fireworks permit application submitted by Ted Bemis for T&G, 8386 STH “76”, Suite D, Neenah, WI 54956.

Vote: Approved by unanimous consent to approve the fireworks permit application submitted by Chuck Krause for F.V.P.R. (correction for name as listed above) Fireworks 2896 CHT “JJ” Neenah, WI 54956.

- C. Discussion/Action: Town Board review and consideration of a recommendation from the Town of Clayton Sanitary District #1 Commission to direct the Town’s Attorney to pursue the Commission’s request for access to the Grand Chute Menasha West Sewerage Plant.

Based on a number of conversations between the Town Chair and the Town’s Attorney the Commission has recommended that the Town Board direct the Town’s Attorney to draft a letter that would be sent to the Grand Chute Menasha West Sewerage Plant Commission President asking for a definitive answer to the question of the Grand Chute Menasha West Sewerage Plant providing treatment for sewerage effluent from the Town of Clayton Sanitary District #1. The Town’s Attorney feels that he needs to complete this step in order to create a defensible argument in support of the Town’s Sanitary District request for service. Attached please find a draft copy of the letter prepared by the Town’s Attorney. If the Town Board agrees with the Sanitary District Commission a motion would be in order to finalize and send the attached letter to the Grand Chute Menasha West Sewerage Commission President.

Vote: Approved by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of a proposal from Cedar Corporation for providing engineering services for the provision of municipal sanitary sewer and municipal water in the Town of Clayton Sanitary District #1.

Cedar Corporation has been advising the Town on the provision of municipal sanitary sewer and water utilities to the area of the Town of Clayton, Sanitary District #1. The Town has reached the point where it needs to work with the Public Service Commission (PSC) to create a water utility and consult with the State Department of Natural Resources (DNR) to approve the sewer service area and sanitary utility plans for the Town's Sanitary District #1. Attached please find a copy of an Addendum to an Agreement for Professional Services with Cedar Corporation for the following items:

1.1 CONSULTING/ADVISORY

1.2 PRELIMINARY DESIGN

The cost for these services is \$405,700.00. Please be advised that the estimated cost of the project is approximately \$20,000,000.00, and it is customary for the design and construction engineering for a project to cost up to 20% of the project costs. Additionally, the costs will occur over time allowing the Town to plan for and put in place a financing mechanism for the project. The details of the work to be completed as part of this Addendum are explained in the document and Dennis Steigenberger from Cedar Corporation will be at the Board's meeting to answer any questions the Board may have relative to the addendum proposal. If the Board wishes to move forward with the municipal sanitary sewer and water project, the Administration is recommending that the Board authorize the Addendum to an Agreement for Professional Services with Cedar Corporation at the proposed cost (\$405,700.00). Funding for the project will ultimately come from a Town General Obligation Borrowing.

- Discussed proposal and what the engineering would cover relative to sanitary project.
- Discussed financing.
- Discussed building system.
- Discussed billing/fee structure.
- Discussed creating TIF District.
- Supervisor Reif discussed where the service is coming from relative to awarding bid.
- Reviewed alternative opportunities and how engineering works/overlaps.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion that we authorize Addendum in the amount of \$405,700 for funding to create Town of Clayton Sanitary District #1.

Vote: Motion carried unanimously.

- E. Discussion/Action: Town Board review and consideration of approving offers to purchase by the Town of Clayton for the following two residential properties located on Clayton Avenue:
- i. Tax ID # 006-0351-03
8795 Clayton Avenue Neenah, WI 54956
 - ii. Tax ID# 006-0348-01
8879 Clayton Avenue Neenah, WI 54956

The offer prices for the proposed purchases are as follows:

Tax ID # 006-0351-01
8795 Clayton Avenue, Neenah, WI 54956
Assessed Value: \$165,000.00
Tax ID # 006-0351-03
Vacant Lot adjacent to the home
Assessed Value: \$26,200.00
Offer: \$201,000.00

Tax ID# 006-0348-01
8879 Clayton Avenue Neenah, WI 54956
Assessed Value: \$219,600.00
Offer: \$225,000.00

The Town Chair has made offers to purchase the properties for the prices listed above. It is the Administration's recommendation that the Board purchase the properties for the offer prices. The hurdle that staff needs to overcome is absorbing the purchase without impacting the levy for CY 2016 payable in CY 2016/17. Staff expects that the CY 2017 Budget will be able to be funded with little or no impact from the purchases. However, the Town will need to finance the purchases and dedicate the rental revenues to making the annual debt service payments until the housing units are sold. The Administration expects to hold the housing units until the Town has created and constructed both a municipal sanitary sewer and a municipal water utility or the Board has elected to not proceed with the utility projects. In either case the Administration will recommend that the vacant lot be sold separately from the home and that the 4.3 acre lot be subdivided into three or four lots. The Town Chair will be able to explain the offer prices and the Administration will be ready to explain how the purchases will be funded without impacting the Town's CY 2016 Tax Levy. Should the Board feel comfortable with the proposed purchases and the funding mechanisms, a motion would be in order to approve the purchase of the listed properties for the offer prices (\$426,000.00). Additionally, the Board should direct staff to work with the Town's rental agency to place the homes on the rental market as soon as possible.

- Discussed the purchase/offer process.
- Discussed the financing.
- Discussed renting the property.
- Discussed the newspaper article relative to annexing.
- Supervisor Reif expressed concern relative to property with right to refusal and the Town's ability to obtain property.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Reif

Motion: Motion that we authorize Addendum in the amount of \$405,700 for funding to create Town of Clayton Sanitary District #1.

Vote: Motion carried unanimously.

- F. Discussion/Action: Town Board review and consideration of scheduling a Special Town Board meeting to hold a working session for a 30-year visioning project related to the development on the east side of the Town of Clayton.

As the Board elects to move forward with providing municipal sanitary sewer and municipal water utilities to the east side of the Town of Clayton it is vital that the Board move away from explaining the project by saying that we need to stop the Village of Fox Crossing and to start articulating the vision of the Town/Village of Clayton in 5, 10, 15, 20, and 30 years. In order to facilitate this process the Administration has asked the Town's Financial Advisor, the Town's Engineer, and the Engineer's Planner to attend a meeting with the Town Board and Town staff. The Administration expects that this meeting would occur during the daytime hours of the working week. Attached please find a series of dates that work for the Town's Financial Advisor. The Administration is respectfully asking the Board for its availability to meet on the dates listed in the attached e-mail.

- Scheduled for Monday, May 23rd, 2016 at 12:00 noon.

XI. Town Board Reorganizational Business:

A. Board Appointments

a. Vice Chairperson

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to appoint Supervisor Schmidt as the Vice Chairperson.

Motion carried by unanimous consent.

b. Personnel Panel

Vote: Motion carried by unanimous consent appoint Supervisor Lettau and Chair Geise to be in charge of personnel.

c. Buildings/Grounds/Roads

- No appointment

d. Cemetery

Vote: Motion carried by unanimous consent to appoint Supervisor Grundman to be in charge of the Cemetery.

e. Town of Clayton Sanitary District #1 Commission

Vote: Motion carried by unanimous consent to appoint the Town Board to be in charge of the Town of Clayton Sanitary District #1 Commission.

f. Stormwater Utility Commission

Vote: Motion carried by unanimous consent to appoint the Town Board to be in charge of the Town of Clayton Sanitary District #1 Commission.

g. Plan Commission

Vote: Motion carried by unanimous consent to appoint Supervisor Reif to be assigned to the Plan Commission.

h. Green Space Committee

Vote: Motion carried by unanimous consent to appoint Supervisor Grundman to be assigned to the Green Space Committee.

B. Establish Meeting Days, Times, Rules

a. Town Board:

- i. Meets the 1st & 3rd Wednesdays of each month
- ii. Meeting time 7:00 p.m.
- iii. Robert's Rules of Order
 - Stay the same

b. Town of Clayton Sanitary District No.1 Commission

- i. Meets at the call of the Chair on the 1st, & 3rd, Wednesdays of each month
- ii. Meeting Time 6:00 P.M.
- iii. Robert's Rules of Order
 - Stay the same

c. Town of Clayton Storm Water Management Utility Commission

- i. Meets at the call of the Chair on the 1st, & 3rd, Wednesdays of each month
- ii. Meeting Time 6:30 P.M.
- iii. Robert's Rules of Order
 - Stay the same

d. Town of Clayton Zoning Board of Adjustments:

- i. Meets at the call of the Chair
- ii. Meeting Time and Date are at the call of the Chair
- iii. Roberts Rules of Order
 - Stay the same

e. Town of Clayton Plan Commission:

- i. Meets on the 2nd Wednesday of each month
- ii. Meeting Time 7:00 p.m.
- iii. Robert's Rules of Order
 - Stay the same

f. Town of Clayton Green Space Committee

- i. Meets on the 2nd, Wednesday of each month
- ii. Meeting Time 5:30 P.M.
- iii. Robert's Rules of Order
 - Stay the same

C. Town Office Hours & Organization Structure

a. Office Hours

- i. 8:00 A.M. to 4:30 P.M.
- ii. Monday through Friday
 - Approved by unanimous consent

b. Organizational Structure

- i. As approved in the Town's Personnel Manual
 - Approved by unanimous consent

D. Organizational Support

- a. Town Administrator: Richard Johnston
- b. Clerk: Richard Johnston

- c. Treasurer: Tori Straw
- d. Assistant Town Administrator: Tori Straw
- e. Deputy Clerk: Laurie Goffard
- f. Fire Chief: Scott Rieckmann (to be appointed prior to adjourning the meeting)
- g. Building Inspector: Tom Spierowski
- h. Town Attorney: Richard Carlson/Ashley Lehocky (Silton, Seifert, & Carlson S.C.)
- i. Assessor: Luke Mack (Associated Appraisal Consultants, Inc.)
- j. Engineer: Martenson & Eisele, Inc.
- k. Banking Institutions: Wells Fargo
- l. Official Newspaper of Record: Appleton Post-Crescent
 - Section D (a through l) are approved by unanimous consent

E. Additional Appointments

- a. Plan Commission Members: (2 positions for a 3-year term each with all terms effective May 1st, of the calendar year).
 - Becky Haskell as Commissioner – Approved by unanimous consent
 - Eric Linsmeier as Commissioner – Approved by unanimous consent
 - David Dorow as Commissioner – Approved by unanimous consent
- b. Zoning Board of Review: (2 positions serving 3-year term each with all terms effective May 1st, of the calendar year).
 - i. Name to be presented by the Town Chair (NONE)
 - ii. Name to be presented by the Town Chair (NONE)
- c. Green Space Committee Member: (2 positions for a 3-year term each with all terms effective May 1st, of the calendar year).
 - i. Name to be presented by the Town Chair
 - ii. Name to be presented by the Town Chair
- d. Town Constable: (1 position: 1-year term; term effective May 1st, of the calendar year).
 - i. Name to be presented by the Town Chair
- e. Animal Control Officer: (1 position: 1-year term; term effective May 1st, of the calendar year).
 - David Huebner – Approved by unanimous consent
- f. Emergency Government: (1 position: 1-year term; term effective May 1st, 2014)
 - Bob Breaker – Approved by unanimous consent
- g. Weed Commissioner: (1 position: 1-year term; term effective May 1st, of the calendar year).
 - i. Town Administrator/Clerk, Richard Johnston

F. Additional Considerations

- a. Town Board and Plan Commission Reimbursements – Meetings, Workshops, etc.
 - i. Town Chair
 - 1. Wage: \$8,700.00 per year
 - 2. Out of Town Half Day Meeting Per Diem: \$ 44.00
 - 3. Out of Town Full Day Meeting Per Diem: \$ 66.00
 - 4. Mileage reimbursement: Per IRS Rules
 - ii. Town Supervisor
 - 1. Wage: \$5,500.00 per year
 - 2. Out of Town Half Day Meeting Per Diem: \$ 44.00

- 3. Out of Town Full Day Meeting Per Diem: \$ 66.00
- 4. Mileage reimbursement: Per IRS Rules
- iii. Plan Commissioner
 - 1. Stipend per meeting: \$ 44.00
 - 2. Out of Town Half Day Meeting Per Diem: \$ 44.00
 - 3. Out of Town Full Day Meeting Per Diem: \$ 66.00
 - 4. Mileage reimbursement: Per IRS Rules

b. Town Fees:

- i. Review and approval of the Town’s Revised Fee Schedule

c. Posting and Notice Locations:

- i. The Town Hall Posting Board – 8348 CTR “T” Larsen WI 54947
- ii. The Town’s Web Page – www.claytonwi.govoffice3.com

XII. Review of Disbursements:

XIII. Review of General Fund Budget Update (Second Town Board meeting of the month):

XIV. Upcoming Meeting Attendance:

- Special Town Board meeting set for May 23rd, 2016 at 12:00 noon.

XV. Board Member Requests for Future Agenda Items:

XVI. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:25 p.m.

Respectfully submitted,
Laurie Goffard, Deputy Clerk