

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, July 15th, 2015

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	ABSENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	ABSENT
Deputy Clerk Goffard	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 Special Town Board Meeting of Wednesday June 10th, 2015.
- B. Approval of the Minutes of the Town Board meeting of Wednesday, July 1st, 2015.

MOTION:

Motion made by unanimous consent to approve the Minutes of Special Town Board Meeting of Wednesday, June 10th, 2015 and to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, July 1st, 2015.

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

- A. None.

V. Correspondence:

- A. Memorandum from the Town Treasurer on closing the Town's ACH accounts at Chase Bank.

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
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Miller reported that the Fox Valley Asphalt project is completed. The Oakcrest subdivision ditch work is complete and next the roads will be pulverized. Winncrest ditch work to be complete shortly. Oakwood Road ditching will need to be done before Scott Construction can do the pulverizing. MCC put a bank of mailboxes for mail to be delivered and one resident requested a box for getting their newspaper. Some residents think the ditches will be too deep but this is how the project needs to be completed.
 - Administrator Johnston discussed the issues with getting sewer and water to areas of Town of Clayton with the Town of Menasha Incorporation moving forward. Meetings have occurred with the Town of Neenah, Town of Grand Chute and the City of Neenah. Neenah did not want to offer water but possibly amenable to offering sewer.
 - Chair Geise discussed the water issues for the Town of Clayton and changes that will happen with the Clayton-Winchester Fire Department in January of 2016.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Dillan Peterson
 - ii. Dakota Wilz
- B. Renewal:
 - i. Cheryl Klotz
 - ii. Debra Resop
 - iii. Linda Vegoe

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. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by the Petitioner(s), Keegan O' Hearn, N8823 Lakeshore Drive, Van Dyne, WI 54979 for an Artificial Pond on property located at 9262 Bomar Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-1277, being described as Lot 22 of the Plat of Deer Trail Estates located in Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve the Conditional Use Application submitted by the Petitioner(s), Keegan O' Hearn, N8823 Lakeshore Drive, Van Dyne, WI 54979 for an Artificial Pond on property located at 9262 Bomar Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-1277 with staff recommendations.

Motion carried by unanimous consent.

- B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 for property located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: To approve the Certified Survey Map (CSM) Application submitted by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 for property located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 with staff recommendations.

Motion carried by unanimous consent.

- C. Plan Commission recommendation to the Town Board on an Outagamie County Application for a Special Exemption Permit in the Outagamie County Airport Overlay Zoning District submitted by Kathleen and William Lynch, N1351 Tuckaway Court, Greenville, WI 54942 for property owned by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 and located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To direct staff to approve the Special Exemption Permit in the Outagamie County Airport Overlay Zoning District submitted by Kathleen and William Lynch, N1351 Tuckaway Court, Greenville, WI 54942 for property owned by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 and located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393 with staff recommendations.

Motion carried by unanimous consent.

- D. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Michael L. and Darla K. Schoenberger, 2559 Tournament Players Circle North, Blaine MN, 55449 for property located at 3025 and 3027 Winfield Drive, Neenah, WI, 54956 and specifically identified as Tax ID # 006-1232 and 006-1212 being all of Lot 17 and Out Lot 3 Windfield Place, Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve the Certified Survey Map (CSM) Application submitted by Michael L. and Darla K. Schoenberger, 2559 Tournament Players Circle North, Blaine MN, 55449 for property located at 3025 and 3027 Winfield Drive, Neenah, WI, 54956 and specifically

identified as Tax ID # 006-1232 and 006-1212 being all of Lot 17 and Out Lot 3
Windfield Place with staff recommendations

Motion carried by unanimous consent.

- E. Plan Commission recommendation to the Town Board on direction given to staff on the demographics and the maps to be included in the Town's CY 2015 Comprehensive Plan Update.
- Directed staff to work on the Northeast quadrant of the Town of Clayton for water/sewer to be offered and to also update the maps used the Comprehensive Plan.

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 recommendation to the Town Board on the draft Community Facilities, Parks, Open Spaces, and Recreational Facilities map update for the CY 2015 update of the Town's Comprehensive Plan.
- Directed staff to update the Recreational Facilities map for the CY 2015 update of the Town's Comprehensive Plan.

X. Business:

- A. Discussion/Action: Town Board Review and consideration of Resolution 2015-009 an initial Resolution authorizing General Obligation Promissory notes in an amount not to exceed \$10,000,000 for a Municipal Water System and a Municipal Sewer System.

Attached please find the material provided to staff by the law firm of Quarles & Brady. The material outlines the documentation needed for generating and posting the proposed Resolution. Please be advised that the \$10,000,000.00 value used in the Resolution along with the Town's current debt represents an aggregate debt for the Town of approximately 50% of its Statutory Debt Capacity of \$22,720,930.00 (see attached excerpt from the Town's December 31st, 2015 Annual Financial Report). Additionally, the proposed Resolution does not commit the Board to any borrowing it simply indicates that you have an interest in providing municipal sanitary sewer and water utilities to the eastern quadrant of the Town and, if practicable, you may choose to borrow up to the \$10,000,000.00 to fund the utility project.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve Resolution 2015-009 an initial Resolution authorizing General Obligation Promissory notes in an amount not to exceed \$10,000,000 for a Municipal Water System and Municipal Sewer System.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Reif: Absent.

Chair Geise: Aye.

Motion carried by Roll Call Vote

- B. Discussion/Action: Town Board Review and Consideration of Resolution 2015-010 A Resolution Denying a Claim Submitted By 5 Star Plumbing Services, Inc. (D/B/A 5 Star Mechanical), 1925 West Packard Street, P.O. Box 7292, Appleton, WI 54914.

The Administration will distribute a draft copy of Resolution 2015-010 A Resolution Denying a Claim Submitted By 5 Star Plumbing Services, Inc. (D/B/A 5 Star Mechanical), 1925 West Packard Street, P.O. Box 7292, Appleton, WI 54914 at the Board's meeting. Please be advised that approving this Resolution is a procedural matter. 5 Star Plumbing Services, Inc. served the Town with a Notice of Complaint on March 24th, 2015. The Town has 120 days to take action on the Notice, at the Town Attorney's direction the Administration has waited to respond to the Claim at the Board's last meeting before the 120 days have passed. The Board should approve Resolution 2015-010 A Resolution Denying a Claim Submitted By 5 Star Plumbing Services, Inc. (D/B/A 5 Star Mechanical), 1925 West Packard Street, P.O. Box 7292, Appleton, WI 54914. Additionally, the Board should direct staff to notice 5 Star Plumbing Services, Inc. (D/B/A 5 Star Mechanical), 1925 West Packard Street, P.O. Box 7292, Appleton, WI 54914 as directed by the Town's Attorney.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: To approve Resolution 2015-010 A Resolution Denying a Claim Submitted by 5 Star Plumbing Services, Inc. (D/B/A 5 Star Mechanical), 1925 West Packard Street, P.O. Box 7292, Appleton, WI 54914.

Chair requested roll call vote:

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Reif: Absent.

Chair Geise: Aye.

Motion carried by Roll Call Vote

- C. Discussion/Action: Town Board review and consideration of authorizing the Town Chair to enter into an engineering contract with Cedar Corporation, Inc. for the purposes of completing a detailed engineering study for the provision of municipal sanitary sewer and municipal water utilities to the eastern quadrants of the Town of Clayton.

Based on several conversations with the Town Chair and conversations with the Chair of the Town of Neenah and the Mayor of the City of Neenah the Administration has asked Cedar Corporation, Inc. (Cedar) to provide a proposal for moving forward with an engineering study related to the provision of municipal sewer and water utilities to the eastern quadrant of the Town. Unfortunately, as of Thursday, July 9th, 2015 the Administration is not able to provide Cedar with a specific scope of services for a project to engineer; however, given the timing of the next Town Board meeting and the timeline for the project the Administration believes that it is important that the Town keep moving forward with this process. The Administration expects to have a sufficiently developed scope of services for Cedar within the next week to ten days. Based on that schedule the Administration is respectfully asking the Board to authorize the Chair to enter into a

Contract with Cedar Corporation, Inc. for an engineering study related to providing municipal sewer and water utilities to the eastern quadrants of the Town at a cost not to exceed \$20,000.00. Should the Board agree with the Administration's recommendation, a motion would be in order to authorize the Town Chair to enter into a Contract with Cedar Corporation, Inc. at a cost not to exceed \$20,000.00. As an alternative the Board could direct staff to generate a specific scope of services for Cedar Corporation, Inc. and present the proposal to the Board at its August 5th, 2015 meeting.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To authorize the Town Chair to enter into a Contract with Cedar Corporation, Inc. at a cost not to exceed \$20,000.00.

Motion carried by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of a Municipal Employment Agreement for hiring of a full time Building Inspector for the Town of Clayton.

Attached please find a copy of a Job Description for the Town's Building Inspector Position; also attached is a draft Employment Agreement for the Building Inspector Position. The Administration has had several discussions with the Town's current Building Inspector, Tom Spieroski (Tom), about his interest in the position and what he would like to negotiate as part of an Employment Agreement for accepting the position. Listed below please find the basic features of an Employment Agreement for the Building Inspector Position:

1. Term: Initial Agreement is for 2 years with a one-year notice of non-renewal starting on December 31st, 2017
2. Annual Salary: \$58,000.00
3. Benefits: Per the Town's Employee Manual
4. Vacation: 4 weeks per year with CY 2015 prorated
5. Mileage: At the IRS rate or a Town owned vehicle

Staff has provided the Town of Vinland and the Town of Winneconne with a final copy of the Intermunicipal Agreement for Building Inspection Services including the minor clarifications that both communities wanted made to the draft document. The revenue generated from providing building inspection services to the Towns of Vinland and Winneconne will be used to offset the costs of the Building Inspector's Line Items in the Town's General Fund Budget. The Administration expects that the Department will be 80% self supporting based on the fees collected. The salary and benefits being negotiated for the position are well within the range of Tom's experience, qualifications and licensing levels. If the Board is comfortable with the Employment Agreement, a motion would be in order to create the position of Full Time Building Inspector for the Town of Clayton and to authorize the Administrator to sign the Employment Agreement for the position as negotiated.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: To approve the Municipal Employment Agreement and to authorize the hiring of a full-time Building Inspector for the Town of Clayton.

Motion carried by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of staff's recommendation to bundle the Town's telephone services with Time Warner Cable.

The Town's Treasurer, Tori Straw (Tori), has received a proposal from Time Warner Business Class for bundling the Town's telephone service, cable TV service, and Internet service into a single service. The Town currently uses Time Warner for Cable TV and Internet and Century Link for telephone service. The Town's current costs for cable TV, internet, and telephone services are usually in the area of \$424.41 per month; the Time Warner bundle would cost \$219.94 per month resulting in a savings of \$204.47 per month. The only concern the Administration has relative to the project relates to the maintenance of the telephone system which was purchased from Century Link. Staff has worked out most of the bugs in the telephone system since we moved into the renovated building and should not need much support for the phone system for the foreseeable future. In order to minimize the possibility of a problem with support for the telephone system Tori is working on a maintenance option using Century Link on a time and materials basis. Staff is recommending that the Board authorize staff to move to the Time Warner bundled service as presented in the proposal. Should the Board agree, a motion would be in order to authorize staff to move the Town's Cable TV, Internet, and telephone service to Time Warner Business Class. If the Board agrees to the change there will be some additional savings that will accrue to the Fire Department based on moving the Department's phone service to the same bundle as the Town's. Additionally, please be advised that the Town would keep the same telephone numbers.

Approved by unanimous consent.

- F. Discussion/Action: Town Board consideration and direction to staff relative to the continued active enforcement of the Town's Pool Ordinance fencing requirement.

Town Attorney Carlson (Rich) has advised the Administration that Jon J. and Jamie M. Lasee, the property owners at 8094 Coleman Ridge, Neenah, WI 54956, failed to appear for the Court date for their citation relating to fencing around a pool. If the Board wishes to proceed with active enforcement of the Town Ordinances Rich's recommendation is that the Town issue a citation on a weekly basis and then take the individuals to Court on a nuisance complaint. The Administration has refrained from taking any additional action until specifically directed by the Board. The Town Attorney will be in attendance at the Board's meeting to clarify any issues relating to the citation process. The Administration is respectfully asking the Board for direction on this issue prior to proceeding with any action. If the Board wishes to proceed with the citation process, a motion would be in order to direct staff to issue the citations as directed by the Board and in consultation with the Town's Attorney.

- Lengthy discussion by Supervisor Schmidt and Attorney Lehocky on how often to issue citations to Jon Lass for violation of the Town's Pool Ordinance fencing requirement. 2 more tickets to be issued before the July 28, 2015 court date which is already scheduled for the second ticket so the Town of Clayton can have their Town attorney only attend one hearing in Oshkosh, WI. Failure for Jon Lasee to pay the citations could result in Winnebago County

revoking his Wisconsin driver's license. After the July 28, 2015 court date the Town's attorney can file a nuisance claim on this matter.

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items:

- Supervisor Schmidt suggested scheduling a special meeting on the Dennis Brucks driveway apron issue. Administrator Johnston felt it could be handled without a special meeting.
- Administrator Johnston to look into the cost of having security cameras in the front area of the Town of Clayton Municipal Building.

XIII. Review of Disbursements:

- None

XIV. Adjournment:

MOTION:

Motion made and approved by unanimous consent to adjourn at 8:25 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie Goffard, Deputy Clerk