

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, July 16th, 2014

Town 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	ABSENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rose I. Simon	PRESENT
Public Works Foreman – Scott Pamenter	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, July 2nd, 2014.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, July 2nd, 2014 with the correction to page 4, Section X(A) to remove the “unanimous consent” part of the motion .

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

V. Correspondence:

- A. Zoning Reports and Ordinances, Winnebago County Board Meeting, Tuesday, May 20th, 2014.

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

A. County Supervisor Report

- Chuck Farrey (Town of Vinland County Board Representative)
- Discussion regarding the Tri County Ice Arena. 15-year lease agreement to run the facility and maintain the building. Winnebago County will be responsible for plowing the snow in the winter and provide annual property insurance. After 15 years Winnebago County will assume responsibility for the property.
- Winnebago County hired an agency to assess rebuilding the courthouse.

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

- Deputy Hanrich in attendance. Issues with motorcycles speeding on CR II

C. Clayton-Winchester Fire Department

D. Larsen-Winchester Sanitary District

E. Administration Comments

- Mary Jo Miller. Construction is underway in the Ridgeway subdivision. 2 bid openings for the Rolling Meadows subdivision and the chip sealing project. 2014 culvert replacement on Larsen Road.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Sage Cummings
- ii. Ryan Schmitt

B. Renewal:

- i. Mark Bombinski
- ii. Amber Latimer (provisional issued 6/30/14 expiration)
- iii. Vickie Chappell (provisional issued 6/30/14 expiration)
- iv. Kimberly Hayes (provisional issued 6/30/14 expiration)

C. The following parties have a renewal application for a Class "B" license to sell fermented malt beverages, and a "Class B" license to sell intoxicating liquors is on file in the Town of Clayton, Clerk's Office for the licensing period July 1, 2014 through June 30, 2015, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- i. Christopher R.D. Clauson (dba The Larsen Tavern), 8338 County Road T, Larsen, WI 54947.
Agent: Christopher Clauson

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion that we forward or move the project discussion to the meeting on August 6th regarding the Class "B" liquor license for Christopher R.D. Clauson.

Vote: Motion carried unanimously

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 Certified Survey Map (CSM) Application submitted by Dino Valeri for DSV LLC, 3440 DeKalb Lane, Neenah, WI 54956 for the Woodshed Bar and Grill located at 2895 CTR “II” Neenah, WI 54956 and 8472 STH “76” and specifically identified as Tax ID # 006 0621-01 and Tax ID # 006 0621-02, both located in part of the northwest ¼ of the northwest ¼ of Section 24, 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: Motion that we move ahead on the Certified Survey Map submitted by Dino Valeri with all Tax ID numbers as listed in the paperwork.

Vote: Motion made by unanimous consent to approve the Certified Survey Map of Dino Valeri.

- B. Plan Commission recommendation to the Town Board on a Site Plan Application for an expansion of a deck submitted by Dino Valeri for DSV LLC, 3440 DeKalb Lane, Neenah, WI 54956 for the Woodshed Bar and Grill located at 2895 CTR “II” Neenah, WI 54956, and 8472 STH “76” and specifically identified as Tax ID # 006 0621-01 and Tax ID # 006 0621-02, both located in part of the northwest ¼ of the northwest ¼ of Section 24, 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: Motion to approve the Site Plan Application for Dino Valeri for a deck expansion with all recommendations

Vote: Motion carried unanimously to approve the Site Plan Application for Dino Valeri.

- C. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947 for property owned by the Town of Clayton and Christopher R.D. Clauson (dba The Larsen Tavern), 8338 County Road T, Larsen, WI 54947, for property located at 8338 CTR “T”, Larsen, WI, 54947 and specifically identified as Tax ID # 006-0535-03 and Tax ID # 006-0535-15, both located in southwest ¼ of the northeast 1/4 , all in Section 20, Township 20 North , Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion for approve the Certified Survey Map Application submitted by the Town of Clayton for the property owned by Mr. Christopher R.D. Clauson along with all staff recommendations and Plan Commission recommendations.

Vote: Motion made by unanimous consent to approve the Certified Survey Map submitted by the Town of Clayton.

- D. Plan Commission recommendation to the Town Board on a Temporary Conditional Use Application for offsite parking for a fundraising event to be held at the Headliners Bar and Grill facility, submitted by Ken Zastrow for Pubs & More LLC (DBA Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956 and specifically identified as Tax ID # 006-0620-06 and 006-1776, both located in Section 24, 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: Motion to approve the Temporary Use Application for Headliners.

Vote: Motion carried unanimously to approve the Temporary Conditional Use Application for Headliners.

- E. Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand-alone Sign Ordinance #7.6.
- This issue moved to the August 6th, 2014 meeting.
- F. Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand-alone Site Plan Ordinance.
- This issue moved to the August 6th, 2014 meeting.
- G. Plan Commission recommendation to the Town Board on proposed changes to the specific culvert diameter requirements of the Town's Access and Culvert Permit Policy.
- This issue moved to the August 6th, 2014 meeting.
- H. Plan Commission recommendation to the Town Board on proposed amendments to the Town's Access Control Ordinances including, but not limited to, the driveway separation requirements of the Ordinance.
- This issue moved to the August 6th, 2014 meeting.

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 a request to plant a memorial tree on the Friendship Trail in the area of Olson's Rest.

MOTION:

Motion made by unanimous consent to approve planting of a memorial tree at Olson's Rest.

The Committee did not have a quorum in attendance and therefore it could not hold its meeting. The Committee Chair directed staff to take the following items directly to the Board for consideration:

The Green Space Committee received a request to plant a memorial tree on the Friendship Trail in the area of Olson's Rest. Please see the attached documentation for the details of the request. The Administration has no issues with the proposed planting and is recommending that the Board accept the donation and approve the planting site as requested.

Additionally, staff has solicited a proposal from Jeff's Water Conditioning to replace the water heater and the pressure tank in the Clayton Park Pavilion. As part of the process of updating the Park Pavilion staff would like to simplify the plumbing to the water heater and the pressure tank, these items are located in the utility room and are likely the original equipment that was installed when the Pavilion was constructed. Jeff's Water Conditioning is a contractor that staff has used in the past and has been very satisfied with the timeliness and quality of the work. The proposal for the work is not to exceed \$1,500.00 with the funding to come from the Town's CY 2014 Budget, Clayton Park Updating, Capital Project Line Item. If the Board would like to proceed with the work, a motion would be in order to approve the not to exceed \$1,500.00 price for the project with the funding to come from the Town's CY 2014 Budget, Clayton Park Updating, Capital Project Line Item.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Geise

Motion: Motion that we direct staff to approve replacement of the Clayton Park water heater and pressure tank not to exceed a cost of \$1,500.00.

Vote: Motion made by unanimous consent to approve purchase of a water heat for Clayton Park.

X. Business:

- A. Discussion/Action: Town Board review and consideration of converting the Town's Administrative Assistant from a probationary employee to a full time at will employee. The Administration has been considering the issue of converting the Town's Administrative Assistant from a probationary employee to a full time, at will employee.

Based on discussions with staff and a review of the progress made by Laurie L. Goffard (Laurie), the Administration would like to request that the Board extend Laurie's probationary period for 90 days. The Administration has no problem with a slow and determined learning curve; however, there appears to be a lack of commitment to the job. If Laurie is not able or willing to commit to the job, that is OK. However, although not likely, if that still holds true after the proposed extended probationary period, the Administration will need to face the facts and make a difficult recommendation to the Board. The Administration has reviewed these issues with Laurie. One of the issues prompting the Administration's recommendation is the difficulty that will be created by having to start the training process again. The Administration has asked if perhaps it is being too demanding on the Town's employees? The prevailing answer to that question appears to be "no". If the Board would like to discuss this issue in a closed session, a motion to direct the Administration to schedule the meeting would be in order. If the Administration would like to approve the Administration's recommendation, a motion would be in order to extend the probationary period for the Town's Administrative Assistant for 90 days.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to extend the probationary period to the Town’s Administrative Assistant for 90 days to October 28, 2014.

Vote: Motion made by unanimous consent extension of the 90 day probationary period.

- B. Discussion/Action: Town Board review and consideration of the acceptance and award of a Contract for the Town’s CY 2014 Chip Sealing Projects.

The bid opening for the 2014 Chip Sealing project is scheduled for 2:00 p.m. on Monday, July 14th, 2014. The Town’s Engineer will prepare a bid tabulation for the project and present the document to the Board at its Wednesday, July 16th, 2014 meeting. The Town’s CY 2014 Chip Sealing project covers Fairview Road from Pioneer Road to the west Town line. The Board has budgeted \$90,000.00 in the Public Works, Chip Sealing line Item. This dollar figure was to cover the completion of the CY 2013 Chip Sealing work which included the following:

1. Shady Lane from Center Road to Pioneer Road
2. Medina Junction Road from the CN Railroad Tracks to North Loop Road

The costs of completing the balance of the CY 2013 Chip Sealing Project is \$76,576.00 including the additional work on the east end of Shady Lane at Center Road. This leaves approximately \$13,424.00 to complete the CY 2014 Chip Sealing projects (see attached documentation). The Administration believes that the bid for the CY 2014 work will exceed the funding and the Board will need to appropriate additional funding to complete the project. The Administration is recommending that the Board appropriate the additional funding from the Town’s Reserve Account. Those funds would be replaced with monies in the fund balance carryover following the Town’s CY 2014 Audit. If the Board would like to proceed with the project, a motion would be in order to authorize the Administration to sign the CY 2014 Chip Sealing Contract and to draft the Resolution for appropriating the needed monies from the Town’s Reserve Accounts.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion: Motion to authorize the administration to sign the 2014 Chip Seal Project in the amount of \$76,576.00 with the monies to come from the Town’s Reserve Accounts.

Vote: Motion carried unanimously.

- C. Discussion/Action: Town Board review and consideration of the acceptance and award of a Contract, subject to the agreement of the Developer, for the Public Improvements related to the development of the Plat of Whispering Meadows in the Town of Clayton.

Attached, please find the bid tabulation for the development of the Public Infrastructure in the Plat of Whispering Meadows in the Town of Clayton. The low bidder for the project was Advance Construction from Green Bay, WI at a base bid cost of \$372,349.73. The Administration has presented the bid costs for the project to the Developer for his approval. The Developer has indicated that he will provide staff with direction on the

project prior to the Board's Wednesday, July 16th, 2014 meeting. The Board will need to consider one of two probable options. The first would be to award the bid, conditioned on the signing of a Public Infrastructure Agreement with the Town, and receive an irrevocable letter of credit from the Developer in the amount of the bid costs plus a 10% contingency. The second would be to reject all of the bids and not proceed with the development of the project at this time.

Chair Luebke recused himself and Vice Chair Geise takes over the meeting.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion that we reject all of the bids and not to proceed with the development of the project for Whispering Meadows at this time.

Vote: Motion carried unanimously.

- D. Discussion/Action: Town Board review and consideration of a request by Dave Tellock, Manager of Advanced Disposal Omro, 250 Alder Avenue, Omro, WI 54963 to extend the firm's existing Solid Waste and Recycling Contract with the Town of Clayton.

The Town Chair and staff met with Dave Tellock (Dave), Manager of Advanced Disposal Omro, 250 Alder Avenue, Omro, WI 54963. Dave has asked the Town to consider extending the Town's existing Solid Waste and Recycling Contract with Advanced Disposal Omro. He feels that it would be more efficient for both the firm and the Town if the Contract were to be extended rather than issuing a Request For Proposals (RFP) for the required services (see attached Contract). The Administration has no issues with the efficiency of a Contract extension; the last time the Town issued an RFP for Solid Waste and Recycling it received only one proposal. It is not likely that any of the major providers will submit a proposal this time, nor is it likely that any of the smaller providers can effectively compete on service. Having made that statement, the Town should receive some consideration for renewing the Contract. In the past, the Administration has required that the provider keep the pricing constant for the first year of a renewed Contract and hold the escalator clause constant for the term of the extension of the Contract. The three-year extension would allow the Administration to project revenue needs and costs for the term of the Contract and this would allow the Board to adjust its fees based on known and real numbers. Should the Board wish to extend the Contract, a motion would be in order to extend the Town Contract for solid waste and recycling for a XX-year term at the CY 2014 costs for the first year of the extension with the escalator clause held constant for the term of the Contract.

- Dave Tellock discussed extending the contract to a 5-year term. Discussion regarding customer service, operation of the trucks and placement of the garbage cans.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to extend the Town contract for Solid Waste and Recycling for a 5-year term with the CY 2014 for the first year extension with the escalator clause and determine the contract after that.

Vote: Motion carried unanimously.

- E. Discussion/Action: Town Board review and consideration of a proposal by Silton, Seifert, Carlson, S.C., 331 East Washington Street Appleton, WI 54911, to have the Town's Attorney attend the Board's regularly scheduled meetings on the first and third Wednesdays of each month.

Attached, please find a proposal for having the Town's Attorney attend the regularly scheduled Town Board Meetings. The proposal was provided, at the Town Chair's request, by Attorney Rose I Simon (Rose) from the law firm of Silton, Seifert, Carlson, SC. The cost for the service would be \$500.00 per month exclusive of preparation time for work required by the Board. The Administration has always advised the governing body that the time when the Board acts is the best time to have legal counsel present. Since the Board acts at its meetings, legal counsel should attend the meetings. The Administration has routinely budgeted for legal costs; the budget line item has always been augmented by the budget designated reserve for legal costs. If the Board would like to start having legal counsel at its meeting the funding for the service during the remainder of CY 2014 would come from the designated reserve for legal costs. In future years, the funding would be included in the Town's regular budgetary line items. If the Board would like to proceed with the project as proposed, a motion would be in order to approve the proposal submitted by Attorney Simon starting with the Wednesday, August 6th, 2014 meeting.

Chair Luebke back in the meeting.

- F. Discussion/Action: Town Board review and consideration of giving direction to staff to prepare and outline a program for the Board to review regarding active enforcement of the Town's Ordinances.

The Board directed staff to place this item on its Agenda for consideration and possible action. From the Administration's perspective, the community is growing, becoming more sophisticated, and requiring more control over how, and how quickly, individuals comply with the Town's Ordinances. For all intents and purposes, this process will continue to develop until the community has a police department and likely, a municipal court. It is important that the Town begin this process with a clear and concise understanding of where it is now and where it would like to be. Specifically, staff needs a process that is defensible, uniform, consistent, fair and above all, not arbitrary. Once that process is developed staff will need to dedicate time to identify and report Ordinance violations so that they can be mitigated and/or prosecuted. All of these issues will take time and cost money; fortunately legal counsel will be in attendance at the meetings and she can share her experience with the processes in other communities with the Board on this issue. If the Board would like to proceed with this process, a motion would be in order to direct staff to review the Town's existing documents relating to the issue and to prepare a Policy or Ordinance on the issue.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we direct staff to review the Town's existing documents relating to this issue and ordinance.

Vote: Motion carried unanimously.

- G. Discussion/Action: Town Board review and consideration of approving the purchase of a Ford F550 truck, plow, and salter to replace the Town’s existing International plow truck as part of the Town’s Capital Equipment Replacement process.

The Town is scheduled to replace the oldest plow truck in the fleet (a 1998 International single axel plow truck) in CY 2015. Based on the Town’s CY 2008 purchase of a plow truck, the new vehicle is expected to cost between \$180,000 and \$200,000. The Board has been allocating funds to the Town’s Capital Equipment Replacement Account (see attached copy) for the planned purchase. At this time there is \$162,176.79 in the replacement account for the purchase of the new plow truck. Based on the Board’s approval of the changes to the Town’s plowing process and the related adjustment to the Town’s Capital Equipment Replacement Account, attached please find a copy of a proposal to purchase a Ford F550 from L&S Truck Center at a municipal discounted cost of \$53,647.00. The truck from L&S Truck Center comes with a dump box and the listed additional equipment. Also attached is a proposal from Monroe Truck Equipment to install a Boss V-plow, a salter with a central hydraulic system, and other listed accessory equipment at a cost of \$30,306.00. The total for the truck with the added equipment is \$83,953.00. Staff would also like to purchase an additional salter with a central hydraulic for the existing F550 at a cost of \$19,673.00. This would bring the total costs for the project to \$103,626.00. Additionally, the Town will have the revenue from the sale of the 1998 International single axel plow truck. If the Board is comfortable with the purchase as presented, a motion would be in order to authorize the purchase of a Ford F550 truck, plow, and salter to replace the Town’s existing International plow and a second salter for the Town’s existing F550 plow at a total cost not to exceed \$103,626.00. Additionally, the Board should direct staff to sell the existing 1998 International plow in fall of CY 2014 and place the funds into the Town’s General Fund, Designated Reserve Account.

MOTION:

Motion carried by unanimous consent.

- H. Discussion/Action: Town Board review and consideration of the purchase of a new diesel powered trash pump and diesel powered generator for the Town’s Public Works Department.

The Administration is not ready to present the issue to the Board; therefore, it respectfully asks the Board to refer this agenda item to its Wednesday, August 6th, 2014 meeting.

- 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 8:30 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant