

TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

October 6, 2010
7:00 p.m. – 8:45 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke.
Pledge of Allegiance recited.

Roll: Town Board

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Klingenberg	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Interim Treasurer Bowen	PRESENT
Public Works Foreman Pamerter	PRESENT
Town Engineer Madsen	

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Special Town Board Meeting (Budget Workshop) – September 14, 2010
MOTION: (unanimous consent) Approve Special Town Board Meeting (Budget Workshop) from September 14, 2010, as written.
CARRIED.
- Regular Town Board Meeting – September 15, 2010
MOTION: (unanimous consent) Approve Regular Town Board Meeting Minutes from September 15, 2010, as written.
CARRIED.
- Special Town Board Meeting (Budget Workshop) – September 21, 2010
MOTION: (unanimous consent) Approve Special Town Board Meeting (Budget Workshop) Meeting Minutes from September 21, 2010, as written.
CARRIED.
- Special Town Board Meeting (Budget Workshop) – September 29, 2010
MOTION: (unanimous consent) Approve Special Town Board Meeting (Budget Workshop) Meeting Minutes from September 29, 2010, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters

- Michelle Litjens (3765 Maxwell Rd., Oshkosh, WI 54904) – 56th Assembly candidate (Nov. 2, 2010)

IV. Correspondence

- A. Winnebago County Health Dept. (rec'd 9/15/2010) – Winnebago County Radon Test Results
- B. Winnebago County Zoning Dept. (rec'd 9/24/2010) – No documents for Town of Clayton to review for October

V. Discussion Items (No action will be taken.)

- A. County Supervisor Report – Supervisor Joanne Sievert, District 29, present: no report.
- B. Winnebago County Sheriff’s Dept. – Deputy Delengare present (arrived at 7:24pm): no updates, no questions.
- C. Clayton-Winchester Fire Chief Report – Fire Chief not present: no report.
- D. Administration Comments –
 Clerk: WTA Winnebago County Unit Meeting October 7
 Town Public Works Foreman: New Town Complex secured fencing is up, parking area in, need to purchase and install greens
 Chair Luebke: Introduced Town Engineer, Aaron Madsen

VI. Zoning – Receipt of Information from Plan Commission

Plan Commission Chair, Dick Knapinski, presented Plan Commission recommendations on the following:

- A. Plan Commission review of the preliminary work completed by the Town’s Engineering Consultant on the engineering required for the Plan Commission report to the Town Board on the Town’s Fire Department Structures MOTION: Geise, Accept info presented LETTAU from the Plan Commission regarding the Town Fire Department Structures CARRIED by unanimous voice vote.

VII. Business

Board unanimously agreed to hold the Public Hearing (Business Item VII-B) next and the First Reading of Resolution #2010-015 (Business Item VII-C) immediately following. The Board then addressed the remaining items in the order that they appear.

- B. **Public Hearing** – On Resolution #2010-015: Resolution Amending an Ordinance Setting Speed Limits within the Town’s Subdivisions and on certain specified Town Roads by reducing the speed limit on Shady Lane from STH “76” to approximately 2,500 feet west of the intersection of Shady Lane and STH “76”.

Public hearing began at 7:07pm

Town Administrator Johnston explained the background on this item.

Town Chair Luebke completed the 1st Reading of Resolution #2010-015: Resolution Amending an Ordinance Setting Speed Limits within the Town’s Subdivisions and on certain specified Town Roads by reducing the speed limit on Shady Lane from STH “76” to approximately 2,500 feet west of the intersection of Shady Lane and STH “76”.

Residents commented on topic: Arden Schroeder (9458 State Road 76) 40mph on Woodenshoe Rd., Terry Klingenger (3637 Larsen Rd.) accidents to support change in speed limit, Ben Hamblin (2986 W. Shady Lane) neighbors support reduction in speed limit

Chair Luebke closed public hearing at 7:16pm

MOTION: (Geise, Lettau) Have staff investigate item #5, 40 mph on Woodenshoe Road, of Resolution #2010-015: Resolution Amending an Ordinance Setting Speed Limits within the Town’s Subdivisions and on certain specified Town Roads by reducing the speed limit on Shady Lane from STH “76” to approximately 2,500 feet west of the intersection of Shady Lane and STH “76” and refer this resolution to the next Town Board meeting.
CARRIED by 4-1 voice vote. (Klingenger =no)

- C. **Discussion / Action** – The Board will be holding a Public Hearing and First Reading of Resolution #2010-015: Resolution Amending an Ordinance Setting Speed Limits within the Town’s Subdivisions and on certain specified Town Roads. The amendment would reduce the speed limit on Shady Lane from STH “76” to approximately 2,500 feet west of the intersection of Shady Lane and STH “76”.

The amendment to the Ordinance is based upon a petition submitted by residents on Shady Lane west of STH “76”. The Petition asked that the speed Limit on Shady Lane west of STH “76” be set at

45 miles per hour for approximately 2,500 feet west, starting at the intersection of Shady Lane and STH “76”. If approved, the speed limits would become effective with the Publication of the Ordinance. Staff would place the speed limit signs in the appropriate locations in the Town following the Publication of the ordinance.

Board Direction: The Second Reading and final consideration of Resolution #2010-015 will occur at the next Regular Town Board meeting on Wednesday, October 20, 2010.

- A. **Discussion / Action** – Operator Licenses
 - New – Britney R. Steinbecker

MOTION: (Lettau, Klingenberger) Deny the new operator license for Britney R. Steinbecker. CARRIED by 4-1 voice vote. (Geise = no)

- D. **Discussion / Action** – Town Board action on a Plan Commission Report and referral on the remodeling of the existing Fire Station or the construction of a new Fire Structure in the Town of Clayton.

The Plan Commission completed a report/referral to the Town Board. The report/referral includes both a report and floor plans that were generated by using input from the Plan Commission, Town staff, the Department’s Fire Chief in conjunction with the National Fire Protection Association (NFPA) standards, the State Department of Commerce (DeCom) rules, and the Town’s Ordinances.

It is the Administration’s understanding that the Board will accept the Plan Commission’s report/referral and schedule the issue for review at its Wednesday, October 20, 2010, meeting. At that meeting, the Board can review the Plan Commission’s report/referral and can direct staff to schedule a Special Town Elector’s meeting to review the information and to solicit direction from the Town’s Electors. As an alternative to calling a special meeting, the Board could refer the Plan Commission’s report to the Town’s CY 23011 Annual Meeting.

Both options will provide the Board with the requisite direction and elector approval for what is likely to be a CY 2012 construction project.

Deputy Dellengare arrived 7:24pm.

Residents commented on item: Ben Hamblin, Jeff Schulz (M&E Architect), Arden Schroeder, Phil Beaver (2986 Fairwinds Drive)

Board direction: Bring information regarding minimum requirements to the next Board meeting.

MOTION: (Klingenberger, Schmidt) Set the Town Electors’ meeting for the plan of remodeling of the existing Fire Station or the construction of a new Fire Structure in the Town of Clayton for November 15, 2010, 7:00pm, in the Municipal Building, to present the information on the Fire Structures. CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board action on approval of a Revised Developer’s Agreement with Ms. Holly Galassi for the extension of Darrow Road approximately 180 feet to the north in the existing road right-of-way.

Documents presented to the Board:

- Draft Developer’s Agreement with Ms. Holly Galassi for the extension of Darrow Road
- Documents relating to the bidding and the Engineer’s bid award recommendation for the project.
- Credit in the Developer’s Agreement for the State Road Aids collected in error for the past number of years

Developer’s Agreement is modeled after the Town’s past practices relative to this process. The Process requires that the Developer provide a letter of credit or cash escrow for the bid cost of the project, plus engineering, and a 15% contingency. The construction engineering, staking, and as-built drawings will be provided by the Town Engineer as part of the Developer’s Agreement. The Town Engineer has provided an updated proposal for the work.

Should the Board wish to proceed with the project, it will first need to approve the Draft Developer’s Agreement and then award the project to the recommended low bidder, Tom VanHandel Corp., at a cost of \$32,110.08.

Commented on item: John Thiel (John E Thiel Law Office, LLC – provided handout)

MOTION: (Klingenberger, Geise) Refer the Revised Developer’s Agreement with Ms. Holly Galassi for the Extension of Darrow Road approximately 180 feet to the north in the existing road right-of-way to staff for referral to Attorney Carlson and also refer to the attorney the document from John E. Thiel. CARRIED by unanimous voice vote.

- F. **Discussion / Action** – Town Board action on approving a CY 2010 Budgeted State Trust Fund Loan with a term of five (5) years and an amount of \$500,000.00 for the reconstruction of approximately one (1) mile of Larsen Road from Clayton Avenue to STH “76”.

The Administration is seeking approval to start the loan application process for the Larsen Road project with the pre-application documentation.

At this time the Administration would like to make the Town’s first payment in March of CY 2011, which would require a letter to the State Commissioners of Public Lands and a recalculation of the loan amortization schedule.

Since this process carries no pre-payment penalties or restrictions, the Administration’s intent is to pay off the loan early in the fifth year so that the Board has the freedom to continue with its Public Infrastructure Capital Construction Plans in place at this time.

Once the pre-application is completed, the final loan application will need to be approved by the Town Board. Funding in the Town’s Draft CY 2011 Budget is based upon the pre-payment of the proposed loan.

Board direction: Start the loan application process for the Larsen Road project.

- G. **Discussion / Action** – Town Board action on a request by staff to authorize the repair/maintenance paving of approximately 2,500 square feet of pavement on Westfield Ridge in the Town of Clayton.

The western end of Westfield Ridge at Quail Point Road has experienced some significant failures over the past years. The failures are caused by heavy truck traffic (e.g., garbage trucks) pushing the sub-grade of the road.

Last year staff removed the blacktop surface from approximately 2,000 square feet of the road and patched it with compacted cold patch. This repair has failed; the failure has occurred in the substructure of the road, not the paved surface.

The Administration has solicited proposals for repairing the road in a more permanent fashion. The repair would include removing approximately 2,500 square feet of the sub-grade of the road, compacting fill in the area, and replacing the paved surface.

The cost of the project is approximately \$10,000.00. The Administration has reviewed the Town’s CY 2010 Public Works, Street Maintenance Budget Line Item, and determined that the balance in the Budget Line Item is approximately \$10,000.00.

Given the pending CY 2012 planned reconstruction of Westfield Ridge and the priority repairs needed on some other Town Roads, the Administration is recommending that the Town staff make a second attempt at patching this area prior to the end of October of CY 2010.

Residents commented on item: Arden Schroeder

MOTION: (Klingenberger, Lettau) Proceed with staff recommendation to do a temporary fix on approximately 2,500 square feet of pavement on Westfield Ridge and remove the paving on the road and replace it with the gravel/material we already own to get us through the winter months. CARRIED by unanimous voice vote.

- H. **Discussion / Action** – Town Board action on a request by staff to authorize the repair/maintenance paving of approximately 816 square feet of pavement on the intersection of Winncrest Road and CTY II in the Town of Clayton.

Staff has received a significant number of complaints regarding the condition of the pavement at the southern intersection of Winncrest Road and CTY “II”. The pavement failure appears to be caused by the heavy truck traffic entering Winncrest Road from CTH “II” and traveling south. This failure could have been predicted given the types of businesses on the southern extension of Winncrest Road.

The Administration has solicited proposals to repair the area in question and received only one respondent.

The repair consists of removing and replacing approximately 800 square feet of pavement surface and sub-grade. The proposed work would likely cause some restrictions on the businesses in the area because of the single-lane access while the repairs are being completed.

Staff has tried to cold patch the area to no avail; staff has also tried to argue that the County should repair the area, again to no avail. The road needs to be repaired before the winter season.

The Administration recommends awarding the project to the Appleton Asphalt, Inc., at a price not to exceed \$2,900.00, with funding coming from the Town's CY 2010 Public Works, Street Maintenance Budget Line Item.

MOTION: (Klingenberger, Lettau) Accept the Administration's recommendation to award the repair/maintenance paving of approximately 816 square feet of pavement on the intersection of Winncrest Road and CTY II in the Town of Clayton to the Appleton Asphalt, Inc., at a price not to exceed \$2,900.00, with funding coming from the Town's CY 2010 Public Works, Street Maintenance Budget Line Item.

CARRIED by unanimous voice vote.

- I. **Discussion / Action** – Town Board action on a Bid award to replace an existing cross-culvert in Oakwood Road approximately 2,500 feet south of Larsen Road in the Town of Clayton.

The Oakwood Road project is the Town's CY 2010 County Bridge Aids project. The culvert to be replaced meets the County's standard for 50% matching funds. The Bid Opening for the project is scheduled on Tuesday, October 5, 2010. Staff will have the Bid tabulation and an Engineer's recommendation for the Board at its Wednesday, October 6, 2010, meeting. Funding for the project will come from the Town's CY 2010 Public Works, Bridge Aids Matching Funds Line Item.

Three (3) bids submitted to the Town and opened on October 5, 2010: (Items I & J bid together):

Oakwood Road project bids received:

Zillges Material (Low bidder at \$25,690.45), Radtke Contractors, Scott Lamers Construction

MOTION: (Klingenberger, Lettau) Proceed with the replacement of the existing cross-culvert in Oakwood Road, approximately 2,500 feet south Larsen Road in the Town of Clayton, at the rate of \$25,690.45, to be cost shared.

CARRIED by unanimous voice vote.

- J. **Discussion / Action** – Town Board action on a Bid award to replace an existing cross-culvert in Oakridge Road approximately 1,000 feet west of STH "76" in the Town of Clayton.

The Oakridge Road project replaces an existing, relatively small culvert (approximately 10-inch) with a larger 18-inch cross culvert. The Bids for the project will be opened on Tuesday, October 5, 2010. Staff will have the Bid tabulation and an Engineer's recommendation for the Board at its Wednesday, October 6, 2010, meeting. Funding for the project will come from the Town's CY 2010 Public Works, Street Maintenance Budget Line Item.

Oakridge Road project bids received:

Zillges Material (Low bidder at \$8,575.95), Radtke Contractors, Scott Lamers Construction

Residents commented on item: Carol Ihde (7834 State Road 76)

MOTION: (Geise, Schmidt) Reject all bids to replace the existing cross-culvert in Oakridge Road, approximately 1,000 feet west of STH "76" in the Town of Clayton, and push it into 2011.

CARRIED by unanimous voice vote.

- K. **Discussion/Recommendation:** – Town Board direction to staff relative to making the Town's Assessment Roll documentation available on the Town Assessor's Company Home page.

A review of the Contract does not indicate that the contractor had any obligation to provide internet access to the town's Assessment records. However, a letter dated March 26, 2010, informed the Town that Associated Appraisal Consultants, Inc. would no longer offer free internet access to the

Town’s assessment records. The letter offers the Town the option of paying \$43.40 per month to continue to provide the internet access.

It is the Administration’s recollection that staff opted to participate for CY 2010 since it was not a budgeted expense. The Administration would like the Board’s direction relative to participating in the “Property Look Up” feature offered by Associated Appraisal Consultant’s, Inc., for CY 2011. As a point of reference, staff has not had many requests for digital access to assessment records by Town residents. Should the Board wish to offer this option to Town residents it should be budgeted in the Town’s CY 2011 Budget.

Board direction: Contact Associated Appraisal Consultants, Inc., to ask them to appear at the Board’s October 20, 2010, meeting.

L Discussion/Recommendation: – Staff update to the Board on the Larsen Road Project and request for a paving change order on the project.

Larsen Road Project update:

- The general status of the project and a timeline for substantial completion.
- The ditch drainage on both the north and south sides of the project area.
- The location of field drains on the project.
- The mitigation of any impact on the adjoining farm properties through the placement of field tile connections.
- The construction, by Town staff, of certain check dam features in the ditch line to mitigate erosion caused by steep slopes in the ditch areas.
- The ditching required on the north side of Larsen in the Town of Neenah.
- The erosion control issues raised by the State Department of Natural Resources.

Administration would like to present a proposal for placing the final lift of asphalt on the project in CY 2011. The Administration’s position is based on the unplanned amount of Excavation Below Sub-grade (EBS) that was required on the project and the likelihood of finding soft spots in that area following the first frost/freeze cycle. If the final course is placed this year and there are soft spots, the repairs will be evident for the next 20 years. Alternatively, if the final lift of asphalt is placed in CY 2011 the soft spots could be fixed and the final lift placed without the expectation of further future problems.

The Administration will work on obtaining costs for delaying the final lift until CY 2011. The Administration understands the Board’s concerns with the project costs and will work to minimize or eliminate any cost differential on the paving portion of the project.

Residents commented on item: Marvin Grunske (8461 Pioneer Road)

MOTION: (Klingenberger, Schmidt) Direct staff to remove the two pine trees on the west end in front of Mr. Ehrmentraut’s house property.
CARRIED by unanimous voice vote.

VIII. Upcoming Meeting Attendance

- October 7, 2010 – 6:30pm, WTA Winnebago County Unit Meeting (Wolf River Town Hall)
- October 11, 2010 – 7:00pm, Joint Fire Board (Location: Town of Clayton)
- October 12, 2010 – 7:00pm, Budget Workshop
- October 14, 2010 – 3:00-6:00pm, Outagamie County Airport Remodel Open House
- October 19, 2010 – 7:00pm, ClaytonFest 2011 Kick-Off Meeting

IX. Board Member Requests for Future Agenda Items – none

X. Approval of Disbursements

MOTION: (Unanimous consent) Approve disbursements as presented.
CARRIED.

XI. Adjournment – 8:59p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*