

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, October 1st, 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	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rose Simon	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, September 17th, 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, September 17th, 2014.

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

V. Correspondence:

- A. Copy of correspondence from Golder Associates relating to the Winnebago County Solid Waste Management Board
- B. Copy of correspondence from the State Department of Transportation relative to the planned Roundabout on STH “76” and CTH “JJ”.
- C. Copy of correspondence from the Winnebago County Highway Commission on the implementation of Husbandry Laws – Wisconsin ACT 377.

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
 - 75th anniversary event on September 6th. Had a great turnout. Trying to coordinate events and back-up to other departments has been challenging to schedule.
 - Took first and second place in firefighter games.
 - Trucks to be DOT certified.
 - Working on fire protection.
 - SW Technical rescue team joint agreement (Grant County).
 - Working on getting cistern pump installed.
 - Shared e-mail regarding hose testing and hose counting.
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Miller commented on the Ridgeway Drive project. Paving should be done the week of October 6th. Reviewed Oak Openings and Oak crest Manor projects. Wood property on Dekalb, completed installation of drain tile and sewer should be done shortly. Northeast Asphalt is scheduled to pulverize. Work in Oak Openings done and Oakcrest is starting work.
 - Administrator Johnston discussed the generator maintenance in the Town Hall building.
 - Finished the DNR grant.
 - Working on Pacer report.
 - Treasurer Bowen discussed the August report and getting caught up. Mentioned the status of the water utility billing and when we will be getting a new handheld reader.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Michelle Hazen
 - ii. Heidi Hurst
 - iii. Katelyn Streeter
- B. Renewal:
 - i. None
- C. The following party has a new application for a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for MICKI D’s LLC (dba The REMIXX) for the licensing period of October 2, 2014 through June 30, 2015, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:
 - i. MICKI D’s LLC (dba The REMIXX), 8386 State Road 76 Suite B, Neenah, WI 54956.
Agent: Michelle Baumann

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion: Motion that we approve the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for MICKI D’s LLC (dba The REMIXX), 8386 State Road 76 Suite B, Neenah, WI 54956 with no conditions.

Motion carried by unanimous consent.

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 Ordinance 2014-008 an Ordinance rescinding and recreating in its entirety the Town Of Clayton, Chapter 9, Section 9.11 Access Control Ordinance.

Attached please find a copy of Ordinance 2014-008 an Ordinance rescinding and recreating in its entirety the Town Of Clayton, Chapter 9, Section 9.11 Access Control Ordinance. Also attached is a copy of the revised Ordinance as recommended by the Town’s Plan Commission. The revisions to the Ordinance consist primarily of creating the required Town Road Classification, revisions to the Town’s Access and Permit Application to better define the culvert requirement, and providing an adjustment option for access points in areas that already do not comply with the 600-foot separation requirement of the existing Ordinance. If the Board is comfortable with the revised language of the Ordinance as drafted by staff and recommended by the Plan Commission, a motion would be in order to approve Ordinance 2014-008 an Ordinance rescinding and recreating in its entirety the Town Of Clayton, Chapter 9, Section 9.11 Access Control Ordinance and to direct staff to post the Ordinance as required.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to approve Ordinance 2014-008 an Ordinance rescinding and recreating in its entirety the Town Of Clayton, Chapter 9, Section 9.11 Access Control Ordinance and to direct staff to post the Ordinance as required.

Motion carried by unanimous consent.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Chair Luebke: Aye

Motion carried 5 ayes and 0 nays.

- B. Discussion/Action: Town Board review and consideration of authorizing the negotiation of a successor agreement to the Town’s Contract with the General Teamsters Local 662 representing the Town’s Public Works Department.

Attached please find a copy of correspondence from the General Teamsters Local 662 representing the Town’s Public Works Department. The Union is asking the Town to negotiate a successor Agreement for the Town’s Represented Public Works Employees. Since the creation of ACT 10 this has become a simple process that is repeated annually. The Administration is asking the Board for authorization to negotiate the Agreement subject to Board approval. Additionally, the Administration has included the maximum 1.57% pay increase that can be given to the Town’s represented employees. The proposed increase will need to be approved by the Board and is based on the fact that, for reasons other than performance, the Town’s Public Works Employees have not been given a raise in the past two years. Should the Board agree with the Administration’s recommendation, a motion would be in order to authorize an individual to negotiate a successor Agreement with the General Teamsters Local 662 representing the Town’s Public Works Department and to present the Agreement for Board approval prior to the end of CY 2014.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion to authorize Richard Johnston as our Town Administrator to negotiate the successor Agreement with the General Teamsters Local 662 representing the Town’s Public Works Department and to present the Agreement for Board approval prior to the end of CY 2014.

Motion carried by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of pay request # 2 from Northeast Asphalt Inc. for the Town’s CY 2014 Capital Reconstruction Projects.

Attached please find a copy of pay request # 2 from Northeast Asphalt Inc. for the Town’s CY 2014 Capital Reconstruction Projects totaling \$155,388.57. The Town’s Engineer has reviewed this document and is recommending that it be approved for payment by the Town Board. If the Board agrees with the Engineer’s recommendation, a motion would be in order to approve pay request # 2 from Northeast Asphalt Inc. for the Town’s CY 2014 Capital Reconstruction Projects in the amount of \$155,388.57 with the funding to come from the Town’s CY 2014 Capital Construction Budget Line Item.

MOTION:

Motion carried by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of a Change Order to the Town’s CY 2014 Ridgeway Drive Capital Reconstruction Project Contract with Northeast Asphalt to place an ARMCO or similar type of barrier in front of the stormwater management pond on Ridgeway Drive as part of the Town’s CY 2014 Capital Reconstruction project.

Town staff and the Town's Engineer met with the Contractor for the Ridgeway Drive project to review the request for an ARMCO, or similar type of barrier, in front of the stormwater management pond on Ridgeway Drive. Staff's direction to both the Town's Engineer and the Contractor was to provide a Change Order price for installing a State Department of Transportation compliant barrier at the site. As of Wednesday, September 24th, 2014 the Administration has not received the requested Change Order. Staff expects that it will receive the Change Order before the Town's Wednesday, October 1st, 2014 meeting. Should the Board wish to proceed with the installation of the barrier, a motion would be in order to approve the Change Order with the funding to come from the Town's CY 2014 Capital Reconstruction Budget Line Item.

- Table this issue until the next meeting.

E. Discussion/Action: Town Board review and consideration of enforcement of the Town's prohibition on concrete driveway aprons in the Town of Clayton and the enforcement methodology recommended by the Town's Attorney.

Attached please find a copy of an e-mail from Town Attorney Simon (Rose) relative to the enforcement of the Town's prohibition on concrete driveway aprons. Also attached is a draft copy of the Order the Town Attorney would use to start the enforcement action. Based on several conversations with Board members there appears to be a consensus on starting the active enforcement process with the advent of the approval of the Zoning Code of Ordinances. Specifically, this date would be January 1st, 2014. The Board will need to confirm this consensus for the Town Attorney and Town staff. Additionally, if the Administration's understanding is correct, the Town Attorney will need to take enforcement action on the concrete driveway apron installed at 8971 Oakwood Avenue, specifically identified as Tax ID# 006-0305-02. If the Board is comfortable with the Town Attorney's recommendation and the active enforcement process, a motion would be in order to direct the Town Attorney to issue the orders and to proceed with the enforcement action.

- Extensive discussion on the enforcement of the Town's prohibition on concrete driveway aprons in the Town of Clayton. Previous roadway construction projects in the Town of Clayton.
- Attorney Simon commented on enforcement of the ordinances and legal arguments involved. Going back to 2011 for enforcement of ordinances. The two residents who have violated the ordinance can be defended no question. Will enforce for violations which occurred in 2014. Need to have some type of start date with enforcement. Tickets cannot be issued by her since she cannot be a witness if and when the case goes to Court. You will not make money on enforcement.
- Residents are following what other neighbors are doing when it comes to driveways, etc. Looking into getting a citation book. The Town of Clayton is allowed to remove obstructions in the right-of-way. If construction has to be done at a residence that has a concrete apron it will be removed and re-paved with asphalt at the expense of the Town of Clayton.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion that we take active enforcement on the concrete driveway aprons installed after our Town ordinance was put in place in 2014 based upon zoning ordinance specifically for the CY 2014. Recommendation on the active enforcement process. Motion to direct the Town's attorney to issue orders and proceed with the enforcement action based upon our Town zoning ordinance taking place January 1, 2014.

Chair requested roll call vote:

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Schmidt: Nay

Supervisor Geise: Aye

Chair Luebke: Nay

Motion carries with 3 ayes and 2 nays.

- F. Discussion/Action: Town Board review and consideration of setting a minimum price for and authorizing the disposal of the Town's surplus Plow truck.

As a result of the changes in the Town's snowplowing process the Town's oldest plow, a 1996 International is no longer going to be used. The Administration has reviewed the Town's options for the unit and has determined that the best option is to dispose of the unit. At this time staff expects that the unit is worth between \$15,000 and \$20,000. The Administration would routinely place the proceeds of such a sale in the Public Works Capital Equipment Replacement line items. If the Board agrees with the Administration's recommendation, a motion would be in order to declare the Town's 1996 International Plow Truck surplus and to authorize the sale of the unit to the public with the proceeds of the sale to be placed in the Public Works Department's Capital Equipment Replacement line item.

- Discussion on the price of selling the 1996 plow truck.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion: Motion that we authorize the staff to sell the Town's 1996 International plow truck and proceed with the sale and allow Chairman Mark Luebke to determine the price.

Motion carried by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of a proposal from Cedar Corporation for engineering services related to the provision of Municipal Sanitary Sewer and Municipal Water to the northeast and southeast quadrants of the Town of Clayton.

- Table this issue until the next meeting.

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items:

- Pool and pond ordinance issues.
- Appoint a constable.

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:30 p.m.

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant