

TOWN OF CLAYTONRegular Meeting of the Town Board of Supervisors
Meeting MinutesDecember 1, 2010
7:00 p.m. – 8:31 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke.

Roll: Town Board

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Klingenberger	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Staff

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

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Town Board Meeting – November 3, 2010
MOTION: (unanimous consent) Approve Regular Town Board Meeting Minutes from November 3, 2010, as written.
CARRIED.
- Regular Town Board Meeting – November 17, 2010
MOTION: (unanimous consent) Approve Regular Town Board Meeting Minutes from November 17, 2010, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters – none**IV. Correspondence**

- Special Town Meeting of Electors – November 15, 2010
- Public Hearing and Special Town Electors' Meeting – November 17, 2010
- Veolia Environmental Services (Received 11/22/2010) – Winnebago County Solid Waste Tipping Fee Increase for 2011
- Winnebago County Sheriff (Received 11/18/2010) – Underage Alcohol Compliance Check Results
 - Headliner's (2788 Towne Court) – Passed
 - McCarthy's Mart (8510 State Road 76) – Server Cited
 - Ridgeway Bar (8386 State Road 76) – Passed
- Winnebago County Solid Waste Management Board (Received 11/15/2010) – October Tonnage Report

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

- County Supervisor Report – Supervisor Joanne Sievert, District 29, not present: no report
- Winnebago County Sheriff's Dept. – No deputy present
- Clayton-Winchester Fire Chief Report – Fire Chief Mathison not present: no report
- Administration Comments –
Town Administrator: Received an accepted offer to buy Town's Bobcat with attachments
Clerk: Newsletter to go out soon, tax bills

Town Engineer: Larsen Road reconstruction project update, Oakwood Road culvert replacement project update, Oakcrest Manor project update, Asphalt Paving project bids update

VI. Zoning – Receipt of Information from Plan Commission – none

VII. Licenses

- A. **Discussion / Action** – Operator Licenses
 - New – Gary L. Foth
 - New – Michael G. Rosenow
 - New – Nichole M. All
 - New – Cheyenne Carpenter
 - New – Stephen M. Groleau
 - New – Dean S. Plautz
 - New – Melissa J. Cira

MOTION: (Unanimous consent) Approve the new operator license for Gary L. Foth.
CARRIED.

MOTION: (Unanimous consent) Approve the new operator license for Michael G. Rosenow.
CARRIED.

MOTION: (Unanimous consent) Approve the new operator license for Nichole M. All.
CARRIED.

MOTION: (Unanimous consent) Approve the new operator license for Cheyenne Carpenter.
CARRIED.

MOTION: (Lettau, Klingenberger) Deny the operator license for Stephen M. Groleau.
CARRIED by unanimous voice vote.

MOTION: (Klingenberger, Geise) Approve the new operator license for Dean S. Plautz.
CARRIED by unanimous voice vote.

MOTION: (Unanimous consent) Approve the new operator license for Melissa J. Cira.
CARRIED.

VIII. Business

- A. **Discussion / Action** – Town Board action on Resolution 2010-018: A Resolution to approve the creation of a Financial Depositories and Risk Tolerance Policy for Investing Surplus, Reserve, and Segregated Municipal Funds.

The Board has reviewed the draft policy and directed staff to prepare an approval and implementation Resolution. The Administration would like to confirm with the Board that the Draft Policy is acceptable to the Board and that the reporting requirements of the Draft Policy are sufficient for the Board’s comfort. The Administration would like to advise the Board that, if the Draft Policy is approved, it will provide updates beyond those required by the Draft Policy during the Policy implementation process.

Additionally, as a result of banking requirements, the Board will likely need to pass authorizing resolutions when funds are transferred between financial institutions.

If the Board is comfortable with the Draft Policy, a motion to approve then enacting Resolution would be in order. In order to facilitate the pending tax collection and distribution process, the Treasurer would not likely take any actions to transfer any municipal funds until March of CY 2011.

MOTION: (Lettau, Schmidt) Approve Resolution 2010-018: A Resolution to approve the creation of a Financial Depositories and Risk Tolerance Policy for Investing Surplus, Reserve, and Segregated Municipal Funds.
CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Town Board action on converting the Town Treasurer from an hourly position to a salaried, at-will Town Employee with a 6-month probationary period and a probationary wage of \$31,200.00 per year.

The Board has authorized the Administration to hire Ms. Bowen as the Town’s Treasurer. The Board has asked the Administration to prepare a proposal to convert the Treasurer position from an hourly wage to a salaried position.

The Administration has reviewed this issue with Ms. Bowen and would like to propose a six-month probationary salary of \$31,200.00 (\$15.00 x 2080 = \$31,200.00). Under this proposal, Ms. Bowen would receive all of the Town’s employee benefits and be eligible for Health Insurance in March of CY 2011. In order to facilitate the conversion process, Ms. Bowen would remain an hourly Town Employee until mid-December and convert to a salary with the first full payroll term in December of CY 0210. Prior to the end of the six-month probationary period, the Administration would provide the Board with a Probationary Performance Evaluation and a wage review in anticipation of making Ms. Bowen a full-time regular Town employee.

MOTION: (Geise, Klingenberger) Convert the Town Treasurer from an hourly position to a salaried, at-will Town Employee with a 6-month probationary period and a probationary wage of \$31,200.00 per year.

CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board action on postponing the paving of the Oakwood Avenue culvert replacement until spring of CY 2011.

Zillges Materials, Inc., is completing the culvert replacement on Oakwood Avenue, south of Larsen Road. As a result of delays in obtaining the required State Department of Natural Resources (DNR) permitting for the project, the work was not started until early December of CY 2010. With the late start of the project, patching the work area in CY 2010 was not possible and with the pending CY 2011 chip sealing project on Oakwood Avenue, the Administration has decided to proceed with the culvert replacement and to postpone the patching work until CY 2011.

The Administration was asked, by the Town Chair, to place this item on the Board’s agenda for approval. Staff intends to review the need for the patching of the culvert area as part of the chip sealing project in CY 2011.

MOTION: (Schmidt, Lettau) Postpone the paving of the Oakwood Avenue culvert replacement until spring of CY 2011.

CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board action on approving Change Orders for the Larsen Road project.

Be advised that the Larsen Road reconstruction project is substantially over budget. The Administration and staff reviewed, in detail, the dollar value and reasons for each of the Change Orders that were submitted for the project.

The bulk of the cost overrun can be attributed to the Excavation Below Sub-grade (EBS) on the project. The Administration has heard the statement that Peters Concrete is prone to reducing its bid price and then asking for a change order to increase the project costs. None of the change orders submitted on this project originated from Peters Concrete. The Administration understands the Board’s possible frustration with this process; however, it can see no possible way the EBS problem could have been foreseen. The Administration’s recommendation for funding the cost overrun is as follows:

1. Trail-related change orders should be funded from the old Park Impact Fee. The Green Space Committee Chair has presented this option to the Committee and there is concurrence with this on the process.
2. The balance of the other change orders should be funded from the Town’s Undesignated Reserve Account. This account would then be re-capitalized over the next few years from the annual budgetary fund balance carryover.

If the Board is comfortable with the Administration’s recommendation, a motion to direct the Administration to prepare a Resolution authorizing the CY 2010 Budget Changes would be in order. Such a Resolution would be presented to the Board for its approval at the Wednesday, December 15, 2010 Board meeting.

MOTION 1: (Luebke, Lettau) Approve the Larsen Road reconstruction project Change Orders as presented by the Administrator and Engineer.

CARRIED by unanimous voice vote.

MOTION 2: (Schmidt, Geise) Look at the Salms’ properties to look at the figures to see if we can get some monetary recovery.

CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board direction to staff relative to the existing Town of Clayton Fire Impact Fee and the reserves generated by the Fire Impact Fee.

In December of CY 2006, the Town adopted a Fire Impact Ordinance. As part of the discussion on the renovation of the Town’s Fire Hall/Town Hall, the use of the Fire Impact Fees for the purposes of the renovation project was questioned.

The Administration believes that the Fire Impact Fees should not be used for the Fire Hall/Town Hall renovation project. This position is based upon the belief that the Town will need to continue to plan for a future that may involve a satellite Fire Station centrally-located in the Town.

It would be in the Town’s best interest to have a segregated fund that could be used for future planning and construction, especially if the fund were capitalized by a fee paid for by new development in the Town. Additionally, this process would allow the Board to follow the intent of the original Fire Impact Fee Ordinance.

If the Board agrees with the Administration’s position, a simple motion to leave the Fire Impact Fee Ordinance in place as is would suffice to continue collecting the funds. If the Board would like to use the Fire Impact Fee funds for the remodeling of the Fire Hall/Town Hall facility, an interpretation of the Ordinance by the Town’s Attorney would be advisable.

MOTION: (Geise, Schmidt) Leave the Town of Clayton Fire Impact Fee Ordinance in place.
CARRIED by unanimous voice vote.

- F. **Discussion / Action** – Town Board review of staff’s planning process related to the remodeling and consolidation of the Town’s existing Town Hall and Fire Station.

As a result of the recent Town Electors’ action on the Fire Station/Town Hall renovation project, the Administration would like to ask the Board for direction on the following questions:

1. Grants – Does the Board wish to have staff prepare grant applications for the project in an attempt to defer as much of the cost of the project as possible?
 If so, does the Board authorize the Administration to draft the Grant applications subject to Town Board approval prior to submission?
2. Green Development – Does the Board wish to use green development standards for the project and would the Board like to use passive and/or active conservation systems as part of the building renovation process?
 Does the Board wish to install photovoltaic power generating systems on the building?
 Does the Board wish to use passive Heating Ventilation Air Conditioning (HAVC) energy saving systems in the project?

The Administration would like to prepare a generic draft grant application that could be tailored to specific grant programs. Staff would look for grant programs that involve funding for Fire Halls, Municipal Buildings, and Emergency Shelter Facilities. The generic grant application would be tailored to the specific grant program.

If the Board would like to use green building techniques, staff would tailor the grant application to those grant programs. The Administration would like to offset as much of the costs as possible using the Town’s \$400,000.00 +/- as the grant match. If the Board agrees to the Administration’s recommendation, a motion to authorize the drafting of the grant applications for the Board’s review would be in order. Given such a motion, the Administration would prepare the draft grant application and a funding program to be reviewed at the Board’s Wednesday, January 19, 2010, meeting. Such a program would be based upon the existing Option C budgets prepared by the Town’s Engineering firm.

Board direction: Look at grants for the project to defer as much of the cost as possible, use green development standards, and energy-savings systems

No motion made.

G. **Discussion/Recommendation:** – Town Board review with staff of those CY 2010 Budget Line Items exceeding their Budget Line Item funding.

The listed CY 2010 Budget Line Items exceed the appropriation levels for the following reasons:

1. ***Election Wages Expense:*** The Winneconne School District held a Special Referendum in June of CY 2010. The School District refunded the Town for the costs of the Referendum in the amount of \$495.63. The refund brings the Budget Line Item to \$2,080.41.
2. ***Federal/State Flags:*** The Town pays for the Larsen Enhancement flags and the organization re-pays the Town for its flags. The refund brings the Budget Line Item into balance. This year the Town purchased lighting kits for its flag poles that have yet to be installed.
3. ***Annual Meeting:*** Staff over-spent the budgeted funds for food at the Town’s Annual Meeting.
4. ***Health Insurance Administrator:*** The process of changing from the State insurance system to the Teamsters Health and Welfare Insurance program caused an overlap for a month period where the Town was paying for two policies at the same time. This is a single event caused by the change in carriers.
5. ***Treasurer Wages:*** The process of replacing and training a new Treasurer has exceeded the CY 2010 Wage Line Item prior to adjustments. Based upon the Board’s adjustments, the Treasurer’s wage Line Item in the CY 2010 Budget should be \$33,464.80 with a total budget of \$41,405.99. The replacement and training process should not exceed the total CY 2010 Budget of \$41,405.99.
6. ***Property & Liability Insurance:*** The Budget overrun in this Line Item was caused by a misallocation of the insurance costs. The total Insurance Budget will not exceed the Budgeted amounts.
7. ***Blanket Bond:*** The dollar amount in the Line Item was a place holder. The actual cost of \$475.00 is for a two-year Blanket Bond and was not correctly estimated when the CY 2010 Budget was prepared.
8. ***Judgments and Losses:*** This Line Item is used to pay for insurance deductibles and losses. During the year one of the Town’s Operators had an accident with a plow that damaged the vehicle. The Budget overrun was caused by a deductible that exceeded the Budgeted amount.
9. ***2% Fire Dues:*** The dollar value placed in the Line Item is a plug number based upon an estimated payment. The payment is the actual dollar value received from the State and the overrun is offset by the State’s payment.
10. ***Repair/Maintenance Equipment:*** This Line Item is significantly over budget. The overage was caused by breakdowns in the Town’s equipment; specifically: the Town’s lawnmower, plow truck ('98 International), tractor, and tractor-mounted mowers. Some of the problems occurred based on age, lack of maintenance, and use; others based on use alone. In summary, the Public Works Department had a bad year. The only repair item that could be mitigated is the repair to the Tiger mower. Some of the damage to the mower can be attributed to the heavy use based upon the Town’s Ditch Mowing Policy. If the Policy were modified, it may reduce the wear on the unit. Despite the Budget overrun, none of the work done was unjustified and/or unneeded to complete the Department’s mandate.
11. ***Street Maintenance:*** This Line Item is used to maintain and repair the Town’s roads and roadside ditches. A significant amount of the cost in the Line Item can be attributed to the County’s work on Town ditches (\$15,000.00+/-). Staff has reviewed this process and believes it can save some of the ditching costs by doing the restoration work with Municipal staff. However, given the condition of the Town’s ditches, it will need to dedicate a significant number of resources to this activity for the foreseeable future. The Administration is aware of the difficulty in tracking payments and budgetary impacts and apologizes for the delay in reporting this problem.
12. ***Operating Supplies Public Works Garage:*** This Line Item was pushed over budget by the purchase of bulk supply oil by the Public Works Department. The Department was not aware that the purchase would have the budgetary impact it did and will pay more attention to this issue in the future. The oil was needed by the Department; however, the purchase was poorly-timed.

- 13. **Contract Services Clayton Cemetery:** The Budget overrun is caused by an incorrect allocation of the lawn mowing bills to the Budgeted Line Items. Staff did try to correct this problem with the CY 2011 Budget.
- 14. **Repair/Maintenance Site Clayton Park:** The Budget overrun was caused by the finishing steps of the parking lot paving project. Specifically, the locks for the new gate and the concrete pad for the waste receptacle were allocated to the maintenance line item instead of the capital project line item.
- 15. **Interest:** As a result of the hiring of a new Treasurer, the Town incurred an interest charge on its credit card purchases; this charge was allocated to the interest Line Item in the CY 2010 Budget.

Other than the Public Works line items that are over budget, a significant number of the smaller budget overruns can be attributed to coding differences between the three individuals who have been involved in the Treasurer’s position over the past two years. There has been little consistency in the allocation of the costs to the budget and the costs within the budget. This should not be an issue if the Treasurer stays in the position for more than one year.

No motion made.

H. **Discussion/Recommendation:** – Town Board direction to staff relative to proposed changes to the Town’s Building Permit Fee Schedule

The Building Inspector recommended adjustments to the Town’s Building Inspection Fee schedule. The new fees (those in bold on the sheet) were added at the Administration’s request in order to make the Town’s Fees consistent with fees charged in other area municipalities.

The new fees being proposed by the Administration are \$65.00 for siding and roofing, and \$65.00 for furnace A/C replacement and/or installation. The other proposed changes to the fee schedule are shown in parentheses to the right of the existing fee. Tom Spierowski, the Town’s Building Inspector, will be in attendance at the Board’s meeting to review the proposed fee changes with the Board.

Staff will prepare a revised Town Fee Schedule that will become effective on January 1, 2011. Additionally, staff will bring any other proposed changes to the Town’s Fee Schedule to the Board for approval at its December 15, 2010, meeting.

MOTION: (Geise, Lettau) Approve proposed changes to the Town’s Building Permit Fee Schedule exclusive of the \$65 fee for replacement of siding, roofing, air conditioning, and furnace.
CARRIED by 4-1 voice vote (Luebke = no).

No motion made.

X. **Upcoming Meeting Attendance**

- December 11, 2010 – Christmas Dinner: Town Board, Plan Commission, Green Space Committee, and Staff
- December 8, 2010 – “The Economic Impact of Home Building in Winnebago County” presentation

XI. **Board Member Requests for Future Agenda Items – none**

XII. **Approval of Disbursements**

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

XIII. **Adjournment – 8:31p**

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*