

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, December 17th, 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 Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	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, December 3rd, 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, December 3rd, 2014.

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

V. Correspondence:

- A. CY 2015 Local Road Certification Submittal Notice.
- B. Winnebago County Solid Waste Management Board November 2014 Recycling Tonnage Report.

- 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

- VII. Operator Licenses Issued by the Town Clerk:
 - A. New:
 - i. Troy Gordon, Jr.

 - B. Renewal:
 - i. None

- 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, the Wednesday, December 10th, 2014 Plan Commission Meeting was cancelled.

- 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, the Wednesday, December 10th, 2014 Plan Commission Meeting was cancelled.

- X. Business:
 - A. Discussion/Action: Update to the Town Board on Wisconsin Act 377, Implements of Husbandry (IoH) and the Highway Commission's recommendation to the County Board.

Attached please find the finalized material relative to the County Highway Commissioner's recommendation to the County Board on Wisconsin Act 377, Implements of Husbandry (IoH). As indicated by County Supervisor Farrey, the County Highway Commissioner has recommended that the County adopt option "F" and then see how the system works. The County Highway Commissioner continues to indicate that he would be willing and able to issue the required permits for the Town. This service will provide consistency, continuity, and a centralized permitting application process. Additionally, even if the County's service comes at a cost, that cost is likely to be less than the cost to the Town in staff time and permitting materials. In order to participate in the County's IoH permitting program the Town will need to adopt a Resolution expressing its intent to work with the County. As directed by the Board, staff will follow the County's process and prepare the required documents for Board consideration in a timely manner.

NO ACTION TAKEN

- B. Discussion/Action: Town Board review and consideration of pay request # 3 from Northeast Asphalt Inc. for the Town's CY 2014 Capital Reconstruction Projects.

Attached please find a copy of pay request # 3 from Northeast Asphalt Inc. for the Town's CY 2014 Capital Reconstruction Projects totaling \$486,682.04. 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 # 3 from Northeast Asphalt Inc. for the Town's CY 2014 Capital Reconstruction Projects in the amount of \$486,682.04 with the funding to come from the Town's CY 2014 Capital Construction Budget Line Item and/or the Town's CY 2014 debt issue.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve pay request # 3 from Northeast Asphalt for the Town's CY 2014 Capital Reconstruction Project in the amount of \$486,682.04 and the funding to come from the Town's CY 2014 Capital Construction Budget Line Item and/or the Town's CY 2014 debt issue. Motion carried by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services submitted by Martenson & Eisele, Inc. for the following CY 2015 Capital Reconstruction Projects:
- i. The Plat of Oak Openings
 - ii. The Plat of Oakcrest Manor
 - iii. Winncrest Road (north of CTH "II") and Acorn Road.

Attached please find copies of the Agreement for Professional Services for the listed projects. The listed projects are the CY 2015 projects on the Town's 5-year Capital Reconstruction Plan. The Winncrest Road (north of CTH "II") and Acorn Road projects consist of pulverizing, installing concrete curb returns, re-paving the road surface and re-ditching to include the installation of drain tile under the flow line of the ditch. The engineering cost for the design work is \$21,855.00. The work in the Plat of Oak Openings consists primarily of pulverizing the road surface, installing concrete curb returns, and re-paving. The ditching, the drain tile, the cross culvert replacement and the driveway culvert replacement are to be completed by Town staff as part of the CY 2013 through CY 2015 storm water management work. The work in the Plat of Oakcrest Manor consists of pulverizing the pavement, installing concrete curb returns, re-paving the road surface and re-ditching to include the installation of drain tile under the flow line of the ditch. The engineering cost for the design work for these projects is \$18,900.00 for a total engineering cost of \$40,755.00.

The only real question that remains to be answered is what type of pavement will be installed in the Plats of Oak Openings and Oakcrest Manor. In order to answer that question the Board will need to make a decision on the extension of sanitary sewer and water in the area of the Plats. In order to not slowdown the process of designing and bidding the work the Administration is recommending that the Board direct staff to bid the re-paving portion of the Plats of Oak Openings and Oakcrest Manor with the following alternates: the first as a double chip seal and the second as a two lift asphalt pavement surface. This process will allow the Board the option of installing

water and sewer systems without having to repave the road a second time in a three to five year span.

If the Board is comfortable with the Engineer's proposal and the Administration's recommendation, a motion would be in order to approve the Agreement for Professional Services submitted by Martenson & Eisele, Inc. for the Town's CY 2015 Capital Reconstruction Projects at a combined cost not to exceed \$40,755.00 with the funding to come from the Town's CY 2014 borrowing.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve the Agreement for Professional Services submitted by Martenson & Eisele, Inc. for the Town's CY 2015 Capital Reconstruction Projects at a combined cost not to exceed \$40,755.00 with the funding to come from the Town's CY 2014 borrowing.

Motion carried by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of authorizing the installation of a computer network connection between the Clayton Town Hall and the Winchester Town Hall for the exclusive use of the Clayton/Winchester Fire Department and EMS Service.

The Administration was asked to place this item on the Board's agenda by the Clayton/Winchester Fire Chief at the direction of the Clayton/Winchester Joint Fire Board. With certain reservations the Administration can see the benefit of the proposed network connection. The Administration's reservations are listed below and are internal, universal and not directed at any individual or organization:

1. The inability of staff to provide security to the access point of the Winchester site.
2. The inability of staff to control who has access to the network connection at the Winchester site.
3. The universal access to the Winchester site by any and all of the Department's volunteers.
4. The fact that, although partitioned, the Town's File Server houses all of the Town's Documents, digital filing system and financial programs.
5. The Town's history with animus between individuals and the impact of that animus on the Town's operations.
6. The Town has no internal IT function to monitor and maintain security on the proposed network connection.

At this point, the Administration's concerns extend to placing the Department's computer in an openly accessible space in the Town of Clayton. The original intent was to place the computer in the Chief's Office with limited access by individuals holding a key to the room. At this time, the Administration would not advise the Board to authorize the network connection under any circumstances.

- Discussed security issues. Tabled to the next meeting.

- E. Discussion/Action: Town Board review and consideration of a one year (CY 2015) Contract extension with a cost of living wage increase for the Town's Teamsters Union Local 662 Employees.

Attached please find copies of the Town's current Labor Agreement with the Teamsters General Union Local 662 as well as the Union's CY 2015 Consumer Price Index wage increase request. The Administration is looking for the Board's approval of the Union's request. Last year the Administration negotiated with the Union and made a presentation to the Board for its approval. The Union's CY 2015 wage increase request would have the following impact on Department of Public Works (DPW) wages:

Class	Current Hourly Wage	Proposed Wage Increase	Proposed New Hourly Wage	Annual Impact
Foreman:	\$19.00	1.57%	\$19.2983 (\$19.30)	\$ 624.00
Laborer:	\$18.00	1.57%	\$18.2826 (\$18.28)	\$ 584.40

Relative to the Union's Labor Agreement and wage increase, the Administration is comfortable with language as it exists and is recommending that the Town Board approve a 1-year Labor Agreement extension with the Teamsters Union Local 662 represented employees including cost of living wage increase of 1.57%. If the Board agrees, a motion would be in order to approve a 1-year extension of the Town's Labor Agreement with the Teamsters Union Local 662 Employees with a 1.57% cost of living wage increase as presented.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Geise

Motion: Motion that we would approve a one-year extension of the Town's Labor Agreement with the Teamsters Union Local 662 employees with a 1.57% cost of living wage increase.

Chair requested roll call vote:

Chair Luebke: Aye

Supervisor Lettau: Aye

Supervisor Grundman: Aye

Supervisor Schmidt: Aye

Supervisor Geise: Aye

Motion carried unanimously.

- F. Discussion/Action: Town Board review and direction to staff on the Administration's recommendation for billing the costs of the Fox Valley Asphalt Capital Construction Project.

As the Board knows, the Fox Valley Asphalt Capital Construction Project is a three year project that is to be paid for entirely by the Developer. The first year the Town Contracted to construct the road base, the storm water management pond, and the related roadside ditch lines. The costs for that portion of the project were paid for by a Letter of Credit provided by the Developer. The

second year project consists of curb and gutter, and the base course of asphalt. The Developer provided the Town with a letter from a bank guaranteeing payment of a check that was drafted by the Developer. When staff asked the Developer for the check he failed to provide the document. The third year of the project will consist of the final lift of pavement, the signage and any related repair and/or cleanup of the previous year's work. This work will also be paid for by the Developer. Based on the Developer's actions the Administration intended to place the CY 2014 project costs on the Developer's property taxes as a special charge. After consulting with the Town's Attorney the Administration has changed its position. The Town's Attorney recommended that staff Special Assess the work and then place it on the Developer's property tax bill. In order to comply with State Statutes relating to the Special Assessment process staff would have had to start the process in August of CY 2014 and since we have not received the final bills for the CY 2014 construction work meeting this timeline was not possible. As an alternative, the Administration is recommending that the Board direct staff to complete the project in CY 2015 and Special Assess the outstanding costs of the project, as a single payment, on the Developer's CY 2015 property taxes payable in CY 2016 including an administrative cost to cover the interest and the work done by staff to complete the process. If the Board agrees with this recommendation, a motion would be in order to direct staff to follow the Special Assessment process as outlined and is in compliance with State Statutes.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to direct staff to follow the special assessment process as outlined and in compliance with the State statutes.

Motion carried by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of the Administrator's Performance Evaluation, possible wage increase, and Employment Contract renewal.

The Town Chair is in the process of compiling the Board's Annual Performance Evaluation of the Town Administrator. As in the past, this information will be presented to the Board at one of its December meetings. Additionally, the Town Chair will have his recommendations relative to the Administrator's Contract. If the Board is comfortable with the Administrator's Performance Evaluation and the Chair's recommendations relative to the Administrator's Contract, a motion would be in order to approve the Performance Evaluation for CY 2014 and any possible changes to the Administrator's Contract and place the same in the Town's Personnel Files

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion made to approve the following:

- 1) The recommended change to the Administrator's Employment Contract is the highlighted revision to the ARTICLE VII APPOINTMENT, EMPLOYEE TERMINATION. The highlighted section changes the severance for termination without cause from 120 days to 365 days.
- 2) The Administrators salary for CY 2015 will stay at \$79,500.00 per year.

- 3) The Administrator's accrued vacation will be paid out at the rate of \$38.22 per hour plus benefits for a total of 52 hours. The total vacation payout will be \$1,987.44 plus benefits for a total of \$2,278.60.

Chair requested roll call vote:

Chair Luebke: Aye

Supervisor Lettau: Aye

Supervisor Grundman: Aye

Supervisor Schmidt: Aye

Supervisor Geise: Aye

Motion carried unanimously.

- 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 7:31 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk