

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:06 P.M. on Wednesday, March 19th, 2014

Town Office 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	ABSENT (EXCUSED)
Supervisor Schmidt	PRESENT
Chair Knapinski (Plan Commission)	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

- A. No Public Hearing(s) and/or Public Informational 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, March 5th, 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, March 5th, 2014.

IV. Open Forum – Town-related Matters not on the Agenda:

- A. Please complete the “Request to Speak at Meeting” form located on the agenda/sign-in table and submit the form to the Town Clerk. Pursuant to Wisconsin Statutes 19.32(2) and 19.84(2), Town related matters not on the Agenda may be presented; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given.

V. Correspondence:

- A. Winnebago County Solid Waste Management Board, February 2014 Recycling Tonnage Report and Recycling Percentage Report from January 2013 to December 2013.

- B. Memorandum from Jerry L. Bougie at the Winnebago County Planning and Zoning Department relative to a Status Report on the Winnebago County Property Lister's Office.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy Schwerke present, no issues (7:05 p.m. arrival)
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Mary Jo Miller updated the board on 2014 road projects
 - Finalizing bid documents
 - Meeting with utilities on Friday, March 21, 2014 for Ridgeway pond
 - Reviewed Braun Court project relative to existing culvert replacement
 - Discussed Fox Valley Asphalt project paving
 - Discussed Ridgeway Golf Course retention pond project relative to the benefits to the golf course
 - Discussion regarding upcoming elections and filing system
 - Discussion regarding the lack of heat in the meeting room
 - Speedy Clean coming to fix the cistern outfall pipes which will be billed back to Cardinal
 - Chair Luebke recommended to the town board to tour the upstairs storage room completed construction and expressed an interest in additional board training
 - Comments made by Treasurer Bowen regarding the audit and journal entries

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. No New Licenses Issued
- B. Renewal:
 - i. No Renewal Licenses Issued

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 Jason D. Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956 and Keith Salm, 2830 Larsen Road, Neenah, WI 54956, for property located on the south side of Larsen Road, east of CTH "T" and specifically described as Tax ID # 006-0645, and Tax ID # 006 0645-01 being part of the northwest ¼ of the northwest ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Discussion/Action: The purpose of the CSM is to split the properties and re-consolidate the area. Mr. Salm is going to be applying for a conditional use permit as well as site plan. Do they know about proposed road?

MOTION:

Motion: Supervisor Geise

Second: Supervisor Schmidt

Motion to approve the Certified Survey Map application submitted by Mr. Jason Ehrementraut, 2847 Larsen Road in Neenah and Mr. Keith Salm at 2830 Larsen Road in Neenah for the property as described along with all the Plan Commission recommendations and staff recommendations.

- B. Plan Commission and recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Dorothy L. Gore, 58 Frankfort Street, Oshkosh, WI 54901, for property located at 3431 Winnegamie Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0042, being part of the east ½ of the northwest ¼ of the northeast ¼ of Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion: Supervisor Schmidt

Second: Supervisor Geise

Motion to approve the Certified Survey Map application submitted by Dorothy L. Gore, 58 Frankfort Street, Oshkosh for the property located at 3431 Winnegamie Drive, Tax ID #006-0042 and with all recommendations that went along with it.

Motion made by unanimous consent to approve the CSM.

Discussion by Knapinski: Motion discussed to approve the Certified Survey Map application. There were two added recommendations the Planned Commission put on that. Is that part of their agenda or was that added? Yes, added by Administrator Johnston. Added condition that any development that the driveway be shown coming off of the proposed road on that property instead of off of Winnegamie and also show the radius of the proposed road on the CSM where it makes the sharp 90-degree corner at the south end of property make sure that goes up to town road specifications.

Supervisor Lettau comments on issues with the survey map of the property regarding future proposed road construction. Further discussion regarding the implications of the CSM for the possibility of only having two lots and pay for the cost of road paving.

- C. Plan Commission review of the interpretation of the definition and the condition of approval for an Outdoor Shooting Range in the Town’s Zoning Code of Ordinances.

NO ACTION TAKEN

- D. Plan Commission on a staff update to the Commission on the Town Board’s review and consideration of a request by staff for clarification on the Town’s Zoning Code of Ordinances as it relates to artificial ponds and the Town’s Pond Ordinance.

NO ACTION TAKEN

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 Resolution # 2014-003, A Resolution Authorizing staff to make an Application for a Wisconsin Department of Natural Resources Outdoor Recreation Aids Grant for the Noffke property on CTH “JJ” in the Town of Clayton.

Over the course of the past year the Administration has been working with the City of Neenah on a plan to clean the contaminated soil on the property the Noffke’s intend to donate to the Town. The Town’s Comprehensive Plan identifies the property as a future passive park area. Staff has been working with the City to leverage their investment in removing the lead contaminated soils in order to reduce the cost to the City and improve the property for the Town. Specifically, staff has been working with the City and the DNR to encapsulate the contaminated soil on site by creating a parking area over a lined cell that contains the contaminated soil. In order for staff to apply for the DNR Grant the Board needs to approve the attached authorizing Resolution. Please be advised that staff does not intend to commit Town funds to the project, only to leverage the funds that the City of Neenah is required to commit. This process will allow the Town to improve the site and the City to save some of its resources by using State Grant Funds instead. Should the Town not be awarded a Grant, the City of Neenah is still committed to clean the site at their expense. If the Board wishes to proceed with the cooperative project, a motion would be in order to approve Resolution 2014-003 and to direct staff to submit the proposed Grant Application to the State Department of Revenue in a timely fashion.

MOTION:

Motion made by unanimous consent.

- B. Discussion/Action: Town Board review and consideration of allowing Town staff to serve as the financial functionary for the Clayton/Winchester Joint Fire Board and the Clayton/Winchester Volunteer Fire Department.

With the changes in the operation of the Clayton/Winchester Volunteer Fire Department, Town staff has begun to see an increase in the calls and bills being sent to the Town for the Fire Department. During my tenure with the Town, staff has always received calls relative to the Fire Department; the difference now is the number of calls and the time required to handle the calls. Much of the change can be attributed to the increased reporting and activity tracking of the Fire Department. The Administration has reviewed the issue with staff and come to the conclusion that it would be more efficient if Town staff processed the accounts receivable and the accounts payable functions for the Fire Department and the Joint Fire Board. Staff would handle the process much like a Utility Fund in the accounting system and prepare monthly reports for the Fire Chief and the Joint Fire Board. Absent this change in process, the Town will have to continue to receive the telephone calls and to spend the time required to refer the issues to the appropriate individuals. Additionally, staff cannot stop vendors from calling or ignore their calls. If the Board agrees with the Administration’s recommendation, it should direct those members of the Board who serve on the Joint Fire Board to offer the option of having Town staff provide accounts receivable and accounts payable services to the Fire Department and the Joint Fire Board. Staff could also, at the Board’s and the Joint Fire Board’s discretion, provide the payroll function for

the Fire Department. The only question the respective parties would need to agree on would be the rate of compensation for the services provided.

MOTION:

Motion: Supervisor Geise

Second: Supervisor Schmidt

Motion to approve the Town staff completing the financial functionary of the Clayton/Winchester Joint Fire Department.

- C. Discussion/Action: Town Board review and consideration of the purchase and financing of a wheeled excavator by the Storm Water Management Utility.

The Administration has completed the research on the Town's options relative to purchasing a wheeled excavator. The Administration has always favored purchasing new equipment whenever possible, however, this preference is tempered by the availability of funds and an understanding of how much the equipment will be used. In this case, the Administration is convinced that staff will make good use of the equipment on an ongoing basis. Based on that belief, the financial issue is the motivating factor in the Administration's recommendation to purchase a used wheeled excavator. Staff believes that a Gradall unit would be the best option for the Town. With that understanding, staff completed an extensive review on the regional market of the used equipment including Gradall equipment. At this time we can find no Gradall units that are a good deal for the Town. Thus, based on the research, the Administration is recommending that the Town purchase a used CAT wheeled excavator from FABCO in Green Bay; this is the unit that the Town has rented from FABCO for the past few years. The unit has 4,744 hours on it and the cost of the unit with two buckets and a compacting head is quoted at \$81,000.00 (see attached information). Staff is asking for the second bucket and the compacting head in order to allow the Public Works Department to work more efficiently. The second bucket is a digging bucket much like the one on the wheeled backhoe, the compacting head is much like the small hand compactor the Town has now but it is attached to the excavator arm and hydraulically powered. Some of the Board members may have seen staff use the wheeled backhoe bucket for compacting; this process is hard on the equipment and the CAT compacting head will mitigate the punishment on the equipment. The Administration is recommending that the funding for the purchase come from the Town's Capital Equipment Replacement Funds. Specifically, the Town has been setting aside monies to replace the wheeled backhoe at the end of its assigned life expectancy and some of these funds could be used for the proposed purchase and then be repaid to the Capital Equipment Replacement Fund over the next 4-years. This would allow the Town to assign a 6-year life to the used wheeled excavator and fund a portion of its replacement over that period. When the equipment is scheduled to be replaced, the Town could look at its options relative to the replacement unit. If the Board agrees with the Administration's recommendation, a motion would be in order to authorize staff to purchase a used wheeled excavator at a cost not to exceed \$81,000.00 and to fund the purchase from the Town's existing Capital Equipment Replacement Funds.

MOTION:

Motion: Supervisor Geise

Second: Supervisor Schmidt

Motion that we authorize staff to purchase the CAT used wheeled excavator at a cost not to exceed \$81,000.00 and to fund the purchase from the Town's existing Capital Equipment Replacement Funds.

- D. Discussion/Action: Town Board review and consideration of the award, by the Winnebago County Highway Department, of a CY 2014 Bridge Aids Grant to the Town and direction to staff relative to proceeding with the culvert replacement project.

Attached please find a copy of correspondence from the Winnebago County Highway Commissioner indicating that the Commission has approved and awarded the Town's CY 2014 County Bridge Aids Application. Also attached is a copy of the brochure provided by Contecht that shows several open bottom culvert installations. The Administration has recommended that the Town replace the large culvert in Larsen Road east of STH "76", specifically the culvert is located on the west side of the Suutala property at 3215 Larsen Road. The Administration is recommending that the replacement culvert be an open bottom culvert at a budgeted cost of \$75,000.00 in anticipation of the planned reconstruction of Larsen Road in CY 2015 or CY 2016. The size of the culvert is based on the significant drainage way in the area where the culvert crosses Larsen Road. The culvert is also being sized to allow for the development of the area without having to replace the culvert during the expected life of Larsen Road after it is reconstructed. The Administration is planning on completing the project in early summer using Force Account Labor (Town staff) to do the work on the project. This will allow the Town to recover 50% of the cost of the project including the labor. The Administration expects that a minimum amount of engineering will be needed for the project. If the Board wishes to proceed with the project, a motion would be in order to authorize staff to accept the County's Bridge Aids Funds and to proceed with purchasing the open bottom culvert, scheduling the project and submitting the requisite paperwork to the County so that the Town can be reimbursed for the eligible project costs. Funding for the project will come from the Town's Public Works, County Bridge Aids Line Item which is funded at \$75,000.00.

MOTION:

Motion: Supervisor Schmidt

Second: Supervisor Geise

Motion to authorize staff to accept the County's Bridge Aids funds and to proceed with purchasing and open the bottom culvert and schedule the payments submitting the requisite paperwork to the county so that the town can be reimbursed for any eligible project costs and the funding for the project will come from the Town's Public Works County Bridge Aids line item which is funded at \$75,000.

Motion: carried by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of authorizing the Town Chair to sign documents relating to the sale of Town owned property located at 8328 CTR “T”, specifically known as Tax ID # 006-0535-08 (the former Elmer property) and other transactions related to the proposed project.

The Administration has asked the Town’s Legal Counsel to prepare the documentation for closing the sale and purchase of the properties related to the Town’s purchase of the Elmer property. All of the parties involved in the transaction have indicated that they would like to expedite a process that has taken too long to complete. In order to not delay the closing of the transaction any further, the Administration is asking the Board to authorize the Town Chair to sign the requisite documents as soon as they are prepared. The costs related to the project have not changed and when the sale is concluded the properties will be configured as shown on the attached copy of the Town’s Certified Survey Map (CSM). In round numbers the transaction costs are as follows:

1. Mr. Clauson will receive \$10,000.00 (this money will go to the County for back taxes).
2. Mr. Wiedenbeck will receive \$2,000.00.
3. The Town will receive \$20,000.00 for the Elmer home.

Once the documents are drafted and the process finalized the Administration will provide the Board with a memorandum outlining the specifics of the transaction. If the Board is comfortable with the Administration’s request, a motion would be in order to authorize the Town Chair to sign the requisite documents to conclude the transaction in a timely manner and to have staff prepare a report for the Board outlining the transaction costs and process.

MOTION:

Motion carried by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of requirements for enacting a railroad quiet zone and proceeding with the engineering for a railroad quiet zone application for the Town of Clayton.

Attached please find a summary, in chronological order, of a series of e-mail between staff and the Town’s engineering firm. Also attached is a copy of a brochure related to the information in one of the e-mails. As evidenced by the information in the summary of the e-mail, there would be a significant cost to the Town to create a Town-wide Railroad Quiet Zone. The alternative would be two quiet zones in the Town with train whistles being blown at the two trail/railroad crossings in the Town. It is the Administration’s belief that given the nature of the topography of the Town, the two quiet zones option would not appear to provide much relief to area residents. The Administration has asked the Town Engineer to familiarize herself with the issue so that she can answer any questions the Board may have relative to the issue. The Administration is looking for direction from the Board relative to how it would like to proceed with the railroad quiet zone process.

MOTION:

Motion: Supervisor Schmidt

Second: Supervisor Geise

After further investigation we decided not to do anything to enact a railroad quiet zone since it is cost prohibitive.

Motion carried by unanimous voice vote.

- G. Discussion/Recommendation: Town Board review of the annual Community Foundation, Town of Clayton, Community Trail Fund Financial Report.

Attached, for the Board's information, please find a copy of the CY 2013 Community Foundation, Community Trail Fund Financial Report. The Town receives this report on an annual basis as part of the reporting on the Town's investment in the Community Foundation. This item is being passed on to the Board as informational material, staff will either provide answers to the Board's questions relative to this investment or research any questions asked and then provide the information to the Board.

NO ACTION TAKEN

- H. Discussion/Recommendation: Town Board review of a Memorandum from Jerry Bougie, Winnebago County Planning Director, relative to Legislation recently approved by the State Legislature and signed by the Governor.

Attached please find a copy of a memorandum from Jerry Bougie, Winnebago County Planning Director, relative to legislation recently approved by the State Legislature and signed by the Governor. Staff will be ready to answer any questions the Board may have relative to this issue. However, the Administration believes that this legislation should have little impact on how staff behaves relative to the issue since the Administration has always maintained that an applicant's interest in the Code is triggered by an application and that the ex post facto application of the law is a clear violation of law.

NO ACTION TAKEN

- XI. Upcoming Meeting Attendance:
- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
- XIV. Adjournment: 8:06 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Laurie L. Goffard, Administrative Assistant