

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 9:05 P.M. on Wednesday, August 7th, 2013

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	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Planner – Jon Bartz	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Regular Town Board Meeting – July 17th, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting for Wednesday, July 17th, 2013.

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

A. Ruth Holden (2989 Braun Court, Neenah) questioned what is happening with the water coming from the field next to her home.

- Administrator Johnston advised they are working on figuring out a way to capture the water and are looking at all alternatives

B. Ruth Holden and Don Benson (2999 Braun Ct, Neenah) questioned what can be done about the lawn and trash outside the home located at 9595 Lind Lane. Also wondering what can be done about the 9519 Lind Lane getting farm animals and having the waste water run down into the Braun Court area.

- Chairman Luebke advised if the owner at 9519 Lind Lane secures 5 acres, he will be allowed to have the farm animals and the Town will not be able to do anything about it.
- Administrator Johnston advised a notice was sent out for the 9595 Lind Lane property giving him 10 days to clean it up.

V. Correspondence:

- A. Re-Zoning Notice by the Town of Vinland.
- B. A copy of the Spring/Summer 2013 edition of Crossroads from the Wisconsin Transportation Information Center at the University of Wisconsin Madison.

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

- A. County Supervisor Report
 - 1. Rachel Youngquist introduced herself. She was appointed in Joann Siebert's position as Supervisor for District 29
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. No Report
- C. Clayton-Winchester Fire Department
 - 1. Al Kuenzi Reporting
 - 2. So far this month, there have been 2 vehicle fires, 1 vegetation fire, 2 vehicle accidents and 1 extraction.
 - 3. Briefly discussed the accident from the prior evening on Larsen Road
- D. Larsen Winchester Sanitary District
 - 1. Administrator Johnston advised the meters are in now and the Sanitary District will be coming to inspect them
 - 2. Supervisor Lettau clarified that the bill for the meter will be charged to the Town and the Town will then turn it over to Cardinal Construction
- E. Administration Comments
 - 1. Engineer
 - a. Town Planner Bartz reporting.
 - b. Discussed letter from Engineer Miller advising of additional excavation on Ridgeway Drive. The double chip sealing on Fairview Rd will begin tomorrow
 - 2. Administrator/Clerk
 - a. Administrator Johnston advised the work for the 2014 budget has started.
 - b. He is working through Zoning Code issues
 - c. Discussed a resident's front yard and driveway in the Ridgeway Subdivision that could have issues
 - d. Based on the State preliminary reports, there has been a large increase in personal property and the Town's valuation in turn has increased
 - 3. Public Works Foreman:
 - a. No Report
 - 4. Treasurer/Deputy Clerk:
 - a. Treasurer Bowen advised she has been learning about the building of roads and trying to finish up on the Fund Accounting Software
 - 5. Town Board:
 - a. No Reports

VII. Licenses and Permits:

- A. New:

- Stephanie Cowling
- Laryssa Glunn
- Katherine Berkopec
- Joseph Solomon

B. Renewal:

- Stacie Christie
- Alyssa Hawkins
- Ashley Bordeaux
- Cynthia John
- Diane Thorn

VIII. Business referred by the Plan Commission:

Town Board receipt, review, and consideration of Plan Commission Referrals:

A. No Referrals

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

A. Green Space Committee direction to staff relative to Budgeting for CY 2014 improvements to the Clayton Park Pavilion and restroom facilities.

Attached, please find a Draft copy of the Meeting Minutes for the Green Space Committee Meeting of Thursday, July 18th, 2013. The Committee held its July meeting at the Clayton Park Pavilion; Committee members toured the pavilion facilities to determine their condition. The pavilion facility was built in the early 1980's and consists of a slab on grade pavilion housing a shelter area, a kitchen area, men's and women' bathrooms and a utility room. Utilities are provided by a private well and an onsite waste water treatment facility. Staff noted that the facility is showing its age and becoming more and more difficult to keep clean and mildew free. The restrooms and the kitchen have very little air circulation causing the rooms to be humid and wet. The Committee directed staff to review the option of using Park Impact Fees to update the facility. Additionally, the Committee directed staff to generate estimated costs for updating the facility and replacing the fixed equipment in the kitchen.

X. Business:

A. Discussion/Action: Town Board review and consideration of a Public Improvement Agreement between the Town of Clayton and S & B Enterprises, LLC (Owner Developer) and R & BB Enterprises, LLC. (Owner) of the Fox Valley Asphalt Development Project.

On July 25th, 2013 Town staff and the Town Engineer held the bid opening for the Public Infrastructure needed to move forward with the Fox Valley Development Project.

Attached please find a copy of the Bid Tab for the project. The low bidder for the project is Vinton Construction Company, **2705 N. Rapids Road, Manitowoc, Wisconsin at a cost of \$385,307.40. Please be advised that the bid, as presented, includes only the work scheduled to be completed in CY 2013. Specifically, the signage, interior pavement and interior curb and gutter work is not included in the bid costs.**

The Public Improvement Agreement (see attached) has been reviewed by the Town's Attorney and Town staff. Based on those reviews the Administration is comfortable

that the document protects the Town from any liability for the costs of the project. Specifically, the Administration has prepared the following list of project costs that should be included in the Public Infrastructure Agreement, paid by the Developer, and included in the Irrevocable Letter of Credit from the Developer’s Financial Institution:

A. Construction cost from low bidder (Vinton):	\$ 385,307.40
B. Estimated 2014 binder asphalt pavement costs:	\$ 50,000.00
C. Estimated 2015 final asphalt pavement costs:	\$ 35,000.00
D. Interior curb and gutter costs:	\$ 5,000.00
E. Contingencies at 15%:	\$ 57,796.11
F. Street signage:	\$ 1,500.00
G. Geotechnical Testing (RVT):	\$ 1,000.00
H. Construction, Administration, Staking, and Record Drawings:	<u>\$ 15,980.00</u>
Total:	\$ 551,583.51

The amount of the Irrevocable Letter of Credit could be reduced by the following amount if the Developer would agree to provide subsequent Irrevocable Letters of Credit and allow the Town the option of Special Assessing any unpaid costs including the following costs to the Developer:

A. Estimated 2014 binder asphalt pavement costs:	\$ 50,000.00
B. Estimated 2015 final asphalt pavement costs:	\$ 35,000.00
C. Interior curb and gutter costs:	<u>\$ 5,000.00</u>
Total:	\$ 90,000.00

Section 3, Financial Guarantee, of the Draft Public Improvement Agreement (see attached) states that the Developer will provide the Town with an Irrevocable Letter of Credit in the amount of \$250,000.00 for each of three calendar years (2013, 2014, and 2015). These Irrevocable Letters of Credit are intended to cover the costs of the development project. The total dollar value of the Letters of Credit (\$750,000.00) exceed the estimated costs of the project, however, there is an issue with dollar value of the individual annual Letters of Credit and the timing of the billing for the project. Specifically, the bulk of the costs will occur in CY 2013, these costs include the construction costs of \$385,307.40, plus the cost of construction administration, staking, and record drawings of \$15,980.00 and some potential geotechnical testing and contingency costs. If all of these bills are presented to the Town prior to the end of CY 2013 there will not be sufficient Developer funds to pay all of the bills. The Administration can schedule the payment of the bills in such a manner that some of the payments will fall into CY 2014. This option will give the Town sufficient funds to pay for the project cost from the Developer’s Irrevocable Letters of Credit for CY 2013 and 2014. If the Board authorizes the Public Improvement Agreement with the funding identified in Section 3 of the Public Improvement Agreement, the Administration strongly recommends that the Town reserve the right to Special Assess any unfunded project costs to the Developer’s property so that they are due and payable with the CY 2014 taxes on the property. The Administration would also strongly recommend that the Board require the Developer to waive any Special Assessment Notice and Public Hearing requirements on the part of the Town and provide a personal guarantee for the costs of the project.

The correct process for a Development Project is for the Developer to provide the Town with an Irrevocable Letter of Credit for the estimated project costs (\$ 551,583.51) plus a personal guarantee for any project cost overruns in excess of the contingency funding amount. However, at times the Board may be asked for consideration in order to complete the project. When this happens, the Administration recommends that the Board protect the Town’s interest by reserving the right to Special Assess any project cost not covered by the Developer. This process should provide the Town with an option for recovering its costs over time, even in the case of bankruptcy.

The Administration recommends that the Board require that the CY 2013 Irrevocable Letter of Credit from the Developer be in the following amount:

A. The Total Estimated Project Costs:	\$ 551,583.51
B. Minus the estimated CY 2014 and 2015 project costs:	(\$ 90,000.00)
C. Minus the 15% Project Contingency:	<u>(\$ 57,796.11)</u>
Total CY 2013 Irrevocable Letter of Credit:	\$ 403,787.40

Each of the subsequent Irrevocable Letters of Credit should be reduced to \$125,000.00 in CY 2014 and \$100,000.00 in CY 2015. Additionally, the Developer should be required to give the Town a personal guarantee and a waiver of the Notice and Public Hearing requirements for the Special Assessment process.

If the Board wishes to proceed with the project, a motion requiring that the Developer provide the Town with a series of three Irrevocable Letters of Credit in the specified amounts for CY 2013 (\$403,787.40) for CY 2014 (\$125,000.00), and for CY 2015 (\$100,000.00) a waiver of the Notice and Public Hearing requirements for the Special Assessment process and a Personal Guarantee for all of the costs relating to the Fox Valley Public Improvements Project would be in order.

MOTION

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to require that the Developer provide the Town with a series of three Irrevocable Letters of Credit in the specified amounts for CY 2013 (\$403,787.40) for CY 2014 (\$125,000.00), and for CY 2015 (\$100,000.00) a waiver of the Notice and Public Hearing requirements for the Special Assessment process and a Personal Guarantee for all of the costs relating to the Fox Valley Public Improvements Project

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of a Bid award for the construction of the Public Improvements needed to provide access to the Fox Valley Asphalt Development Project.

On July 25th, 2013 Town staff and the Town Engineer held the bid opening for the Public Infrastructure needed to move forward with the Fox Valley Development Project. Attached please find a copy of the Bid Tab for the project. The low bidder for the project is Vinton Construction Company, 2705 N. Rapids Road, Manitowoc, Wisconsin at a cost of \$385,307.40. Please be advised that the bid as presented includes only the work scheduled to be completed in CY 2013. Specifically, the signage, interior pavement, and interior curb and gutter work is not included in the bid costs.

If the Board has approved the Public Infrastructure Improvement Agreement for the Fox Valley Asphalt Project, a motion would be in order to award the bid for the Fox Valley Asphalt project to Vinton Construction Company at a cost not to exceed \$385,307.40, subject to the Developer signing the Town's Public Improvement Agreement for the project and providing the Town with the required Irrevocable Letter of Credit for the project.

MOTION

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to award the bid for the Fox Valley Asphalt project to Vinton Construction Company at a cost not to exceed \$385,307.40, subject to the Developer signing the Town's Public Improvement Agreement for the project and providing the Town with the required Irrevocable Letter of Credit for the project

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with the Town's Engineer (Martenson & Eisele, Inc.) for Grade Staking and Construction Observation on Municipal Projects on an as-needed basis.

Town staff is working on a number of drainage and storm water management projects that often require staking and/or survey work. In order to do the work correctly staff will often call the Town's Engineering Firm for help setting grade and storm water management pipe inverts. In order to facilitate and consolidate this process, the Administration has asked the Town's Engineering Firm to provide a time and materials proposal for doing the required work. Attached please find a copy of that proposal. Staff has always tried to minimize project cost while still doing the work correctly, this Proposal will allow staff to expedite and track the process of completing the project without having to have the Board approve multiple single project proposals. Should the Board agree with the Administration's recommendation, a motion would be in order to approve the Engineering Services Proposal on a time and materials basis not to exceed the Town's remnant CY 2013 Budgetary Line Items.

MOTION

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion to approve the Engineering Services Proposal on a time and materials basis not to exceed the Town's remnant CY 2013 Budgetary Line Items.

Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of a request by Travis and Ashley McDonough for consideration on the timing of the construction and cost of construction of the platted road known as Connie Way in the Town of Clayton.

The property at the eastern terminus of Westfield Ridge is currently owned by Jeffrey A and Connie M Boe 8315 STH 76, Neenah WI 54956. The property has been for sale for a significant period of time. Over the course of the past few years staff has received a number of inquiries relative to the property and the platted road know as Connie Way (see attached documentation). The questions usually revolve around the Town's need for Connie Way and who would have to pay for the construction of the road. When

responding to inquiries relative to the property and the need for Connie Way, the Administration has always taken the position that for public health and safety reasons the right-of-way dedication needs to remain and the road should be constructed as soon as reasonably possible. The Administration's position is based on the limited access to both the Plat of the Ridges and the Ridgeway Heights Subdivision. Both of these developments have approximately 40 more houses each and both have a single access point; Connie Way would provide an alternate access point for both developments (see attached map). Both developments have other alternate access points; however, they are on the western end of the developments and not likely to be developed in the reasonably near future.

The McDonough's would like to purchase the property (all three Lots) and build a single family home on the site. They are asking the Board for consideration relative to the costs of constructing Connie Way. Specifically, they would like to eliminate Connie Way and have the dedicated land return to the owner of record of the property. In this case, if they purchase the property and the dedicated right-of-way is abandoned, the property would revert to them. The Administration has advised the McDonough's that it will not recommend this action to the Board. However, based on the desire to encourage infill development in the Town and for the health and safety of the area residents, the Administration would recommend that the Board consider the following:

- A. Allowing the construction of a single family home on the site provided that the principal structure and/or any accessory structures do not cross property lines.
- B. That a provision for a turnaround be provided at the eastern terminus of Westfield Ridge; the turnaround should not be restricted to a temporary cul-de-sac.
- C. That the right-of-way for Connie Way remain in place and continue to be dedicated to the Town as area dedicated to the public.
- D. That the property owners not place any structures and/or impediments in the right-of-way of Connie Way.
- E. That the Town has the right to construct Connie Way, at its discretion, following a 120-day notice to the property owners of record.

The Administration's recommendations relative to the cost of construction of Connie Way are as follows:

- A. Should the property owners choose to construct Connie Way they would be responsible for the construction pursuant to a Town's Public Infrastructure Improvement Agreement.
- B. Should the Town decide to construct Connie Way for health and safety reasons, the Town would fund the costs of construction and Special Assess those costs to the property owners of record over a 5-year time frame.
- C. The cost of constructing Connie Way would be assessed to the property owners of record; in this case it would be the McDonough's and the Ridges Owners' Association.
- D. The Special Assessment payments would consist of a fixed principal payment of 1/5 of the Assessment with interest charged on the declining balance. Interest would be charged at 1% over the Town's borrowing costs.
- E. The Special Assessment to the Ridges Owners' Association would become due and payable over a 5-year period starting with the taxes due in the year the construction takes place.

- F. The Special Assessment on vacant property owned by the McDonough's and/or subsequent property owners would become due and payable in full when one of the vacant lots is sold.
- G. There are several options for when the Special Assessment on the McDonough's developed property (the lot with the McDonough's single family home on it) would become due and payable.
 - a. The Special Assessment could become due and payable over a 5-year period with the construction of Connie Way.
 - b. The Special Assessment could become due and payable in full with the sale of the first vacant Lot owned by the McDonough's.
 - c. The Special Assessment could become due and payable over a 5-year period with the sale of the first vacant Lot owned by the McDonough's.
 - d. The Special Assessment could become due and payable over a 5-year period after a specified period of time.

In any case, the costs of construction would be fixed at the actual cost of construction at the time the road is built. Interest would be charged at 1% over the Town's borrowing rate at the time of construction. Interest would not be charged during any deferral period.

Should the Board be interested in proceeding with the request by the McDonough's for consideration relative to the construction of Connie Way, a motion would be in order to give staff direction and to have the Town's Attorney draft the requisite documentation.

- Discussed needing to keep a right of way for the road
- Discussed building the road and estimated cost
- Discussed special assessments and when the owner would be billed
- Travis McDonough (owner) advised they are moving back into the area and don't want the burden of supplying their own fire control & safety.
- Jeff Boe (8315 State Road 76, Neenah) questioned being able to move the right-of-way for Connie Way by moving Connie Way and Westfield Ridge
- Discussed special assessment payment options

MOTION

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to direct staff to draft the requisite documentation

Motion carried by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of a Bid award for the following CY 2013 road maintenance projects:
 - 1. Replacement of the cross culverts on Center Road approximately 1,500 feet south of Winnegamie Drive (CY 2013 County Bridge Aids Project).

The Town's CY 2013 County Bridge Aids project was bid with the Town's CY 2013 chip sealing projects (see attached Bid Tab). The Board awarded the chip sealing project to Scot Construction and tabled the County Bridge Aids project in order to allow staff to confirm with the County Highway Commissioner that the project could be completed using Force Account Labor. Please be advised that as a County Bridge Aids Project, 50% of eligible project cost would be funded by the County. The Administration has reviewed

the Town's options with the County Highway Commissioner and is comfortable that the work can be completed at a significant savings using Force Account labor. The only real concern is time and weather, specifically; does staff have enough time to do the work and will the winter weather hold long enough to allow for completion of the project? The Administration believes that staff can complete the project in a timely manner provided that the project is scheduled correctly. In order to simplify the project the Administration would like to include assembly of the structure in the cost of the purchase of the structure with the cost of assembly estimated at \$7,000.00. As an alternative, the Town does have sufficient funding to complete the project with the low bidder Robert J. Immel Excavating, Inc. at a bid cost of \$68,728.00. Should the Board agree with the Administration's recommendation, a motion would be in order to reject all bids and direct staff to purchase and install the proposed culvert with Force Account labor.

MOTION:

Motion by: Supervisor Luebke

Seconded by: Supervisor Lettau

Motion to reject all bids and direct staff to purchase and install the proposed culvert with Force Account labor

Motion carried by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of a request by the Emerald Valley Home Owners Association to transfer the Out Lots and the related storm water management systems in the subdivision to the Town.

Attached please find a copy of the request by the Emerald Valley Home Owners Association to transfer the Out Lots containing the Plat's storm water management system to the Town. The attached map shows the Out Lots to be transferred in yellow and the one the Town already owns in green. As the Board knows, the Administration has always advocated municipal ownership of storm water management devices and with some trepidation, the Administration continues to advocate that the Town should own the storm water management devices. The trepidation is based on concerns with comments made by area residents relative to mowing. In most cases, Town ownership of the storm water management devices will improve the functionality and appearance of the facilities; however, some residents appear to want the Town to routinely mow roadside ditches within the Plat. Residents setting standards on an ad hoc basis is a concern for staff since it will likely allow for different standards based on the forcefulness of subjective complaints. Taking ownership of the storm water management devices will not significantly impact the workload of the Town's mowing staff. The responsibility for mowing would be assigned to the individual mowing the parks and cemeteries. This individual was expected to mow for 35-hours per week and has averaged 25-hours per week over the course of the summer with one complaint about Clayton Cemetery. The Administration recommends that the Board accept ownership of the Out Lots in the two phases of the Emerald Valley Plat under the following conditions:

1. That the Town set the mowing standards based on Town Ordinances.
2. That the residents be advised that the Town does not routinely mow roadside ditches in residential subdivisions.
3. That the residents understand that the Town is only taking ownership of the Out Lots not drainage and trail easements on private property.
4. That the transfer legally occur on January 1st, 2014.

5. That the transfer fee be paid by the Owner’s Association.
6. That there is no cost to the Town associated with the transfer.

If the Board agrees with the Administration’s recommendation, a motion would be in order to direct staff to have the Town’s Attorney prepare the transfer documents for Board approval. If the Board opts to not take ownership of the Out Lots, the Administration will use this request as the basis of its responses to similar requests in the future.

- Kevin Hillegas (3602 Jadetree Terrace, Neenah) President of the Homeowner’s Association discussed the burden of the Out Lots and the minor interest to the homeowners’
- Judy Christnovich (3541 Grand Meadows Crossing, Neenah) Treasurer of the Homeowner’s Association also discussed the issues associated with the Out Lots and their hope for the Town to take the Out Lots back
- Administrator Johnston explained what the Town would be responsible for going forward and the costs associated with it
- Paul Riederer (3553 Grand Meadows Crossing, Neenah) questioned why the Town is doing the work on Sunburst but the residents in these subdivision have to maintain their own
- Decision was made to table this topic until the next meeting (8/21/13)

NO MOTION

- G. Discussion/Recommendation: Town Board review of sample Ordinances and further direction to staff relative to a Town Administered, Erosion Control Ordinance for construction and development sites in the Community.

Attached please find several examples of Municipally Administered, Erosion Control Ordinances. The Administration is looking for direction from the Board relative to enacting a Municipally Administered, Erosion Control Ordinance. Staff will take the Board’s input and prepare a Draft Ordinance for the Board to consider.

- Board directed Staff to move forward

NO MOTION

- H. Discussion/Recommendation: Town Board review of sample Ordinances and further direction to staff relative to a Town Ordinance for unlicensed and unregistered equipment required by the State to be licensed and/or registered to be operational.

Attached please find several examples of Municipally Administered Ordinances for unlicensed and unregistered equipment required by the State to be licensed and/or registered to be operational. The Administration is looking for direction from the Board relative to enacting such an Ordinance. Additionally, the Administration would like to advise the Board that even working within its process it should make sure that the public is given ample opportunity for input relative to a Draft Ordinance. Staff will take the Board’s input and prepare a Draft Ordinance for the Board to consider.

- Board directed Staff to move forward

NO MOTION

- I. Discussion/Recommendation: Town Board review and consideration of the draft of an amendment to the Town’s Access and Culvert Ordinance

to allow for alternate culvert sizes based on Applicant provided Engineering analysis supporting the reduction in culvert size.

Attached please find a Draft copy of the revisions to the Town's Access and Culvert Ordinance document. The Administration has added language that authorizes the reduction in the size and/or the elimination of the storm water culvert on access points to Town roads. As the language is written, it requires that the Applicant provide a document signed by a State Licensed Engineer attesting to the fact that a smaller than required or no culvert is acceptable on a specific site. The Application for elimination or a change in culvert size, along with the Engineer's documentation would then be forwarded to the Board for approval. Should the Board wish to approve the proposed changes, direction to staff to prepare the required documentation and schedule the Public Hearings would be in order.

- Administrator Johnston explained what the ordinance is saying and what he thinks it should say.
- Terry Klingenberger (3637 Larsen Rd, Neeenah) questioned drainage in a cul-de-sac
- Board directed staff to prepare the documents

NO MOTION

- J. Discussion/Recommendation: Town Board review and direction to staff relative to the scheduling of and the financing for the Oak Openings Storm Water Management Project.

Attached please find a copy of the plans for the Oak Openings Storm Water Management Project. The plans call for storm sewer in the inner loop created by Darrow Road, Murray Road and Balfour Street and ditches with drain tile on the east side of Murray Road and the west side of Darrow Road. The Administration has come to the conclusion that, for two reasons, staff will not be able to complete the project this year. The first and more serious concern is the inability of Town staff to complete the relatively deep storm sewer work with only two people. Specifically, given the experience with the storm water management construction on Fondotto Drive, it has become apparent that two individuals cannot complete such a large project in a timely manner. Adding the lack of experience on deep storm sewer construction creates an even bigger problem. The second concern is the ability of staff to complete all of the scheduled work with only two people. The Administration is continuing to plan and schedule work with the understanding that staffing levels will stay as they are today. Given the stated understanding, the Administration has asked the Town's Engineer to provide a preliminary cost estimate for having a contractor complete the deep storm sewer portion with the understanding that staff will do the drain tile, ditching, and restoration work in Oak Openings. The Administration would like to complete the deep storm sewer work and restoration for that project in CY 2013 and the drain tile and ditching in CY 2014. Attached, please find a very preliminary estimate for having a contractor complete the deep storm sewer. Based on the estimated costs the Administration is respectfully asking the Board for direction relative to the following:

1. Completing the deep storm sewer using a contractor to do the excavating work and Town staff to do the restoration on the project.

2. Scheduling the project in a two year window, the deep storm sewer including the restoration work would be completed in CY 2013 and the drain tile and ditching would be completed early in CY 2014.
3. Borrowing the unfunded costs of the project from the State Land Trust Fund for up to two years.
4. Funding the debt service for the State Trust Fund Loan from the revenue generated by the Town's Storm Water Management Utility.

The Administration respectfully asks the Board for direction relative to the proposed project and funding mechanism.

- The Board directed Staff to move forward

- I. Upcoming Meeting Attendance
 - A. Discussed the Annual Meeting of the Town's Association
- II. Board Member Requests for Future Agenda Items
 - A. Culvert on Center Rd, north of County Rd II needs to be fixed
- III. Review of Disbursements
 - A. Disbursements
- IV. Adjournment – 9:05 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant