

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:02 P.M. – 9:45 P.M. on Wednesday, August 21st, 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 7:02 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
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Regular Town Board Meeting – August 7th, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting for Wednesday, August 7th, 2013.

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

A. Tom Guyton (3044 Ridgeway Drive, Neenah) request to discuss Ridgeway Drive ditches

- Explained the history of his home and how they fixed their own problems with the ditches in the past.
- He was happy to hear they were getting a new road, but he is unhappy with the depth of the ditches and his inability to maintain them.
- Expressed concerns with cars in the ditch and his property value decreasing
- Engineer Miller explained the Minimum Road Standards Ordinance and the challenge involved with the engineering due to the necessity of having a 1 percent grade

- Patty Schnettler (8294 Quail Point Road, Neenah) questioned where all the water is running to on her road and voiced concerns about flooding in her backyard
 - Engineer Miller advised it is running to the waterway and then going down to the Westfield Ridge waterway
 - Mrs. Schnettler questioned if a future sewer system was a possibility to which Chair Luebke advised “no”
- B. Mark Mangin (3062 Ridgeway Drive, Neenah) request to discuss ditches
- Voiced concerns about the deep ditches
 - Suggested adding more leadership in following up with construction crews who are advising residents that the project is designed wrong
- C. Bob Storey (3072 Ridgeway Drive, Neenah) request to discuss ditching on Ridgeway Drive
- Voiced concerns with towing cars out from an accident and cutting the grass. Suggested revising the rules
- D. John Tiedt (3075 Ridgeway Drive, Neenah) request to discuss ditches and Ridgeway Golf Course maintenance shop
- Questioned why his ditches had to go down if he is high in the corner and voiced concerns about the drainage point on Quail Point.
 - Voiced concerns regarding the Ridgeway Golf Course maintenance shop and the amount of brush and debris on the lot
 - Administrator Johnston advised he will send a letter
 - Mr. Tiedt discussed the road project lowering his home value
 - William Schnettler (8294 Quail Point Road, Neenah) discussed the culverts and drainage concerns on his road, specifically the amount of standing water. Advised it is not logical to have deep ditches at high points and does not think the project is going to turn out well. He believes the ditches are a safety hazard.
 - Chair Luebke advised the Town has been working on this for 2 years and these concerns are coming at a point when the project is basically done.
 - Administrator Johnston described how the ditches will transfer storm water and rid the standing water. Advised of the cracking pavement on Quail Point in the past because of the drainage issues. Discussed enclosing the ditches
 - Supervisor Geise advised not to blame the engineering firm because they are simply following the rules of the Town
 - Chair Luebke advised this project is mainly happening because of things the property owners have done to change their properties throughout the years and discussed the issues that are occurring
 - Mr. Schnettler complemented the construction crews for being courteous to the residents
 - Robert Miller (3115 Westfield Ridge, Neenah) voiced concerns about safety and asked the Board to consider it. Also touched on the topic of the Ridgeway maintenance shop.

V. Correspondence:

- A. Wisconsin Department of Administration, Preliminary Estimate of CY 2013 Population.

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

- A. County Supervisor Report

- 1. No Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. No Report
- C. Clayton-Winchester Fire Department
 - 1. No Report
- D. Larsen Winchester Sanitary District
 - 1. Mike Pfankuch reporting
 - 2. They have no intention of ever running pipe all the way out to Ridgeway Dr
 - 3. Advised he is co-owner of an assessing company, and a ditch never affects the home value
 - 4. Aerators have been installed in the ponds since May 2013 but they will not know how much affect they have until November
 - 5. The wipe flushing issue comes and goes. Other districts have been contacted for solutions
 - 6. Going to start replacing pumps now since they are 25 years old
 - 7. Billing has been going well and there are no complaints
- E. Administration Comments
 - 1. Engineer
 - a. Engineer Miller provided a status report
 - b. Pulverizing will be completed on Shady Lane/Medina Junction next week. The chip sealing will take place next Spring
 - c. Fox Valley Asphalt project is in the hands of the developer right now
 - d. Oak Openings Storm Water improvement project is out for bids
 - 2. Administrator/Clerk
 - a. Advised the Fox Valley Asphalt project will most likely happen, there are just procedural issues
 - b. Pointed out the minute changes from May
 - 3. Public Works Foreman:
 - a. No Report
 - 4. Treasurer/Deputy Clerk:
 - a. Treasurer Bowen advised she is working with the architect to get final numbers for the Town Hall/Fire Station.
 - b. A meeting will be held with Cardinal Construction to go over errors that were found
 - c. Final tax settlement was received from the County
 - d. Software will be up and running by next week
 - 5. Town Board:
 - a. No Reports
- VII. Licenses and Permits:
 - A. New:
 - i. Joseph Kirsch
 - ii. Keith Shebilske
 - iii. Amanda Siebert
 - B. Renewal:
 - i. No Renewal Licenses Issued
- VIII. Business referred by the Plan Commission:
Town Board receipt, review, and consideration of Plan Commission Referrals:

- Plan Commission Chair Dick Knapinski reviewed the items below
- A. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) submitted by the Petitioner: Scott Sedo, 9502 Center Road, Neenah, WI 54956 and Winagamie, Inc. 3501 Winnegamie Drive, Neenah, WI 54056 for property located at 9502 Center Road, Neenah, WI 54956, specifically described as Tax ID# 006-0049-01, Tax ID# 006-0049-02, and Tax ID# 006-1242-00, being part of Lot 2, Winagamie Subdivision and part of the southwest ¼ of the fractional northwest ¼ of Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Plan Commission Action:

MOTION:

Motion by: Commissioner Klingenberger

Seconded by: Commissioner Eckstein

Motion to approve the CSM for the Scott Sedo property as described with the staff recommendations of re-zoning Lot 1 from R-1 to R-2 and documentation of any overlying jurisdictions

Motion carried by unanimous voice vote.

MOTION

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve the CSM for the Scott Sedo Property as described with the staff recommendations of re-zoning Lot 1 from R-1 to R-2 and documentation of any overlying jurisdictions

Motion carried by unanimous voice vote.

- B. Plan Commission recommendation to the Town Board on a Site Plan approval for an additional small cold storage building to be located at the H&K Woods manufacturing site at 9621 STH “76”, Neenah, WI 54956, specifically known as Tax ID # 006-0006-07.

Plan Commission Action:

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Commissioner Haskell

Motion to approve the site plan application for a cold storage building at the H&K Woods manufacturing site as presented with the conditions outlined by the Administrator, opt to waive any need for landscaping on the site, and recommend to remove the existing storage trailers and to not move it to another location on the property

Motion carried by unanimous voice vote.

MOTION

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve the site plan application for a cold storage building at the H&K Woods manufacturing site as presented with the conditions outlined by the Administrator, opt to waive any need for landscaping on the site, and recommend to remove the existing storage trailers and to not move it to another location on the property

Motion carried by unanimous voice vote

- C. Plan Commission update to the Town Board on the Town’s enforcement of pre-existing Zoning Code violations transferred to the Town by the County’s Zoning Code Enforcement Officer.

Plan Commission Action:

To direct staff to proceed with the proper enforcement actions

NO MOTION

- IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:
 - A. No Referrals (the Green Space Committee meeting was postponed until Thursday, August 22nd, 2013).

X. Business:

A.-a Discussion/Action: **This agenda item was added to the Amended Agenda:**

Town Board review and consideration of a Zoning Text Amendment submitted by the Winnebago County Zoning Department for a Text Amendment to the Winnebago County Floodplain Zoning Code (Chapter 26) of the Winnebago County General Code.

Attached please find a copy of a Notice from the Winnebago County Zoning Department. The Department has submitted a Text Amendment to Chapter 26, Floodplain Zoning of the County’s Zoning Ordinance. This is one of the areas of the Zoning Code where the State requires that the County keep jurisdiction even if a Town has its own Zoning Code. The Administration is recommending that the Board approve the changes on a pro forma basis. At the Board’s request staff will print and provide each Board member a copy of the proposed Text Amendment. Should any of the Board members wish to make specific comments relative to the proposed Code Amendment the County will be holding a Public Hearing in the Lounge Room of the Winnebago County Court House at 6:30 P.M. on Tuesday, August 27th, 2013.

MOTION

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion to approve the changes on a pro forma basis

Motion carried by unanimous voice vote.

- A. Discussion/Action: Town Board review and consideration of the award of a 3-year Contract for Municipal Engineering Services with a starting date of January 1st, 2014.

The Board’s Engineering Services Review Committee has completed its review of the respondents to the Town’s Engineering Services Request for Proposals (RFP).

Respondents to the RFP were:

- 1) Cedar Corporation
- 2) Martenson & Eisele
- 3) MSA Professional Services

The main difference in the proposals is the cost for the routine staff and Board support provided to the Town as part of the proposed contract. Not selecting MSA Professional Services for an interview was a decision based on the costs for this service submitted in their proposal. Following a preliminary review of the proposals by the Committee and staff, the Committee directed staff to schedule interviews with the other two firms submitting proposals, these firms are:

- 1) Cedar Corporation
- 2) Martenson & Eisele, Inc.

On Tuesday, July 23rd, 2013 the Committee met with the selected firms to review their responses to the Town's RFP and clarify several questions the Committee had, relative to the proposals, prior to making a recommendation to the Board on an Engineering Services Contract for the Town. The Committee's questions revolved around the fee for routine staff support, Board support, and mileage charges. Following the interviews it became evident that both respondents to the Town's RFP have agreed to the Town's requests for consideration making both proposals virtually identical. The Committee directed staff to prepare a recommendation to the Board for its consideration. Staff is of the opinion that either of the selected firms is capable of doing any engineering work the Town may require and when specialized engineering is required, both firms are likely to subcontract to a firm with the needed skills. Given the balance and similarity in the two proposals the Administration is not going to make a specific recommendation to the Board, instead it will make an argument for consistency.

The Administration understands that the Board and Town residents may have experienced difficulties over M&E's tenure with the Town. This experience is not uncommon for a firm that has been working for a Community for a significant number of years. Having understood the Board's experience and understanding the perceived need for change, staff would like to advise the Board that it has significant concerns with change at this time. Over the course of the past few years staff has experienced wholesale change in personnel and operational parameters: Town employees now do not only significantly more work, but more difficult work as well, and they do it with fewer resources and fewer employees. The only constant that staff has experienced is with the Town's Contract employees, specifically, the Town's Engineer, the Town's Assessor, the Town's solid waste and recycling provider, the Town's Building Inspector, etc. The Town's Public Works Department has a very close working relationship with the Town's Administrative staff and the Town's Engineer. With the changes in what the Department has been and will be required to do the Administration believes that consistency with the Department's support staff would be beneficial to the Town. This opinion holds true even given the history of the Town's engineering process. Please do not underestimate the value of institutional history and its associated institutional memory in a changing environment. The Town's Public Works Department is learning to do work that in the past was either contracted for or not done at all. Additionally, staff is being asked by residents to add unscheduled work to its work plan. Under these circumstances, knowing who to turn to at the Engineering firm, being familiar with who provides the service at the Engineering firm, and knowing how the Engineering firm works is a significant benefit to the process and to how much pressure is put on staff. For the listed reasons the Administration would prefer to stay with Martenson & Eisele, Inc.

The Board will need to select an Engineering Firm from the respondents to the Town's RFP. The costs for the Engineering Services Agreement for both firms can be summarized as follows:

- 1) Cedar Corporation:
 - a. \$ 1,100.00 per month for routine meeting attendance, staff support, and Board support.
 - b. Project Engineering will be provided on a discounted RFP and Scope of Services basis.
 - c. Additional General Consulting Services, i.e. maps, etc. will be billed at a time and materials basis.
- 2) Martenson & Eisele, Inc.:
 - a. \$ 1,100.00 per month for routine meeting attendance, staff support, and Board support.
 - b. Project Engineering will be provided on a discounted RFP and Scope of Services basis.
 - c. Additional General Consulting Services, i.e. maps, etc. will be billed at a time and materials basis.

The Board will need to direct staff to generate a three-year contract for Engineering Services that will be presented to the Board for approval. Additionally, the Board will need to appoint a Town Engineer for a 3-year term starting January 1st, 2014.

- Administrator Johnston advised the two proposals are virtually identical
- Jon Bartz (President, Martenson & Eisele, Inc.) thanked the Board for allowing them to do the Town's work for the past 30 years. Discussed issues in the past and how they were resolved. Advised of a project satisfaction tool they are using. Voiced benefits of going with Martenson & Eisele over the other firm.
- Dennis Steigenberger (Cedar Corporation) thanked the Board for their interest in Cedar Corporation. Advised he respects having long term relationships with firms, but he also thinks change is a good thing sometimes. Complemented the Board and the residents for being professional during the storm water management discussions
- Paul Riederer (3553 Grand Meadows Crossing) requested that the names of the firms be listed on the agendas and the minutes from previous meetings
- Administrator Johnston advised he does not list the names of firms when it is a RFP (Request for Proposals)
- Chair Luebke advised it will be taken into consideration going forward.
- Supervisor Geise advised it is a toss-up and both firms are very good. The one concern he sees coming up continually is business. Green Bay is a further drive and it is difficult to be on site quickly when needed
- Supervisor Grundman believes M&E would be the firm to stick with because of the big projects currently going on
- Supervisor Schmidt agreed with Supervisor Grundman and noted that change is good, but right now, it might not be the best decision for the Town

- Chair Luebke advised he was leaning towards the change, but after input from the staff who work closely with the firm and the distance, he is now leaning towards M&E

MOTION

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion to direct staff to generate a three-year contract for Engineering Services with Martenson & Eisele, Inc.

Motion carried by unanimous voice vote.

- B. Discussion/Action: The following parties have applied for a change of Agent for a Reserve Class “B” license to sell fermented malt beverages, and a Reserve “Class B” license to sell intoxicating liquors for:
- a. Boe, LLC (dba Club N V), 8386 State Road 76 Suite B, Neenah, WI 54956.
 - i. Agent: Jennifer Marchand

Attached please find the documentation relative to the change of Agent for the Reserve License held by Boe, LLC. Based on State Statutes, a Reserve License is held to a fixed location; in this case the fixed location is owned by Jeff Boe and is located at 8386 STH “76”. The new Agent will be Jennifer Marchand who will be conducting business as Club N V. Staff has reviewed the documentation and is recommending that the change of Agent be approved. Should the Board agree with the recommendation a motion would be in order to approve Jennifer Marchand as Agent for Boe, LLC doing business as Club N V, at 8386 State Road 76 Suite B, Neenah, WI 54956.

- Jeff Boe (Property Owner) advised of the situation
- Treasurer Bowen advised the name “Club N V” is going to be changed to “The Mix”. She recommends to approve the change of agent
- Chair Luebke advised Jennifer Marchand of responsible serving due to issues with the property in the past

MOTION

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve Jennifer Marchand as Agent for Boe, LLC doing business as Club N V, at 8386 State Road 76 Suite B, Neenah, WI 54956.

Motion carried by unanimous voice vote.

- C. 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.

The Board directed staff to research the potential number of stormwater management outlots that may be transferred to the Town over the course of the next few years. The number of outlots containing stormwater management or related devices in existing Plats in the Town of Clayton is as follows:

<u>Plat Name</u>	<u>Number of Stormwater Management Outlots</u>
A. Berry Bramble Estates	0
B. Breaker Ridge	2

C. Clayton Place	0
D. Deer Trail Estates	0
E. East Ridge Place	0
F. Emerald Valley	3
G. Emerald Valley II	2
H. Hidden Park	2
I. Hidden Park South	0
J. High Point Estates	0
K. High Point Estates II	0
L. Highland Wood	0
M. Holiday Hill	0
N. Larsen Heights	0
O. Metzsig Hills	0
P. Metzsig Hills II	1
Q. Oak Openings	0
R. Oakcrest Manors	0
S. Ridgeway Heights	0
T. Ridgeway Heights First Addition	0
U. Stoney Ridge Acres	0
V. Strawberry Estates	5
W. Strawberry Fields	0
X. Sunburst Estates	0
Y. The Ridges	4
Z. Westridge Place	0
AA. Winagamie Subdivision	0
BB. Winfield Place	0
CC. Wincrest	0
DD. Wincrest Commercial Subdivision	0
EE. Wood Life Plat	0
FF. Wood-view Drive	0
GG. Second Addition to Wood-view Drive	0

The total number of outlots containing stormwater management devices and stormwater management-related-devices is 19. In some cases these outlots are owned by the Homeowners’ Associations, in others they are owned by the Developers; in both cases they are on the Tax Roll and they receive a tax bill on an annual basis. This condition can create a problem for the Town. For example, the Administration recently received a communication from the County Treasurer, Mary E. Krueger, that outlot 006-1611(Plat of Metzsig Hills II Outlot 1) owned by Donald K Bachaus is being taken for nonpayment of taxes. In the long run, if a Homeowners’ Association and/or a Developer want to relieve themselves of the tax obligation, nonpayment of taxes is a viable option. For the Town, this becomes a problem because if the Town does not purchase the outlot for the delinquent taxes, ownership of the outlot will revert to the County or to whomever the County chooses to sell the property. It continues to be the Administration’s recommendation that an orderly assumption of the ownership of these outlots would be in the Town’s best interest. In most cases, Town ownership of the stormwater management devices in a Plat will improve the functionality and appearance of the facilities and reduce the long term costs of maintaining the Town’s stormwater management systems. A long term plan for taking ownership of the Town’s stormwater management devices will not

significantly impact the workload of Town staff and will allow the Town to maintain the system before it fails and requires significant repair. The Administration continues to recommend that the Board accept ownership of the Outlots in the two phases of the Emerald Valley Plat under the following conditions:

1. That the Town sets 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 Outlots and not of the drainage and trail easements on private property.
4. That the transfer legally occurs on January 1st, 2014.
5. That the transfer fee be paid by the Owners' Association.
6. That there is no cost to the Town associated with the transfer.

Additionally, the Administration recommends that the Town Board establish a Policy and Process for any future requests by residents to have the Town assume ownership of stormwater management devices in approved Plats in the Town.

If the Board agrees with the Administration's recommendation, a motion would be in order to direct staff to create a Policy and Process for the Town when taking ownership of stormwater management devices in approved Plats in the Town and to have the Town's Attorney prepare the transfer documents for Board approval. If the Board opts to not take ownership of the Outlots, the Administration will use this request as the basis of its responses to similar requests in the future.

- Kevin Hillegas (3602 Jade Tree Terrace, Neenah) discussed the storm water management out lots versus ponds
- Judy Christnovich (3541 Grand Meadows Crossing, Neenah) questioned if other subdivisions are operating the same way and charging residents in the subdivision to maintain the out lots
- Administrator Johnston discussed how other subdivisions operate and the lots being put on the tax deed
- Discussed the Town taking over out lots in the future
- Discussed burdens on the Town (financial, maintenance, etc.)

MOTION

Motion by: Chair Luebke

Seconded by: Supervisor Geise

Motion to direct staff to create a Policy and Process for the Town when taking ownership of stormwater management devices in approved Plats with the understanding that a timeframe will be set and there are no requirements to do that. Consider a request from Hidden Valley I & II to be first on the list

Motion carried by 3-2 voice vote. Supervisor Grundman & Supervisor Schmidt voted "NO".

- 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 Board directed staff to provide additional information relative to the details of the request by Travis and Ashley McDonough. The Administration has researched the cost of constructing a cul-de-sac ball at the eastern terminus of Westfield Ridge and based on construction cost estimates provided by the Town's Engineer that cost is estimated at \$54,200 including a \$10,800 contingency fund. If at all possible, the Administration would recommend that the cul-de-sac be constructed as part of phase one or phase two of the Westfield Ridge capital reconstruction project. 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. As shown on the Certified Survey Map (CSM) of the property there are significant wetlands on the eastern side of the property. Based on the identified wetlands it would be extremely difficult to move the existing location of Connie Way and still have developable property. The Administration continues to be of the opinion 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. Jon Bartz, the Town's Planner, has asked if the Town would accept a limited emergency ingress and egress road in place of a fully developed rural cross section road. Specifically, a one lane road would be constructed in the right-of-way of Connie Way, the road would be constructed at a width of 12-feet with a standard sub base and final grade, a surface of gravel or grass with brake away bollards at either end of the road. The Administration would recommend that such a road be constructed with one side of the road on the centerline of the right-of-way of Connie Way; this would allow the Town the option of constructing the second lane in the future without having to reconstruct the entire road. The Administration estimates the cost of the emergency ingress and egress road at \$76,500 including a \$15,500 contingency fund.

The McDonough's would like to purchase the property (all three Lots) and build a single family home on the northwest side of 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 returned to the property owner of record. In this case, if they purchase the property and the dedicated right-of-way is abandoned, the property would revert to them. The Administration continues to advise 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 cul-de-sac turnaround be provided at the eastern terminus of Westfield Ridge.
- 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 the cul-de-sac at the northern terminus of Connie Way (eastern terminus of Westfield Ridge) are as follows:

- A. That a standard size cul-de-sac be constructed in the dedicated right-of-way of Connie Way, and should additional right-of-way be needed the property owner agree to the dedication of the needed right-of-way.
- B. That the cost of the construction of the cul-de-sac ball be special assessed to the property owner of record over a minimum of a five year period.

The Administration's recommendations relative to the cost of construction of the emergency ingress and egress road are as follows:

- A. That an emergency ingress and egress road be constructed in the right-of-way of Connie Way.
- B. That the edge of the emergency ingress and egress road be located on the centerline of the right-of-way of Connie Way.
- C. That the costs of constructing the proposed ingress and egress road be paid for by the Town.

The Administration's recommendations relative to the cost of converting Connie Way from an emergency ingress and egress road to a full rural cross section road are as follows:

- A. Should the property owners choose to convert Connie Way to a full rural cross section road they would be responsible for the costs of construction pursuant to a Town's Public Infrastructure Improvement Agreement.
- B. 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.
- C. The Special Assessment payments would consist of a fixed principal payment of the Assessment with interest charged on the declining balance. Interest would be charged at 1% over the Town's borrowing costs.
- D. The Special Assessment to the Ridges Owners' Association would become due and payable over a fixed period starting with the taxes due in the year the construction takes place.
- E. 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.
- F. There continue to be 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 fixed period of time starting 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 fixed period of time with the sale of the first vacant Lot owned by the McDonough's.
 - d. The Special Assessment could become due and payable over a fixed period of time after a specified starting date.

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 McDonoughs 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 the idea from Town Planner Jon Bartz about building an emergency road.
- Discussed cost variation
- Travis McDonough (potential property owner) advised they have some engineering procedures to get through yet and questioned the culvert drainage areas. Requested having 10 years for the repayment of the special assessment charges
- Discussed what would happen for Jeff Boe (property owner) if the McDonoughs don't purchase the property

MOTION:

Motion made by unanimous consent to direct staff to have the Town's Attorney draft the requisite documentation.

- E. Discussion/Action: Town Board review and consideration of the first pay request for the Town's CY 2013 Capital Reconstruction Project for the Ridgeway Drive Subdivision.

Attached please find a copy of the First Request for a Partial Payment submitted by MCC, Inc for the Ridgeway Drive roadway improvements project. The Town Engineer has reviewed the request and is recommending a payment in the amount of \$209,425.39. If approved, the payment will be made from the Town's CY 2013 Capital Improvements Budget. Should the Board agree with staff's recommendation, a motion would be in order to authorize a partial payment to MCC, Inc in the amount of \$209,425.39 for the CY 2013 Capital Reconstruction Project for the Ridgeway Drive Subdivision with funding for the payment to be made from the Town's CY 2013 Capital Improvements Budget.

MOTION

Motion made by unanimous consent to authorize a partial payment to MCC, Inc in the amount of \$209,425.39 for the CY 2013 Capital Reconstruction Project for the Ridgeway Drive Subdivision with funding for the payment to be made from the Town's CY 2013 Capital Improvements Budget.

- F. Discussion/Action: Town Board review and consideration of a Conditional Use Permit for a Pond held by Steve Schmidt at 8217 CTH "T", Larsen, WI 54947.

Attached please find the approval material related to a Conditional Use Permit for a Pond held by Steve Schmidt at 8217 CTH "T", Larsen, WI 54947. Mr. Schmidt has indicated to staff that he is now ready and would like to construct the proposed pond. The original Conditional Use for a Pond was recommended and approved by the Plan Commission on August 16th, 2006 and approved by the Town Board on Wednesday, August 24th, 2006. The Administration has reviewed the Application and given the detail of the documentation prepared for the original Application and the timeline for starting the process over again, the Administration respectfully recommends that the Board affirm the

Conditional Use approval action taken on Wednesday, August 24th, 2006 and allow Mr. Schmidt to proceed with the construction of the proposed pond with the conditions applied to the original Conditional Use Application. Those conditions include the following:

- A. The reconnection of any farm tile broken during the construction of the proposed pond.
- B. That the pond meets any DNR standards in place when the pond is constructed.
- C. That the Applicant has a County Permit for a pond within 500 feet of a navigable waterway.
- D. That the Applicant provides the Town with an “as built” drawing of the pond following completion of the construction project.

Should the Board agree with the Administration’s recommendation, a motion would be in order to affirm the Board action taken on Wednesday, August 24th, 2006 to approve the Application submitted by Steve Schmidt for a Conditional Use for a pond at 8217 CTH “T”, Larsen, WI 54947.

MOTION

Motion made by unanimous consent to affirm the Board action taken on Wednesday, August 24th, 2006 to approve the application submitted by Steve Schmidt for Conditional Use for a pond at 8217 CTH T, Larsen, WI 54947.

- G. Discussion/Action: Town Board review and consideration of the scheduling of and the financing for the Oak Openings, Storm Sewer, Storm Water Management Project.

Attached, please find a copy of the plans for the Oak Openings Storm Water Management Project and other documentation relating to the proposed project. Staff has prepared plans and abbreviated bidding documents for the project. Additionally, staff is researching the Town’s options relative to borrowing the needed funding for the project from the State Board of Commissioners of Public Lands (see attached). It appears that if the Town can keep the term of the loan to two years, the interest rate would be 2.00 %. The very low interest rates offered by the State make it reasonable to borrow the money rather than to try to set aside revenues over the same period of time and pay for the project out of reserved funds.

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 on the west side of Darrow Road. At this time, the Administration has prepared and published the abbreviated bidding documentation for the deep storm sewer work with a bid opening time and date of 10:00 A.M. on August 29th, 2013. If the ditch work and final restoration work cannot be completed in a timely manner it will be completed in CY 2014 by Town staff.

The Administration will be finalizing the documentation needed for the borrowing and the bid award for the Board’s consideration at its Wednesday, September 4th, 2013 meeting.

MOTION

Motion made by unanimous consent to direct staff to finalize the documentation needed for the borrowing and the bid award for the Board’s consideration at its Wednesday, September 4th, 2013 meeting.

- H. Discussion/Action: Town Board review and consideration of Change Order #4 for the Town/Fire Hall renovation project.

Attached please find a copy of Change Order #7 for the Town's Town/Fire Hall reconstruction project. The Town's Engineer has reviewed and approved the document. Town staff is doing an exhaustive audit of the project; to date staff has found some small issues with the billing for the project. Since Change Order #4 results in a net deduct to the Contract, the Administration is comfortable recommending that the Board approve Change Order #4. Additionally, at this time the Contract has a retainage of \$71,662.55 which likely exceeds any variances in the documentation. Should the Board agree with the Administration's recommendation, a motion would be in order to approve Change Order #4 for the Town's Town/Fire Hall renovation project.

MOTION

Motion made by unanimous consent to approve Change Order #4 for the Town's Town/Fire Hall renovation project.

- I. Discussion/Action: Town Board review and consideration of the authorization of a Contract for Line Striping the following roads in the Town of Clayton:
- a. Fairview Road from Oakwood Avenue to Pioneer Road.
 - b. Pioneer Road from Fairview Road to Winnegamie Drive.

Attached please find the Request for Bids sent out by Town staff for the above referenced project. Staff is planning on line striping the CY 2012 and 2013 chip sealing projects. The striping will include a center line striping and fog line striping on all of the identified roads. Additionally, both road sections include signalized rail road crossings that will need to be marked. All of the line striping is to be completed to State and Federal standards. Because of the timing of the Board's regular meetings and the delayed schedule for issuing the Request for Bids, the return date for the Bids is Monday, August 19th, 2013. The Administration is calling to confirm that the firms will be able to respond in a timely manner. Based on the responses, the Administration would like to extend the closing date to Friday, August 23rd, 2013. Given limited time available to complete the project and the delay with issuing the Request for Bids, the Administration is respectfully asking the Board to authorize a contract not to exceed the dollar value approved in the Town's CY 2013 Line Striping Budget (\$7,500.00). If the Board accepts the Administration's recommendation, a motion would be in order to authorize a Line Striping Contract to the low bidder at a cost not to exceed the \$7,500.00.

MOTION

Motion made by unanimous consent to authorize a Line Striping Contract to the low bidder at a cost not to exceed the \$7,500.00.

- J. Discussion/Action: Town Board review and consideration of the authorization of a Contract for crack filing the following roads in the Town of Clayton:
- a. Clayton Avenue – from CTH "II" north to Fairview Road.
 - b. Larsen Road – from Oakwood Avenue west to CTH "T".
 - c. Fairview Road – from Pioneer Road to the west Town Line.

Attached please find the Request for Bids sent out by Town staff for the above referenced projects. Staff is planning on crack filling the listed Town Roads in anticipation of chip sealing them in CY 2014 and 2015. As with Fairview Road which was chip sealed in CY 2013, this process is being used to extend the life expectancy of the road surface. Because

of the timing of the Board’s regular meetings and the delayed schedule for issuing the Request for Bids, the return date for the Bids is Monday, August 19th, 2013. The Administration is calling to confirm that the firms will be able to respond in a timely manner. Based on the responses, the Administration would like to extend the closing date to Friday, August 23rd, 2013. Given the limited time available to complete the project and the delay with issuing the Request for Bids, the Administration is respectfully asking the Board to authorize a contract not to exceed the dollar value approved in the Town’s CY 2013 Crack Filling Budget (\$7,500.00). If the Board accepts the Administration’s recommendation, a motion would be in order to authorize a Crack Filling Contract to the low bidder at a cost not to exceed the \$7,500.00.

MOTION

Motion made by unanimous consent to authorize a Crack Filling Contract to the low bidder at a cost not to exceed the \$7,500.00.

- K. Discussion/Recommendation: Town Board review and direction to staff relative to scheduling the Board’s CY 2014 Budget review meetings. The Administration would like to schedule the Board’s budget review hearings for the Town’s CY 2014 Budget. In the past the Board has scheduled 5 budget review hearings. Based on past practice, 4 budget hearings would probably have been sufficient. As in the past, the Administration is recommending that each Budget Hearing cover specific sections of the Draft Budget and be limited to two hours. At the end of the Budget review process the Board will need to schedule the Special Town Electors Meeting to approve the CY 2014 Levy and Transportation Budget. The Administration respectfully asks the Board to be ready to schedule the Town’s CY 2014 Budget Review hearings.
 - Discussed not all meetings being held in the evening
 - (2) evening meetings 7:00pm – 9:00pm, (1) afternoon meeting 2:30pm – 4:30pm, (1) morning meeting 9:30am-11:30am
 - Dates will be emailed to the Board members for approval

- XI. Upcoming Meeting Attendance
 - A. Supervisor Geise will not be at the next Board meeting
 - B. Administrator Johnston has a meeting tomorrow morning about the Breaker Ridge culvert
- XII. Board Member Requests for Future Agenda Items
 - A. None
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 9:45 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant