

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:20 P.M. on Wednesday, October 17<sup>th</sup>, 2012

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

I. Call to Order:

A. Pledge of Allegiance, 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
Town Treasurer Bowen	ABSENT (Excused)
Town Engineer Miller	PRESENT

II. Public Hearing:

- A. No Public Hearings Scheduled.

III. Approval of Minutes:

- A. Town Board Budget Meeting – Tuesday, September 4<sup>th</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Tuesday, September 4<sup>th</sup>, 2012 as presented.

- B. Town Board Budget Meeting – Tuesday, September 18<sup>th</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Tuesday, September 18<sup>th</sup>, 2012 as presented.

- C. Town Board Budget Meeting – Tuesday, October 9<sup>th</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Tuesday, October 9<sup>th</sup>, 2012 as presented.

- D. Regular Town Board Meeting – Wednesday, October 3<sup>rd</sup>, 2012

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Meeting for Wednesday, October 3<sup>rd</sup>, 2012 as presented.

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

- A. Peggy Larson, 221 N. 10<sup>th</sup> Ave, Winneconne, WI 54986
- Discussed the Winneconne School District Referendum to repair the Elementary School
  - Total cost of the project are asking to borrow is \$4.7 million dollars
  - Cost to the Taxpayers until 2016 will be \$0.16 per thousand and after 2016 the taxpayers will see a drop in their taxes by approximately \$0.63 per thousand.
  - Presented the Town Board with the Winneconne Community News Letter

## V. Correspondence:

- A. Final CY 2012 Population Estimate for the Town of Clayton.
- Population estimation is 3,974 with 2,940 being of voting age
- B. CY 2013 General Transportation Aids Calculation Form.
- The CY 2013 General Transportation Aids will \$155,832.00
- C. Larsen/Winchester Joint Fire Board CY 2013 Budget distribution.
- Total budget is \$161,014.00 with Town of Clayton's percentage of the Fire Board budget being 76.51%. The amount the Town of Clayton will be responsible for is \$122,503.22 (the calculated number is slightly off – the Town of Clayton's portion calculates at \$123,191.82 using the numbers provided)
- D. Winnebago County Solid Waste 2012 Recycling Tonnage Report
- Town of Vinland is in first place relative to the recycling pounds per person
  - Town of Clayton is in fourth place

## 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. Chief Mathison present
  2. Since the last attended meeting there has been 1 grass fire, 1 structure fire, 1 automatic aid called to the Town of Vinland, 1 natural gas leak, 1 farm machinery fire, 1 vehicle accident, 1 vehicle fire, and a call to Rosendale Dairy for a mabas (mutual aid box alarm system) call for a tender.
  3. Total of 80 calls this year to date
  4. Discussed meeting attendance
- D. Larsen Winchester Sanitary District
1. Administrator Johnston updated the Board on the Larsen Winchester Sanitary District
  2. The Sanitary District Board met and rescinded their earlier motion to move the billing function to the Town of Clayton
- E. Administration Comments
1. Administrator/Clerk
    - a. Discussed the Hidden Park project relative to the rainy weather the past week
    - b. Currently finishing the Sunburst project
    - c. Authorized weekend overtime for the Public Works Department to relay the pipe in Hidden Park
    - d. Workman's compensation rating is currently .96
    - e. High Point Estates notice of claim as a result of the paving assessment
    - f. New garbage/recycling pick-up procedure as described to the Town Staff by Veolia

2. Public Works Foreman:
    - a. No Report
  3. Treasurer/Deputy Clerk:
    - a. No Report
  4. Engineer:
    - a. Engineer Miller provided the Town Board with an Engineering Report
    - b. Assisting Mr. Pamenter with the Sunburst project and the Hidden Park project
    - c. Those projects to be finished in the next week or so
    - d. Oak Openings and Oakcrest projects: working with the Utilities to provide information for utility relocations for next year
  5. Town Board:
    - a. No Report
- VII. Licenses and Permits:
- A. Discussion/Action: Consideration and approval of Operator Licenses:
    1. New:
      - a. Nathaniel C. Flauger
      - b. Dionne M. Maggio
      - c. Cory A. Wedemeier
    2. Renewal:
      - a. No Renewal Licenses Issued.
- VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:
- A. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) for Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3905 CTR II Unit 21, Larsen, WI 54947 for property located at 3919 CTR II, Larsen, WI 54947 and 3911 CTR II, Larsen WI 54947, specifically described as Tax ID # 006-0566, and 006-0561 being All of Lots 1 and 2 of Certified Survey Map No. 3996, located in the northeast ¼ of the northwest ¼ and the southeast ¼ of the northwest ¼ of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 

Motion by: Commissioner Adler  
 Second by: Commissioner Hamblin  
 Motion: The Commission recommended approval of the proposed CSM subject to the following conditions:

    - Re-zoning Lot 1 of the proposed CSM from A-2 (GENERAL FARMING DISTRICT) to R-1(RURAL RESIDENTIAL DISTRICT).
    - Including a statement on the face of the CSM that indicates that Lot 4 is not buildable until it has the requisite frontage on a Public Road.
    - Consolidation of the access points of the site as identified on the proposed CSM and as required by the County Highway Commissioner.
    - No additional subdivision of the site will be approved until such time as a Town Road is constructed on the site.
    - Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Vote: Unanimously approved.

    - Chairman Luebke recuses from the discussion
    - Plan Commission Chairman Knapinski reviewed the Plan Commission recommendations.
    - Discussed the changes to the land use map

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion made to approve the recommendation of the Certified Survey Map (CSM) for Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3905 CTR II Unit 21, Larsen, WI 54947 for property located at 3919 CTR II, Larsen, WI 54947 and 3911 CTR II, Larsen WI 54947, specifically described as Tax ID # 006-0566, and 006-0561 being All of Lots 1 and 2 of Certified Survey Map No. 3996, located in the northeast ¼ of the northwest ¼ and the southeast ¼ of the northwest ¼ of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

**ROLL CALL VOTE:**

Supervisor Lettau                    AYE

Supervisor Grundman                AYE

Supervisor Schmidt                  AYE

Supervisor Geise                    AYE

Motion carries by unanimous voice vote.

B. Plan Commission recommendation to the Board on an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton.

At the Administration’s request the Commission tabled the item so that the Board could clarify its Plan Commission enabling Ordinance and refer the issue back to the Plan Commission

**NO MOTION**

C. Plan Commission recommendation to the Board on the proposed revisions to the Town’s Access Ordinance.

Following a brief review of the Draft Ordinance, the Administration requested and the Chair agreed to refer the Item to the Commission’s January Meeting.

**NO MOTION**

D. Plan Commission review and consideration of a Draft Town of Clayton Zoning Code of Ordinances.

The Commission reviewed Sections 7, 9, 12, and parts of Section 13 of the Draft Ordinance and made recommendations to staff on what should be incorporated into the Town Draft Zoning Ordinance. Town Planner, Jon Bartz (Jon) will be making the requested changes to the Draft Ordinance and providing a revised document to the Commission at a later date. The Commission also scheduled a Special Meeting for 7:00 P.M. on Wednesday, October 24<sup>th</sup>, 2012. At that meeting the Commission will be reviewing and comparing Division 15 of Article 7, and Articles 9 and 12 with the Town’s existing Ordinance in order to create a blended article that contains the best of both documents.

Jon also provided the Commission members with material that will be used in later meetings (see attached).

**NO MOTION**

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

A. No Referrals.

X. Business:

A. Discussion/Action: Town Board review and consideration of any recommended revisions or adjustments to the Town’s Draft CY 2013 Operating Budget including setting the Fee for the Town’s Strom Water Management Utility.

Attached please find a copy of a revised but still balanced Draft CY 2013 Town Budget. The significant changes that still need to be made from the previous drafts are highlighted in yellow on the document. Additionally, the Administration made the changes that were approved at the Board's Tuesday, October 9<sup>th</sup>, 2012 Budget Hearing.

The Administration is recommending the following changes to the highlighted sections of the Draft CY 2013 Budget:

1. The Board will need to set the Fee for the Town's Storm Water Management Utility. The Administration is recommending that the fee not exceed \$60.00 per ERU or a total of \$171,258.00 in revenue prior to potential Commercial/Industrial Credits.
  - Discussed the handouts given to the Town Board
  - Discussed the total revenue relative to the potential Commercial/Industrial Credits being set
  - Discussed the total revenue for the first year relating to the Town's residents in the Larsen Drainage District
  - Discussed the Town's residents opting out of the Larsen Drainage District

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion made to approve setting the Storm Water Management Utility Fee at \$60.00 per ERU and allow the residents in the Larsen Drainage District to be exempt from the Storm Water Management Utility fee for the first year.

Motion carried by unanimous voice vote.

2. The other significant item the Board will need to deal with is the Town's CY 2013 Capital Construction Budget. The Town has routinely placed \$250,000.00 in its Capital Road Reconstruction Budget. The Engineer's estimate for the Town's CY 2013 Capital Construction projects is \$885,000.00. Funding for the shortfall will need to come from the Town's CY 2012 General Fund Borrowing activities. The Board will be able to use this funding source for the next year or two and then it will have fully utilized the funds it borrowed in CY 2012.

A motion would be in order to set the Storm Water Management Utility Fee at \$XXXXX and to direct the Administration to fund the shortfall in the Town's CY 2013 Capital Construction projects from the proceeds of the Town's CY 2012 General Fund Borrowing activities.

- Discussed the transfer of funds for the CY 2013 Capital projects – Ridgeway and Braun Court
- Discussed the funding relative to the borrowing and the Capital Road Reconstruction Budget
- Discussed the Capital Construction plan for the next 5 years

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion made to direct the Administration to fund the shortfall in the Town's CY 2013 Capital Construction projects from the proceeds of the Town's CY 2012 General Fund Borrowing activities.

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board referral to the Plan Commission of an Official Map Amendment Application for the east/west connection of Sections 35 and 36 in the Town of Clayton.

Attached please find copies of the material related to a proposed Official Map Amendment Application. This Official Map Amendment Application was originally referred to the Plan Commission by the Administration. However, as a result of a discussion with Town Planner, Jonathan Bartz (Jon), a procedural question has arisen. Our discussion involved the Statutory requirement that the Board refer the item to the Plan Commission, I believe that the Town's Plan Commission Ordinance (see attached copy) refers the item to the Plan Commission by inference. Specifically, Section 17 of the Town's Plan Commission Ordinance reads as follows:

“Section 17 (1) Required referrals under sec 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:”

“(g) the amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats, including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats, and a Town official map.”

The Administration interprets this to mean that, based on the Board's approval of the Ordinance, any of the listed actions should be taken directly to the Plan Commission for its referral. In order to maintain consistency in the process the Administration is respectfully asking the Board for its interpretation of Section 17 of the Ordinance. If the Board agrees with the Administration's interpretation, staff will proceed with direct referrals to the Plan Commission; if the Board does not agree, the Administration will bring each item to the Board for its referral to the Plan Commission. Please be advised that neither interpretation is right nor wrong; the difference is simply an issue of expediency for staff. In this case a motion to refer the Official Map Amendment Application to the Plan Commission would be in order. Additionally, the Administration respectfully asks the Board for clarification on its interpretation of the Ordinance.

- Discussed the interpretation of the Ordinance

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion made to refer the Official Map Amendment Application to the Plan Commission.

Motion carried by unanimous voice vote.

- The Administrator asked for clarification by the Town Board

C. Discussion/Action: Town Board review and consideration of a County E911 Users Joint Powers Agreement with Winnebago County.

Attached please find a copy of correspondence from Winnebago County Sheriff, John F. Matz. Also attached is a copy of the renewal Resolution for the Town's participation in the Winnebago County 911 Emergency System. The Joint Powers Agreement required under Wisconsin Statutes 146.70 essentially sets system protocols and requires that an emergency vehicle dispatched by the County 911 System render service even if it is outside its jurisdiction. A motion to authorize the Town Chair and the Town Clerk to sign the Winnebago County 911 Emergency System, Joint Powers Agreement would be in order.

**MOTION:**

Motion made by unanimous consent to authorize the Town Chair and the Town Clerk to sign the Winnebago County 911 Emergency System, Joint Powers Agreement.

- D. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with the Town's Engineer for 4-Lot Certified Survey Map of the Town Office Complex and the parcels south of the Town Office Complex.

Attached please find a copy of an Agreement for Professional Services from the Town's Engineer for completing a Certified Survey Map (CSM) of the Elmer and associated properties at a cost of \$4,800.00. Staff has finalized the property layouts and now needs to proceed with creating the lots so that they can be transferred to their respective owners. The Administration is recommending that the funding for the project come from the Solid Waste and Recycling Utility. If the Board approves the project, staff will confirm that there are agreements in principal with the property owners before authorizing the Surveyor to proceed with the survey and CSM approval process. Once the CSM is approved by the Town and the County, the property transfers can be completed. During the CSM approval period the Board will need to decide on how the Elmer house is to be disposed of and to approve the demolition of the old bar. If the Board agrees with moving forward with the project as recommended, a motion would be in order to approve the Agreement for Professional Services for a 4-Lot Certified Survey Map at a cost not to exceed \$4,800.00 with funding for the project to come from the Town's CY 2012 Solid Waste and Recycling Utility Budget, Roadside Pickup, Contingency Line Item.

- Discussed the procedure for completing a Certified Survey Map (CSM)

**MOTION:**

Motion made by unanimous consent to approve the Agreement for Professional Services for a 4-Lot Certified Survey Map at a cost not to exceed \$4,800.00 with funding for the project to come from the Town's CY 2012 Solid Waste and Recycling Utility Budget, Roadside Pickup, Contingency Line Item.

- E. Discussion/Recommendation: Town Board review and consideration for the following Change Orders for the Town/Fire Hall construction project:

- a. Town Staff – change from asphalt aprons to concrete aprons in front of the four Fire Department Bays

Attached please find a copy of the proposed Change Order. The Administration is of the opinion that, in the long run, the Town would be better served by having concrete approaches to the fire bays. Concrete will provide a more stable and durable approach surface and a better place for the Volunteers to work on the equipment. The cost of the change order is \$7,326.00 with a credit of \$2,255.00 for a total cost of \$5,071.00. Staff has reduced the cost of the change order by using Town equipment to saw cut, remove the existing pavement, and bring the sub grade to within 1' +/- . Should the Board agree with the Administration's recommendation, a motion would be in order to approve the proposed Change Order at a cost not to exceed \$5,071.00.

- Discussed the need for the concrete aprons
- Discussed the Public Works department preparing the apron

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to approve the proposed Change Order consisting of changing the material of the apron from asphalt to concrete in front of the four (4) Fire Department bays at a cost not to exceed \$5,071.00.

Motion carried by unanimous voice vote.

- b. Town Staff – change from laminated lockers for Department turnout gear to ventilated fabricated metal lockers.

Attached please find a Change Order for the lockers for the Department's turnout gear. The Administration is recommending replacing the laminate lockers with suspended fabricated metal lockers. The proposed lockers offer better ventilation for storage of equipment that is likely to be wet when it is put away. Additionally, the proposed Change Order should result in little or no cost to the Town since, on a per unit basis, the cost the metal lockers is less than the laminated units. The proposed Change Order is being processed; therefore, the Administration is recommending that the Board authorize the Chair to sign the Change Order as long as it is cost neutral to the Town.

- Discussed the cost of the laminate vs. the metal lockers

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion made to approve to change from the laminated lockers for the Fire Department's turnout gear to the ventilated fabricated metal lockers as long as it is cost neutral to the Town.

Motion carried by unanimous voice vote.

- c. HVAC Contractor – change the heating units in the Board Room from salvaged units to new heat exchangers and covers.

The Administration has still not received the Change Order documents, should they be available by Wednesday, October 17<sup>th</sup>, 2012 they will be given to the Board at its meeting. If the documents are still not available the Board should table the item until the Change Order documents are given to staff. Please be advised that the Administration has cautioned the HVAC Contractor that time is of the essence.

**TABLED UNTIL NEXT TOWN BOARD MEETING**

- F. Discussion/Recommendation: Town Board review and consideration of setting a date and Draft Agenda for the Town's CY 2013 Budget Public Hearing and the Town's Special Electors Meeting to approve the CY 2013 Levy and the CY 2013 Town Transportation Budget.

In order to proceed with setting the Town's CY 2013 Budget, Levy and Taxes the Town's Electors need to approve the CY 2013 Levy, and Transportation Budget. The Administration is recommending that the Board schedule the required Public Hearing and Special Town Elector's Meeting for Wednesday, November 7<sup>th</sup>, 2012, this is the same date as the Board's regular meeting which will follow the Public Hearing and Special Meeting of the Town's Electors. Attached please find a draft Agenda for the required Public Hearing and Special Meeting of the Town's Electors. The Agenda is subject to change until it is posted and the Class 2 Notice of the Public Hearing is published in the paper of record (Post Crescent). In addition to the required Elector approval items the Draft Agenda also includes several housekeeping issues related to the approval Town's Zoning Code of Ordinances, the Storm Water Management Utility Ordinance and the application for an Official Map Amendment in the southeast corner of the Town. . If the Board would like to add items to the Draft Agenda at its meeting staff will make those changes, if there

are any additions after the meeting they can be added by the Chair as long as it is before the meeting notice has been published and posted.

- Discussed the time and date for the Public Hearing and Special Meeting of the Town's Electors
- Discussed the CY 2013 Budget Summary and the numbers that will change based on the actions taken by the Town Board earlier this evening.
- Discussed the procedure for posting the Public Hearing and Special Meeting of the Town's Electors
- Discussed the Drifter's Snowmobile Club's desire to build a building on the Town's property similar to the Lion's Club building with a 99-year lease
- Discussed the Staff's desire to place the proposal of the Drifter's on the agenda for the Special Meeting of the Town's Electors

**No Motion** – Town Board agreed to the time and the date of the Public Hearing to be at 7:00 p.m. on Wednesday, November 7<sup>th</sup>, 2012.

- XI. Upcoming Meeting Attendance
  - A.
- XII. Board Member Requests for Future Agenda Items
  - A.
- XIII. Review of Disbursements
  - A. No Disbursements
- XIV. Adjournment – 8:20 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,  
Tori Bowen, Treasurer/Deputy Clerk