

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

8:48 P.M. – 9:34 P.M. on Wednesday, November 07th, 2012

Town Office Meeting Room, 8358 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 8:48 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	PRESENT
Town Engineer Miller	PRESENT

II. Public Hearing:

- A. No Public Hearings Scheduled.

III. Approval of Minutes:

- A. Regular Town Board Meeting – Wednesday, October 17th, 2012

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Budget Meeting for Wednesday, October 17th, 2012 as presented.

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

- No Open Forum

V. Correspondence:

- A. September issue of the DNR's Recycling News.

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

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- C. Clayton-Winchester Fire Department
1. Firefighter Nick Seelow present
 2. 84 calls for the year
 3. Since November 1st there have been 4 calls
 4. Met with Greenville Fire Department on Monday
 5. The Clayton Winchester Fire Department will be covering more area to the North for automatic aid
 6. Practicing 14/10 drills for training
 7. Flash over simulator coming to Greenville for training
 8. Discussed the procedures being implemented for Fire Fighter accountability
 9. Discussed the Rosendale Dairy fire call – Clayton/Winchester firefighters were called – length of call: 9:30 p.m. – 9:00 a.m.
- D. Larsen Winchester Sanitary District
1. Mike Pfankuch present
 2. The Sanitary District met on October 16th – officially rescinded September meeting decision to allow TOC to manage billing
 3. Apology to the Town Board and Town Staff
 4. Discussed the possibility of TOC taking over billing in January 2013
 5. Hired a contractor and will be working on the pipes in Larsen next spring – April/May
 6. Updated the Board on the status of the Sanitary District's operating permit
 7. Discussed implementing the requirement of all new construction to install an on-demand water softener – in place by March 2012
 8. Discussed the billing for the Elmer property – Plant manager will be meeting with the Town Staff to correct the issue
 9. Discussed the Sanitary District Levy for 2012 Taxes – dropped the levy by \$0.90 from \$2.65 to \$1.75
 10. Discussed the system plug-ups – found woven rags used for cleaning
- E. Administration Comments
1. Administrator/Clerk
 - a. Getting ready to move in next door
 - b. Trying to tie up all the loose ends
 2. Public Works Foreman:
 - a. No Report
 3. Treasurer/Deputy Clerk:
 - a. Election day – 100 new voter registrations
 - b. 81% voter turn-out: 2918 eligible voters in the SVRS system – 2341 votes
 - c. Approximately 1600 absentees and early voting
 - d. Major complaint was the lines were too long – too long of a wait to vote
 - e. Next week we will be loading the new Fund Accounting Software and will begin training
 - f. Discussed the procedure for processing absentee ballots during the Election day
 4. Engineer:
 - a. Engineer Miller provided the Town Board with an Engineering Report
 - b. Working on Sunburst project now
 - c. Engineering report includes the CY 2013 list of projects
 5. Town Board:
 - a. Supervisor Geise will not be attending the November 21st meeting due to deer hunting

- b. Chairman Luebke discussed the move to the new office – do we close the office?
- c. Discussed options for closing the office – put on agenda for next meeting
- d. Supervisor Schmidt discussed the moving of the computer system and terminating the lines – the electrician has a computer tech subcontractor coming in

VII. Licenses and Permits:

A. Discussion/Action: Consideration and approval of Operator Licenses:

- 1. New:
 - a. No New Licenses Issued.
- 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 an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton. Fox Valley Asphalt is proceeding with the development of their small industrial/commercial development off of STH 76. Specifically, they are proceeding with the original development that was approved by the Town; however, the roads will be constructed to the new minimum standards adopted by the Town. The development as proposed differs from the Town's Official Map and therefore the Official Map will need to be amended. The City of Neenah is electing to enforce its extraterritorial jurisdiction over the Map Amendment process. As a result of the City's position, staff has submitted the Map Amendment to the City and reflected their design in what is being submitted to the Plan Commission and the Board. The changes as proposed are minimal and should not impact any future development in the area. After a brief discussion on the proposed Official Map Amendment and the related Public Improvements Project the following motion was made:

Motion by: Commissioner Adler

Second by: Commissioner Schmidt

Motion: To approve the Official Map Amendment for the east/west connection of Sections 35 and

36 in the Town of Clayton as presented.

Vote: Unanimously approved.

NO MOTION

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

The Committee reviewed and compared the Town's existing Site Plan, Sign, and Parking Ordinances to the ones in the County's Ordinances and directed the Planner to make certain changes and present the documents to the Committee for its review. Additionally, the Committee scheduled a Special Meeting for Wednesday, November 28th, 2012.

NO MOTION

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

- A. Staff report on the Green Space Committee discussion and general direction to staff relative to the Committee's plans for the Town's Parks.

The Committee talked in general terms about the improvements it would like to see completed in the Town's Parks and Trails over the next few years, the improvements it

would like to see in the Park facilities, etc. Additionally, the Committee talked about some of the concerns it has relative to the use of the Parks and Trails.

NO MOTION

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton.

Please refer to the Public Hearing material for a copy of Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton. The purpose of the Ordinance and related Utility is to generate the funds needed to repair and maintain the Town's Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds). Staff will be available to answer any questions the Board or the public may have relative to this Resolution and/or the draft Storm Water Management Utility Ordinance. The Administration would like to remind the Board that it has indicated that it would exempt the properties in the Larsen/Winchester Drainage District from the ERU Fee for CY 2013 to give the property owners the opportunity to petition for removal from the District in CY 2013. If the Board is comfortable with the Draft Ordinance and the implementation process, a motion with a Roll Call Vote would be in order to approve Resolution # 2012-016 Creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to become effective with the Publication of the Ordinance.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to approve Resolution # 2012-016, a resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to become effective with the Publication of the Ordinance.

ROLL CALL VOTE:

Supervisor Lettau AYE

Supervisor Grundman AYE

Chairman Luebke AYE

Supervisor Schmidt AYE

Supervisor Geise AYE

Motion carried by unanimous voice vote.

- Supervisor Lettau pointed out in the draft the errors in the undeveloped land
- Discussed the process of how Staff will be applying the Stormwater Management Fee

- B. Discussion/Action: Town Board review and consideration of Resolution 2012-017 A Resolution adopting the Town Tax Levy and Transportation Budget as set by the Town Electors at a Special Meeting of the Town Electors and the Town's CY 2013 Budget as presented by the Town Board.

Attached please find a copy of Resolution 2012-017. The numbers and the vote from the Electors Meeting will be filled in by the Clerk following the Electors Meeting. The Board will then approve the attached Resolution to comply with the Town Electors Vote and set the Town's CY 2013 Budget as presented by the Town Board. This Resolution should be voted on by a Roll Call Vote.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion made to approve the Resolution 2012-017 A Resolution adopting the Town Tax Levy and Transportation Budget with the Transportation Budget of \$1,144,612.15 set by the Town Electors at a Special Meeting of the Town Electors and the Town's CY 2013 Budget as presented by the Town Board.

Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion made to approve the Resolution 2012-017 A Resolution adopting the Town Tax Levy for CY 2013 at \$1,143,498.00.

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of Resolution 2012-018 A Resolution adopting an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton.

Attached please find a copy of Resolution 2012-018 A Resolution adopting an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton, also attached is a map identifying the proposed east/west connector and the legal description of the proposed road. The City of Neenah has approved and the Town's Plan Commission has recommended approval of the proposed Official Map Amendment Application. The Official Map Amendment is needed to construct the Public Improvements proposed by S & B Enterprises LLC (Fox Valley Asphalt). If the Board agrees with the proposed Official Map Amendment as presented a motion would be in order to approve Resolution 2012-018 A Resolution adopting an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton, additionally, the motion should direct staff to print a revised Official Map for publication.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion made to approve Resolution 2012-018 A Resolution adopting an Official Map Amendment for the east/west connection of Sections 35 and 36 in the Town of Clayton.

Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of the purchase of a new telephone system for the Town/Fire Hall building.

Attached, please find a proposal from CenturyLink, the local telephone service provider, for a new telephone system for the Town/Fire Hall building. Rather than transfer the existing telephone system staff would like to purchase a new system from a local service provider; this will allow the service provider to support the system instead of a third party. Based on the Administration's experience, the cost of moving the existing system would probably cover approximately half of the cost of a new system. Specifically, the service provider will bring the line to the building, the electrician will run the lines in the building and the third party telephone system provider will connect the two at a terminal panel. The Administration is proposing to have five lines serving the following:

- 1) Three Lines to the Office serving the following positions.
 - a) Administrator/Clerk

- b) Treasurer
- c) Public Works Office
- d) Administrative Assistant
- e) Service Counter
- 2) One dedicated Fax Line serving the following:
 - a) Fax Machine
 - b) Election Communication
- 3) One line for the Fire Department serving the following
 - a) Chief's Office
 - b) Training Room

The system, as proposed, would have voice mail and night functions similar to the existing system. The cost of the proposed system is \$4,243.73 including installation and training on the system. Funding for the project will come from the Town's CY 2012 Capital Expenses, Unclassified Line Item. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the purchase of a telephone system at a cost not to exceed \$4,243.73 with the funding to come from Town's CY 2012 Capital Expenses, Unclassified Line Item.

- Administrator Johnston discussed current phone system vs. new phone system

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to approve order to approve the purchase of a telephone system at a cost not to exceed \$4,243.73.

- The poll will be moved for about \$2,000.00 reduced from \$13,000.00
- Fire Impact Fees will be utilized

Motion carried by unanimous voice vote.

- E. Discussion/Recommendation: Town Board review and consideration of a Public Infrastructure Agreement for the Fox Valley Drive Development 7526 State Road 76 (S&B Enterprises LLC).

Prior to my tenure as Administrator, the Town's Plan Commission and the Town Board approved a Development for S&B Enterprises LLC (Fox Valley Asphalt) located at 7526 State Road 76. As a result of a legally binding agreement between partners the project will now need to be completed. In order to simplify the process the Administration has recognized the Board's prior approval; however, it is requiring that the project be constructed to the Town's new Minimum Road Standards Ordinance. The Town's Engineer, in consultation with staff, has prepared the attached Public Infrastructure Improvement Agreement (Agreement) which, if approved by the Board, will be recorded with the County Register of Deeds. The Agreement is used to establish the Developer's design and cost estimates for the project so that the escrow amounts can be determined and provided to the Town. The required escrow is \$486,620.05. The escrow dollars will need to be provided to the Town prior to starting any engineering and/or construction work on the project. The Administration has been advised that the Developer would like to not build the southern extension of the interior road until its use is required. The Administration has no real problem with this request if the recorded documentation clearly allows the Town to decide when the road is built and who pays for the project. Specifically, the Town should control when the road is built so that it can satisfy its needs

and the Developer and/or their assigns should be legally obligated to pay for the project on their property. As part of Agenda Item X – C the Board has considered an Amendment to the Town’s Official Map. Approval of the Official Map Amendment is required so that the proposed project can comply with State Statutes and the City of Neenah’s Extraterritorial Jurisdiction. If the Board is comfortable with the project as proposed, a motion would be in order to approve the Public Infrastructure Agreement subject to review by the Town’s Attorney and the delivery of the required escrow funding to the Town’s Treasurer. If approved, the project will be bid with the Town’s CY 2013 Capital Construction Projects for construction during the summer of CY 2013.

- Discussed the escrow funds
- Escrow funds will cover Engineering and bidding costs
- Discussed the bidding process – attaching the Town’s Capital Projects to this bid
- Project for road going East of Hwy 76 past Fox Valley Asphalt

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion made to approve the Public Infrastructure Agreement subject to review by the Town’s Attorney and the delivery of the required escrow funding to the Town’s Treasurer.

- Discussed the retention pond on the Fox Valley Asphalt’s property

Motion carried by unanimous voice vote.

- XI. Upcoming Meeting Attendance
 - A. No Meetings listed
- XII. Board Member Requests for Future Agenda Items
 - A. No requests made
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 9:34 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Tori Bowen, Treasurer/Deputy Clerk