

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, April 6th, 2016

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Geise 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 Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s):

- A. No Public Hearings and/or Public Information Meetings.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, March 16th, 2016.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, March 16th, 2016.

IV. Open Forum – Town-related Matters not on the Agenda: No Request to Speak.

V. Correspondence:

- A. Copy of correspondence from the Winnebago County Zoning Department.
- B. Copy of the Purchase of Grand Chute-Menasha West Wastewater Treatment Facility Capacity.
 - Tabled by the Grand-Chute Menasha West Wastewater Treatment Facility.
- C. Wisconsin Town's Association informational memorandum on Implements of Animal Husbandry.

- D. Larsen Winchester Sanitary District Annual Report for the year ending on December 31st, 2015.
- E. Photographs of a nuisance complaint at 2928 CTH “II” east of STH “76”.
 - Unregistered vehicles and wood does not violate the Town of Clayton code. Burt Drews pointed out that east should be west of STH “76”.
- F. Copy of the March Building Inspection Report.
 - The amounts of the permit fees were reviewed.
- G. Fox Cities Regional Partnership informational memorandum.
- H. East Central Regional Planning Commission Public Meeting Notice, Appleton Transportation Management Area (TMA) Transportation Policy Advisory Committee.
- I. Clayton Fire Rescue April 2016 newsletter presented.
- J. Winneconne Area Community Foundation. Holding Whistle Stop community awareness event on Sunday, May 15th from 11:00 a.m. to 1:00 p.m. at Marble Park.
- K. Winnebago County violations reviewed. Supervisor Lettau asked who checks on violations. Winnebago County land/water and Wisconsin DNR. 1st Notice of Violation given at this time.
- L. Wisconsin Rural partners seminar April 20th and 21st for Revitalization in Carter, WI.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - Deputy Johnson present, no report.
- C. Clayton Fire Rescue / First Responder
 - Chief Rieckmann not present.
 - Cindy Pfankuch present. Reviewed procedure for averaging calls. Reviewed total calls which were a total of 15 which had 10 for Clayton and 5 for Winchester. Average response time is 8.3 minutes and 24.5 minutes on scene. Chair Geise asked how Clayton Fire Rescue was working. Cindy Pfankuch responded well.
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Miller discussed the pre-construction meeting review.
 - Administrator Johnston stated that the Town of Menasha referendum to change their name to the Village of Fox Crossing was successful.
 - Reviewed remaking ballots and Sharpie pen bleeding through double-sided ballots.
 - There were a total of 1,740 voters which will also be reviewed.
 - Treasurer Straw gave a report on her current workload duties
 - Chair Geise discussed the Post Crescent article regarding passing of the Village of Fox Crossing name change. He updated the Town Board on this issue.

 - Resident Mark E. Luebke, 3929 County Rd II, Larsen, WI was the Town Chair until April of 2015. Back then the Menasha Town Chair contacted him regarding the newspaper article in January of 2015.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Jordan Adrians
 - ii. Charlotte Johnson

- B. Renewal:
 - i. No renewal operators licenses

VIII. Business referred by the Plan Commission:

Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):

- A. No Referrals.

IX. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):

- A. No Referrals.

X. Business:

- A. Discussion/Action: Second reading and Town Board review and consideration of Ordinance 2016-001 An Ordinance Establishing a Minimum Housing Elevation (elevation of the lowest opening in the structure) for the Town of Clayton.

Attached please find a draft copy of Ordinance 2016-001; the Ordinance requires that the lowest opening or the garage floor of any new home constructed in the Town have a minimum elevation that is 18 inches above the crown of the Town Road used to access the property. The draft Ordinance language has an opt-out clause requiring that the builder provide a site specific drainage plan signed by a registered engineer at the time of applying for a building permit. The Board is scheduled to hold a second reading and consideration of the Draft Ordinance at its Wednesday, April 6th, 2016 meeting. If the Board agrees with the Draft Ordinance language, a motion would be in order to approve Ordinance 2016-001 by roll call vote and to direct staff publish the Ordinance as required.

- Chair Geise opted out on the reading of the ordinance.
- Reviewed the ordinance context.
- Reviewed reason for the ordinance.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Reif

Motion: Motion that we accept Resolution 2016-001.

Vote: Motion carried by a unanimous roll call vote.

Chair requested roll call vote:

Supervisor Lettau: Aye

Supervisor Grundman: Aye

Chair Geise: Aye

Supervisor Reif: Aye

Supervisor Schmidt: Aye

- B. Discussion/Action: Town Board review and consideration of the appointment of a Town Board representative to the County's Farmland Preservation Plan Update Project.

Attached please find a copy of a Memorandum from Brian O’Rourke, Associate Planner with the Winnebago County Planning and Zoning Department. The County is starting the process of updating the County Farmland Preservation Plan and is asking the Board to appoint a representative to the Farmland Preservation Update Committee. Once the Board agrees and a Town of Clayton representative to the County’s Committee is chosen a motion would be in order to nominate that individual to the County’s Committee and to direct staff to advise Mr. O’Rourke of the appointment and to provide him with the contact information for the appointee.

- Appoint Supervisor Lettau per unanimous consent.

C. Discussion/Action: Town Board review and consideration of a Developer’s Agreement with Rolling Meadows LLC for updating the design engineering and bidding for the construction of the public infrastructure in the Plat of Rolling Meadows.

Attached please find a draft copy of the Developer’s Agreement for the engineering and bidding for the Rolling Meadows Public Infrastructure Development Project; also attached is a memorandum from the Town’s Engineer outlining the breakdown of the engineering costs. The Engineering Services proposal for updating the engineering for the project and bidding the project is \$3,085.00. The way the Developer’s Agreement is drafted the Developer has the option of rolling the Bidding Engineering costs into the Special Assessment for the construction of the project. If the Developer does not proceed with the project the costs (\$3,085.00) for the Bidding and Engineering are due and payable within 30 days of the notice that the Developer has opted out of the award of the project to the low bid. The Developer has indicated that he would like to proceed with updating the engineering and bidding for the project. If the Board is comfortable with how the Developer’s Agreement is drafted and the option of rolling the costs of updating the engineering and the costs of bidding the project into the Special Assessment for the a motion would be in order to approve the Developer’s Agreement with Rolling Meadows LLC and to direct staff to proceed with updating the engineering and bidding the project.

- Correction from “Rolling Meadows” to “Whispering Meadows.”
- Discussed the draft agreement.
- Verify Class II notice requirements.
- Discussed total cost of project.
- Discussed the number of requests for the same process.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve Whispering Meadows LLC and direct staff to follow the recommendations. the Certified Survey Map (CSM) of Mark and Laura Luebke and Rosanne Keller for properties located at 3919 and 3929 County Rd II, Larsen, WI as described in VIII (A).

Vote: Carried by unanimous consent.

- Mr. Luebke asked regarding the name/minor changes in the name.

D. Discussion/Action: Town Board review and consideration of Resolution 2016-003 a Resolution approving the Town’s withdrawal from the Local Government Property Insurance Fund.

Attached please find a draft copy of Resolution 2016-003 a Resolution approving the Town's withdrawal from the Local Government Property Insurance Fund. The Administration and the Town's Insurance Advisor, Michelle D. Strauss, Sr. Account Manager/Risk Advisory Solutions from The Horton Group (Michelle) are recommending that the Town withdraw from the Local Government Property Insurance Fund based on significant increases in the premium costs and Legislative actions changing the nature of the Local Government Property Insurance Fund program. Other than costs, the most significant change that is being proposed is removing the State as the backstop for the program. Please be advised that the next agenda items will provide more clarification on the Town's insurance process and the costs of maintaining the quality of the Town's insurance coverage. Michelle will be in attendance at the Board's meeting to review, explain, and clarify these insurance issues with the Board.

- Discussed withdrawing from the LGPI fund due to State of Wisconsin not backing the LGPI fund.
- Michelle Strauss from the Horton Group reviewed the proposed policy pros and cons.
- She also reviewed the proposed policy changes of equipment the Town of Clayton has.
- Discussed replacement value of Public Works equipment as well as the replacement value of Public Works equipment as insured now. Discussed date as of mid April 2017.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: To approve Resolution 2016-003 a Resolution approving the Town's withdrawal from the Local Government Property Insurance Fund.

Vote: Motion carried by a unanimous roll call vote.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Reif: Aye

Supervisor Grundman: Aye

Chair Geise: Aye

Supervisor Lettau: Aye

- E. Discussion/Action: Town Board review and consideration of a Property and Casualty Insurance Proposal to replace the Town's Policy with the Local Government Property Insurance Program presented by the Horton Group Inc.

The Administration and the Town's Insurance Advisor, Michelle D. Strauss, Sr. Account Manager/Risk Advisory Solutions from The Horton Group (Michelle) have recommended that the Town withdraw from the Local Government Property Insurance Fund based on significant increases in the premium costs and Legislative actions changing the nature of the Local Government Property Insurance Fund program. Attached please find copies of Insurance quotes from the Local Government Property Insurance Fund (\$7,890.00) and Glatfelter Public Practice (\$5,556.00). Both of the policies provided are based on insuring the same property so they are comparable. The significant difference between the policies is that Local Government Property Insurance Fund has a replacement value on vehicles and the Glatfelter Public Practice policy replaces vehicles at a depreciated value. This difference becomes negligible if the Town has a properly funded Capital Replacement Account. There are two additional issues that need to be discussed: the first is that the policies, as presented, do not cover the firefighting apparatus owned

by the Town; the second is that the Glatfelter Public Practice policy insures firefighting apparatus at an agreed upon value. Specifically, a replacement value will be established for the firefighting apparatus and the Insurance Policy will cover up to the agreed upon value with current National Fire Protection Association (NFPA) compliant apparatus. This coverage extends to the equipment on the apparatus. If the Board agrees with the Administration's recommendation to insure the Town's assets with Glatfelter Public Practice, a motion would be in order to direct staff to work with the Fire Chief and Michelle to establish an agreed upon value for the Town's firefighting apparatus and to solicit an Insurance Policy with Glatfelter Public Practice that covers all of the Town's equipment. Additionally, given the significant changes in the Town's insurance needs, the Board may want to include in the motion direction to staff to issue a Request For Proposals for the Town's Insurance needs during the first quarter of CY 2017.

MOTION:

Motion by: Supervisor Reif

Seconded by: Supervisor Grundman

Motion: To approve changing the Town of Clayton insurance to Local Government property Insurance Program submitted by the Horton Group.

Vote: Carried by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of an insurance policy to provide the Town with tail coverage for any issues arising from the dissolution of the Larsen/Winchester Joint Fire Board and the Clayton/Winchester Joint Fire Department.

The Administration and the Town's Insurance Advisor, Michelle D. Strauss, Sr. Account Manager/Risk Advisory Solutions from The Horton Group (Michelle) will be in attendance at the Board's Meeting to answer any questions the Board may have relative to this Agenda Item. With the recent dissolution of the Clayton/Winchester Joint Fire Board as well as the Clayton/Winchester Joint Fire Department, the Administration is recommending that the Board authorize staff to solicit tail coverage insurance for the actions of the dissolved Joint Fire Board. Tail coverage can be defined as "A provision found within a claims-made policy that permits an insured to report claims that are made against the insured *after* a policy has expired or been canceled, if the wrongful act that gave rise to the claim took place *during* the expired/canceled policy", tail coverage requires that the insured pay additional premium. The Administration's recommendation is supported by the Town's Insurance Advisor and should carry a relatively minimal cost of less than \$1,000.00. Michelle will be in attendance at the Board's meeting to provide details on the costs and the coverage that is recommended by staff. If the Board agrees with staff's recommendation, a motion would be in order to solicit a tail coverage policy and purchase the recommended tail coverage insurance policy at a cost not to exceed \$1,000.00. Should the tail coverage policy exceed the stated limit, Town Board Chair approval shall be required before the policy premium is paid.

- Discussed the possibility of liability due to dissolution of the Joint Fire Board.
- Major concern regarding the 401k issues.
- \$700.00 cost.

Vote: Approved by unanimous consent.

- G. Discussion/Action: Town Board review, consideration, and direction to staff relative to participation in a State sponsored Fire Department recruitment and retention incentive program.

The Clayton/Winchester Joint Fire Board (Joint Fire Board) provided the Board's volunteers with an incentive program to encourage participation and reward longevity. Given the problems the Joint Fire Board has had with making the proper contributions to its program and the questions the Administration has with the Joint Fire Board's program, the Administration is recommending that the Town encourage Fire Department participation and reward longevity by participating in the State's "Wisconsin Service Award Program". The Town's Insurance Advisor, Michelle D. Strauss (Michelle), and The Horton Group are one of the approved vendors for the State's program. Attached please find copies of literature provided by the State to explain the "Wisconsin Service Award Program" and outline the participation requirements for the program. Michelle will be at the Board's meeting to explain the details of the "Wisconsin Service Award Program" and to answer any questions the Board may have about the Joint Fire Board's existing program. Please be advised that funding for a program to encourage participation and reward longevity was included in the Town's CY 2016 Budget. If the Board agrees with staff's recommendation, a motion would be in order to direct staff to research and prepare the documentation for the Town's participation in the program and present the material to the Board for consideration and approval. Additionally, the Board should direct staff to present the program to the Fire Rescue Department for their input.

- Michelle Strauss from the Horton Group reviewed the program.
- Included benefits of the program.
- The plan is compliant.
- It would encourage the members to contribute.
- Reward system for performance.
- Matches \$343.00.
- Discussed who sets the criteria.
- Provision for leave of absence.
- Just volunteers – Fire Chief in Wisconsin Retirement System (WRS).
- Money in budget for program.
- Can buy prior years of services.

Vote: Approved by unanimous consent.

- H. Discussion/Action: Town Board review and consideration of a staff proposal to repair the failed areas of the substructure of Oakwood Avenue between Larsen Road and Oakridge Road.

Attached please find copies of several pictures of the failed pavement taken on Oakwood Avenue between Larsen Road and Oakridge Road. Oakwood Avenue failed in the same area during the winter of CY 2014/15. In order to repair the failed areas of Oakwood Avenue during the summer of CY 2015 the Town pulverized and double chip sealed the road surface. Staff believed that the failure occurred in the pavement surface of the road. Based on the attached pictures it appears that the failure occurred in the base of the road. In order to fix the failures staff is recommending that the Town excavate a six foot wide trench 24 to 30 inches into the base of the road. Staff will stockpile the excavated granular material to be used in the trench. The process will involve digging the trench, placing geotextile fabric in the bottom of the trench, backfilling and compacting the trench with several layers of aggregate materials and finally, paving the surface

with 3 inches of asphalt. The Administration expects to do the bulk of the trenching and backfilling with Town staff at an estimated cost of \$10,000.00 for the materials and then contracting for the asphalt pavement at an estimated cost of \$15,000.00. Please be advised that this is an intermediate term repair to the road with an estimated life expectancy of 5 to 10 years. Ultimately the Town will need to excavate the road base and repair the road in a manner similar to the Town's CY 2016 Clayton Avenue reconstruction project which is being constructed at a cost of \$515,000.00. If the Board agrees with the Administration's recommendation, a motion would be in order to direct staff to make the proposed intermediate term repairs to Oakwood Avenue between Larsen Road and Oakridge Road and to revisit the Town's 5-year Capital Reconstruction Plan to schedule the complete reconstruction of Oakwood Avenue between Larsen Road and Oakridge Road.

- Discussed substructure of road and failures of the existing structure.
- Discussed procedure for repairing road.
- Discussed changes in Chip Sealing Projects for 2016 to 2018.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: To direct staff to repair Oakwood Avenue between Larsen Road and Oakridge Road at a cost not to exceed \$25,000.

Vote: Carried by unanimous consent.

- I. Discussion/Action: Town Board review and direction to staff relative to Section 3 (Special Assessment Method) and Section 4 (Preferred Method of Assessment) of a Draft Special Assessment Policy for the Town of Clayton and its related Municipal Storm Water Management Utility, Municipal Sanitary Sewer Utility and Municipal Water Utility.

The Administration is respectfully asking the Board to use the distributed draft copy of a Special Assessment Policy for the Town of Clayton. The Town Attorney's edits have been incorporated into the Draft Document as provided by the Administration and approved by the Board. Please be advised that the Board will be reviewing Section 3 (Special Assessment Method) and Section 4 (Preferred Method of Assessment) of the Draft Policy in detail with the understanding that the Policy needs to be considered and applied in its entirety and in concert with the referenced Special Assessment Ordinance. The Administration expects to go through edits of each Section of the document before it presents the Board with a Special Assessment Ordinance and the related Policy for consideration.

- The Board is comfortable with the policy.
- Supervisor Lettau asked cost to the Town of Clayton residents.
- Administrator Johnston cannot answer at this time due the variables of the project.
- Discussed hook-up policy relative to operating septic systems.
- Discussed potential customers for utility.
- Directed staff to prepare the final document.

- J. Discussion/Action: Town Board review and consideration of any agenda items the Board may wish to place on the agenda for the April 19th, 2016, 166th Annual Meeting of the Town of Clayton Electors.

Attached please find a draft copy of the agenda for the 166th, Annual Meeting of The Town Electors scheduled for Tuesday, April 19th, 2016. The Administration has added the request for authorization from the Town Electors to purchase and re-sell land and to solicit the right of first refusal for the purchase of land on the Agenda. If the Board has any other items it would like to see placed on the Agenda they could be added before it is published and posted.

- Discussed right to purchase/sell land.
- Discussed value of Town to create TIF District.

- XI. Review of Disbursements:
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- XIII. Upcoming Meeting Attendance:
- A. CY 2016 Open Book with the Town's Assessor: Friday, May 6th, 2016 from 2:00 P.M. to 4:00 P.M.
 - B. CY 2016 Board of Review Meeting: Tuesday, May 24th, 2016 from 10:00 A.M. to 12:00 Noon.
- XIV. Board Member Requests for Future Agenda Items:
- Discussed having meeting materials for the Town Board members in an electronic format (Part of Budget for 2017).
- XV. Adjournment:
- MOTION:**
Motion made by unanimous consent to Adjourn at 8:32 p.m.

Respectfully submitted,
Laurie Goffard, Deputy Clerk