

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, August 5<sup>th</sup>, 2015

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

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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 – Ken Jaworski	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, July 15<sup>th</sup>, 2015.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, July 15<sup>th</sup>, 2015.

IV. Open Forum – Town-related Matters not on the Agenda:

V. Correspondence:

- A. Notice of deficiency compliance issued by the Winnebago County Health Department.
- B. Notice of waterway/wetland concerns on a property in the Town of Clayton issued by the Wisconsin Department of Natural Resources.
- C. Correspondence from Bill and Camille Van Lanen.
- D. Memorandum from the Winnebago County, Solid Waste Management Board on a new residential asphalt shingle recycling program and discounted rates.

- E. Outagamie County Planning and Zoning Administration Notice for an Airport Overlay Zoning Special Exemption Permit for Kathleen and William Lynch.
  - Additions to the agenda include the July 2015 Building Inspection report, Clayton Park damages to men’s bathroom, Department of Revenue equalized value, and correspondence to Dennis Brucks.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues
  - Office Nathan Dahm appeared, no report.
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
  - Engineer Jaworski gave his report.
  - Administrator Johnston reported on the progress of the Windfield estate project relative to plastic culverts with T-fittings. Discussed allocation of fund balances.
  - Treasurer Straw discussed the details of implementation of accepting credit cards at the Town of Clayton. At this time would prefer to work with Govpaynet.com. Have had some informal meetings with Chief Rieckmann and Alissa Olson regarding the 2016 budget and employee roster information. Will be checking with Time Warner Cable on Friday, August 7<sup>th</sup> about switching phone service.
  - Chair Geise reviewed the Town Board meeting at Winchester. Discussions with Larry Kriescher relative to fire protection. Supervisor Lettau inquired about the demeanor of the residents with the fire department changes and Chair Geise responded.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Sydney Weber
  - ii. Madeline Doberstein
  - iii. Taneeka Balistriere
  - iv. Nicole Heiliger
    - Administrator Johnston reviewed the liquor license requirements. Supervisor Lettau was asking about the possibility of purchasing land from Mr. Clausen for a new Town of Clayton yard waste site. Mr. Clausen is working on some issues before it can be sold.
- B. Renewal:
  - i. None

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: Town Board review and ratification of an Engineering Contract with Cedar Corporation, Inc. approved by the Town Chair for the purposes of completing a detailed engineering study for the provision of municipal sanitary sewer and municipal water utilities to the eastern quadrants of the Town of Clayton.

Attached please find a copy of the Contract for municipal sanitary sewer and water infrastructure engineering with Cedar Corporation. The Town Chair has not approved the Contract pursuant to the Board's authorization because of the price of the Contract (\$29,500.00). The Administration has set the scope of services for the Contract to maintain the most flexibility for the Town. Specifically, Cedar Corporation was asked to review the Town's options for providing municipal sanitary sewer and water to the area between Clayton Avenue and STH "76", south of Shady Lane and on both sides of CTH "II". The Administration is interested in how the Town can provide the municipal sanitary sewer service with onsite systems and water services by agreement with an area municipality. The Scope of Services for this Contract will enable the Town to get to the point where it will know the Department of Natural Resources (DNR) requirements for the proposed municipal water and municipal onsite sanitary systems and the Public Service Commission's (PSC) requirements for both municipal water and onsite sanitary sewer systems. Additionally, the Contract includes provisions for amending the boundaries of the Town's Sanitary District No. 1. This will allow the Board to levy a nominal tax on the district in order to fund the DNR and PSC permitting and design engineering required for construction of the municipal water and sanitary sewer utility public infrastructure. The Administration's concern is how the system will develop in the future: i.e., will the effluent go east to the existing treatment plant on the east side of USH "41" and north of STH "10", or will it go west to a new treatment plant that could serve the Town of Clayton and the Larsen/Winchester Sanitary District? These questions will be answered as part of the next step in the process which will include applications for the DNR and PSC permitting for the municipal water and onsite waste water system, the design engineering for the onsite waste water systems, the design engineering for the water supply and storage system, and the design engineering for the utility public infrastructure for both systems. The cost of the proposed Contract is \$29,500.00 with funding to come from the Town's General Fund Budget. The Administration will prepare the required Resolution to identify the sources of the funding for the project. The Board should make a motion to ratify the Contract with Cedar Corp for the municipal sanitary sewer and water engineering as presented and approved by the Town Chair.

- Discussion relative to levying utility fee to recover costs.
- Discussion relative to the service to be done per the contract.
- Discussed possible interest of the Town of Winneconne with regional system.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To approve an Engineering Contract with Cedar Corporation, Inc. at accost not to exceed \$29,000.00.

Vote: carried by unanimous consent.

- B. Discussion/Action: Town Board review and consideration of a staff update on rental of the Town owned home located at 8649 Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-0363-06.

Staff would like to notify the Board that the house at 8649 Clayton Avenue has been rented with a one-year lease that converts to a month-to-month lease following the end of the lease year (see attached). The rent for the unit is \$1,300.00 per month. Now, for the not so good news, staff and the management company have spent a significant amount of money \$11,885.15 +/- to bring the rental property to standard. The Administration's concern with the expenditures is not with those that involve cleaning, painting, and other routine maintenance for a rental unit (\$3,963.40+/-); it is with the extraordinary expenses that were necessitated by not meeting the Uniform Dwelling Code (UDC) or the electrical code (\$7,921.75+/-). The house has a wood burning fireplace, a hot water heater and a furnace that were vented in a single chimney that is not sized properly. In order to eliminate the problem the wood burning fireplace was covered (see attached photograph). The house has several electrical panels that were not up to code and these were replaced with new units that are installed to code. In addition to the general information for the Board, the Administration believes that these projects cost a significant amount of money and go a long way to demonstrating the need for permitting for these types of activities. The Administration has asked the Town's Building Inspector to review and revise the Town's Building Permit Schedule for the Board's consideration. Implementation of any revisions to the permit schedule would be implemented on January 1<sup>st</sup>, 2016. Based on the costs related to getting the house rented and the rental revenue, the Town should break even in approximately one year.

- Discussed the cost of the extraordinary costs due to not meeting the Uniform Dwelling code for this property.
- Discussed the need for permitting to avoid these issues in the future.

C. Discussion/Action: Town Board review and consideration of staff's recommendation for the distribution of the Town's CY 2014 Fund Balance Carryover as identified in the CY 2014 Town Audit.

Attached please find a copy of a spreadsheet identifying the Fund Balance Reserves from the Town's CY 2014 Audit. Included on the same spreadsheet are staff's recommendations for allocating the CY 2014 Fund Balance Carryover and the new balances in the individual reserve and accrual accounts. The total revenue in excess of expenses in the various accounts is \$220,000.00 in the General Fund, \$2,103.29 in the Solid Waste and Recycling Account and \$47,775.00 in the Storm Water Management Utility. Staff's recommendation for distributing the surplus is listed in the CY Allocation column. Please be advised that staff has included the proceeds from the Town's CY 2015 Board of Commissioners of Public Lands borrowing in its recommended allocations. If the Board agrees with staff's recommendations, a motion would be in order to approve the allocations and to direct the Town Treasurer to make the allocations as approved. Staff would like to remind the Board that these allocations are usually made in May of the calendar year and would like to apologize for the delay in the process. Relative to the small Fund Balance Carryover in the Solid Waste and Recycling Account (\$2,103.29), when we shifted from a cash accounting system to an accrual accounting system (CY 2014) we overstated the expenses in the Solid Waste and Recycling Account by making a 13<sup>th</sup> payment in the year. The Town's Treasurer will be available to explain the details of the process to the Board.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Reif

Motion: To approve the distribution of the Town's CY 2014 Fund Balance Carryover as identified in the CY 2014 Town Audit and direct staff to fund the accounts.

Vote: carried by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of the CY 2016 renewal of the Town's Health Care Policy with TEAMCARE Central States Health Plan.

Since the Town's Public Works Employees unionized, the Town has been providing health insurance to all of its employees through the Teamsters, Health and Welfare Fund. The Town has been using a three year contract with not to exceed increases in the insurance premiums. Attached please find a copy of the CY 2016 weekly premium rate of \$305.60 and an annual rate of \$15,891.20. The Town's CY 2015 weekly premium rate is \$289.20 and an annual rate of \$15,038.40. The CY 2016 increase in the weekly premium rate is \$16.40. Please be advised that, based on the Town's Union Contract and Employee Policy Manual, the Town pays 80% of the weekly premium rate or \$244.48 (\$12,712.96 annually) and the employee pays 20% of the premium or \$61.12 (\$3,178.24 annually). As a formality, the Board needs to approve the Participation Agreement and authorize the Administrator to sign the requisite documents.

Approved by unanimous consent

- E. Discussion/Action: Town Board review and consideration of authorizing the Town's Personnel Panel to negotiate an on-call pay agreement with the General Teamsters Union Local 662 representing the Town's Public Works Department Employees.

Attached please find a copy of a request from the General Teamsters Union Local 662 to negotiate an on-call procedure and rate of pay for the Public Works Department Employees. During my tenure with the Town, the process has been handled by having the emergency service providers call me in an emergency and I would then try to track down the Public Works Foreman or one of the line employees to respond to the emergency. If I was unable to contact one of the Town's employees I would forward the request to the County Highway Department for their assistance. It is my opinion that this system is somewhat inefficient. There have been times when I was out of the area and unable to contact the Public Works Department staff leaving us only the high cost alternative of the County. The current system also requires that I routinely treat Public Works staff as if they are on call 24/7 without proper compensation; the end result of this practice is to not have a reliable procedure to provide emergency services to the Town. The Town's Public Works Union Contract has a minimum call-in pay system that guarantees 2 hours of pay or the actual time worked. The current system often results in a temporary solution to the problem which then requires staff to return to the issue to correct it on a permanent basis. If the Town had an on-call system the Administration would require that the issue be corrected properly the first time in order to mitigate the need for any additional work. As we sit today, this is not an option because the employee is not required to be, or compensated for being, on call. The Administration is respectfully asking the Board to authorize the Personnel Panel to enter into negotiations with the Teamsters Local 662 to negotiate an on-call system for the Public Works Department that would take effect on January 1<sup>st</sup>, 2016. If the Board agrees with the Administration's recommendation, a motion would be in order to authorize the negotiation with the Union Local.

- Discussed the need for an on-call system and the pros and cons of an on-call system and costs associated.

**MOTION:**

Motion by: Supervisor Reif  
Seconded by: Supervisor Lettau  
Motion: To authorize staff to schedule a negotiation.  
Vote: Carried by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of several abandoned vehicle complaints and a process/procedure for enforcing Ordinance 4.5 the Town of Clayton Abandoned Vehicle Ordinance.

Attached please find several resident complaints that would fit within the Town's Abandoned Vehicle Ordinance. Until recently the Administration has not had an Ordinance that it could enforce and given the spirited discussion on the Town's recent enforcement activities the Administration is looking for direction from the Board relative to the enforcement process. Specifically: how should the Town enforce the Ordinance, how aggressively should the Town enforce the Ordinance, and what level of involvement does the Board wish to have in the enforcement process? Please be advised that this Ordinance is going to go to the heart of the property rights issue and is likely to result in significant resistance from the residents involved. For example, the complaint against the property on Lind Lane and Braun Court has, in the past, been referred to the County for enforcement and they have walked away from the issue. Relative to the enforcement process, it has been the Administration's experience that the governing body has directed staff to enforce and then allowed the Town Administrator and the Town Attorney the flexibility to make the decisions on the specific process. Since the Town is new at active enforcement, there is little history for the Board to follow and the Board should keep in mind that the ultimate goal is compliance, not punishment. The end result of this process should be an understanding between the Town and its residents that the Ordinances are in place and that the **residents** expect and demand compliance. The Administration is respectfully asking the Board for direction on this issue.

- Reviewed the resident's complaints along with the process involved with enforcing compliance of ordinance. Directed staff to proceed with the requests for enforcement of the ordinance.
- G. Discussion/Action: Town Board review and consideration of the award of a Contract for the Town's CY 2015 Crack Sealing projects.

The bid opening for the 2015 Crack Sealing projects is scheduled for 4:30 p.m. on Wednesday, August 5<sup>th</sup> 2015. Town staff will prepare a bid tabulation for the projects and present the document to the Board at its Wednesday, August 5<sup>th</sup>, 2015 meeting. The Town's CY 2015 Crack Sealing projects include the following roads:

1. Fairview Road from Pioneer Road to the west Town Line.
2. Shady Lane from Center Road to Pioneer Road.
3. Medina Junction from Pioneer Road to North Loop.
4. The new portion of the Town Hall parking lot.

The Town's CY 2015 budget for crack sealing is \$7,884.06. The Administration believes that the bid for the CY 2015 work may exceed the funding and will therefore make a prioritized recommendation that will fit within the Town's budget. If the Board would like to proceed with the project, a motion would be in order to authorize the Administration to sign the CY 2015 Chip Sealing Contract as recommended and to move the unfunded projects into the Town's CY 2016

Crack Sealing schedule. As an alternative the Board could approve all of the scheduled crack sealing work and direct the Administration to fund the additional work from the Town's General Fund Reserve Account.

Approved by unanimous consent.

- H. Discussion/Action: Town Board review and consideration of an Official Declaration of Intent to refund expenditures from the proceeds of a future borrowing.

Attached, please find a copy of a Declaration of Official Intent (Declaration). Approval of the document allows the Town Board the option of using Reserve Account funds to pay for municipal sanitary sewer and municipal water engineering studies with the intent to reimburse the Reserve Accounts from the proceeds of a proposed borrowing. The document does not commit the Town Board to borrow funds; it simply allows the Town the option of refunding its Reserve Accounts with the proceeds of a borrowing if it chooses to do so. Absent the Declaration, the Board would not have the legal authority to refund its Reserve Accounts from the proceeds of a borrowing. The Administration is asking the Board for approval to sign the Declaration as a step in the bonding process. The Administration has estimated costs to the Town's Capital Reserve Accounts at approximately \$200,000.00. The Town's Financial Advisor has recommended this process and will likely recommend that the Town Board approve a similar document for the construction costs of the proposed municipal sanitary sewer and municipal water construction when more accurate cost estimates are available. If the Board opts to not move forward with a debt service plan for the Town's municipal sanitary sewer and municipal water systems the Declaration will simply be filed in the dollar value listed.

Approved by unanimous consent.

- I. Discussion/Action: Town Board review and consideration of a request by staff to Special Assess, pursuant to Wisconsin Statutes, the cost of constructing the public infrastructure for the Fox Valley Asphalt project to the Developer.

The Administration has used a Developer's Agreement to attach the costs of constructing the Public Improvements for the Fox Valley Asphalt Project to the owner/developer. Unfortunately, the owner/developer of the project has been reticent to provide the funds for the project in a timely fashion. To date, he has always paid for the project after a series of difficult calls and threatening letters. Since the project is complete the Administration would like to simply Special Assess, pursuant to State Statutes, the remainder of the project costs including the costs of the street signs, the costs of the labor to install the street signs, an administrative fee and interest on the Town's funds. Attached, please find a copy of the State's Special Assessment Statutes for your review. If the Board agrees with the Administration's process a simple motion would be in order to direct staff to Special Assess the remainder of the Fox Valley Asphalt project to the owner, pursuant to State Statutes.

Approved by unanimous consent.

- XI. Upcoming Meeting Attendance:
  - A. Scheduling of the Town's CY 2015 Budget Planning Meetings.

- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
- XIV. Review of General Fund Budget Update  
(Second Town Board meeting of the month):
- XV. Adjournment:  
**MOTION:**  
Motion made by unanimous consent to Adjourn at 8:16 p.m.

**NO ACTION TAKEN**

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk