

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, October 21st, 2015

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	ABSENT
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. Town Board Public Hearing on Town of Clayton Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department.

Attached please find a draft copy of the Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department. The Town's Attorney, Ashley C. Lehocky (Ashley), drafted Ordinance 2015-004 creating the Town of Clayton Fire Department and will be in attendance at the Board's meeting to answer any questions the Board may have relative to the draft Ordinance and/or the approval process.

Staff has published the Class 1 Notice of the Public Hearing and expects that the Board will proceed with the approval process for creating the Town of Clayton Fire Department. If the Board wishes to proceed with the creation of the Town of Clayton Fire Department, a motion would be in order to approve Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department. The motion should be approved or denied by a roll call vote of the Board.

- Public hearing closed at 7:03 p.m.

III. Approval of Minutes:

- A. Approval of the Minutes of the Second Town Board CY 2016 Budget Workshop meeting of Tuesday, September 15th, 2015.
- B. Approval of the Minutes of the Third Town Board CY 2016 Budget Workshop meeting of Tuesday, October 6th, 2015.
- C. Approval of the Minutes of the Town Board meeting of Wednesday, October 7th, 2015.
- D. Approval of the Minutes of the Special Town Board meeting of Friday, October 9th, 2015.
- E. Approval of the Minutes of the Fourth Town Board CY 2016 Budget Workshop meeting of Tuesday, October 13th, 2015.

MOTION:

Motion made by unanimous consent to approve the following minutes:

- A. The minutes fo the Second Town Board CY 2016 Budget Workshop meeting of Tuesday, September 15th, 2015,
- B. The Minutes of the Third Town Board CY 2016 Budget Workshop meeting of Tuesday, October 6th, 2015,
- C. The Minutes of the Town Board Meeting on Wednesday, October 7th, 2015.
- D. The Minutes of the Special Town Board meeting of Friday, October 9th, 2015.
- E. The Minutes of the Fourth Town Board CY 2016 Budget Workshop meeting of Tuesday, October 13th, 2015.

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

- Mark Caswell, 3380 County Rd II, Neenah, WI. Expressed concerns relative to drainage issues on his property due to the ditch not being cleaned behind his property. His property is zoned Agricultural. His building project is on hold since the DNR says that his property has wetland characteristics.
- Requesting help from the Town Board for help with ditching clean-up. Area between Oakwood and Center has had long-term water drainage issues.
- Chair Geise stated that according to the Town of Clayton map Mr. Caswell's property is not in wetlands.
- Administrator Johnston suggesting meeting with the Town attorney on this area and zoning and drainage issues.

V. Correspondence:

- A. Copy of correspondence from County Parks Commissioner Rob Way.

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

- A. County Supervisor Report
 - Chuck Farrey from the Winnebago County Board. Reviewed the Wisconsin State Budget Act 155 relative to Shoreline Zoning.
 - Winnebago County approved 6.4 million to renovate the Court House and Administration Building. All administrative offices will be moved to the Administration Building over the 2 year period of construction.
 - Farmland Preservation will begin in 2016.
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
- C. Clayton-Winchester Fire Department
 - Chief Rieckmann discussed house burning training with Fox Valley Technical Collage (FVTC) on October 24th, 215 on Prospect Avenue in Greenville.

- The fire department currently has four members. 1-FF1, 2-FF2 and 1-Fire Inspection class.

D. Larsen-Winchester Sanitary District

E. Administration Comments

- Engineer Miller reviewed the engineer status report.
- Administrator Johnston reviewed routine items which included the PACER report, Plan Commission Plan update, Budget and reviewed operator license with pending felony.
- Supervisor Lettau commented that Pioneer Road north of Shady Lane have many dips in the road that cannot be fixed by the marsh. Even if the Town of Clayton attempted to fix it that repair may only last a day or maybe a week at the most.
- Treasurer Straw commented on Town of Clayton insurance issues with the Clayton-Winchester Fire Department. Contact with the Larsen Drainage District for getting ready for tax season.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Sheena Wardall
- ii. Sarah Fletcher
- iii. Trever Schmit
- iv. Brittany Terres

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. Plan Commission recommendation to the Board on the options for the CY 2016 update of the Town’s Comprehensive Plan, Detailed Future Land Use Map of the northeast quadrant of the Town.

Staff reviewed the two options for the Town’s Detailed Future Land Use Map of the northeast quadrant of the Town with the Plan Commission, the Commission selected Option (A) based on the more defined identification of the options for multifamily development area in the Town (see attached map).

- B. Plan Commission recommendation on a draft working lands and green space corridor element for the CY 2016 Comprehensive Plan Update of the Town’s Future Land Use Map.

Staff reviewed the draft working lands map, the green space corridor map, and the related definition verbiage with the Plan Commission and was directed to include the material in the Town’s Draft CY 2015 Comprehensive Plan Update (see attached map).

- C. Plan Commission recommendation for setting a date for the CY 2015 Comprehensive Plan update Public Forum and Community Input Session.

Plan Commission recommendation to the Town Board on a date for the CY 2015 Comprehensive Plan Update Public Forum and Community Input Session.

Staff reviewed the scheduling options for the Community Forum with the Plan Commission and was directed to schedule the Public Forum and Community Input Session from 5:00 P.M. to 7:00 P.M. on Wednesday, November 11th, 2015 with an option to extend the Public Forum and Community Input Session for a period of time after the Regular Plan Commission Meeting. Additionally, staff was directed to include a not about the Public Forum and Community Input Session in the Town's Newsletter, on the Town's Home Page, and on the Town's three official posting sites.

- Chair Knapinski reviewed the recommendations of the Plan Commission from the October 14th, 2015 meeting.
- Public hearing scheduled as follows:
- November 11th, 2015 5:00 p.m. – Informal briefing
- 6:00 p.m. – Presentation
- 7:00 p.m. – Plan Commission meeting
- Discussed working lands vs. zoning designation.
- Supervisor Lettau asked about working lands vs. Farmland preservation. Working lands does not change the zoning designation.

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. Green Space Committee update on recommendations on park and trail improvements for the Town's CY 2016 Budget.

Attached, please find a copy of the Draft Minutes from the Wednesday, October 14th, 2015 Green Space Committee Meeting. The Board will find the details of the Committee's actions listed in the Draft copy of the Meeting Minutes. The Committee's motions are summarized in the following list of agenda items:

Green Space Committee update on recommendations on park and trail improvements for the Town's CY 2016 Budget.

Staff updated the Committee on the Board's actions to include funding for the Committee's CY 2016 projects in the Budget, as part of the discussion the Committee asked staff to assess the Town's options and costs for installing parking and trail access signage for the Friendship Trail. The Committee has also asked staff to advise the Board that, due to limited activity, the Committee will be cancelling the November and December Committee Meetings.

- Look into adding signs for parking access to the Friendship Trail.
- Still looking for one more person to volunteer for the Green Space Committee.

X. Business:

A. Discussion/Action: The Town Board review and consideration of Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department.

Attached please find a draft copy of the Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department. The Town's Attorney, Ashley C. Lehocky (Ashley), drafted Ordinance 2015-004 creating the Town of Clayton Fire Department and will be in attendance at the Board's meeting to answer any questions the Board may have relative to the draft Ordinance and/or the approval process.

Staff has published the Class 1 Notice of the Public Hearing and expects that the Board will proceed with the approval process for creating the Town of Clayton Fire Department. If the Board wishes to proceed with the creation of the Town of Clayton Fire Department, a motion would be in order to approve Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department. The motion should be approved or denied by a roll call vote of the Board.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Reif

Motion: To approve Ordinance 2015-004 An Ordinance Creating the Town of Clayton Fire Department.

Vote: Carried by unanimous consent.

Chair requested roll call vote:

Chair Geise: Aye

Supervisor Reif: Aye

Supervisor Lettau: Aye

Supervisor Grundman: Aye

Supervisor Schmidt: Absent

- B. Discussion/Action: Town Board review and consideration of Resolution 2015-013 A Final Resolution Levying Special Assessments against Benefitted Property under Section 66.60, Wisconsin Statutes (Fox Valley Asphalt Capital Construction Project).

Attached please find a draft copy of Resolution 2015-013 A Final Resolution Levying Special Assessments against benefitted property under Section 66.60, Wisconsin Statutes (Fox Valley Asphalt Capital Construction Project). Also attached is the supporting documentation for the Special Assessments. This is the final step in the process of Special Assessing the balance due to the Town on the Fox Valley Asphalt Development project. The Special Assessment is for \$136,606.16 and is payable in one installment or with the CY 2015 taxes payable in CY 2015/16. The Administration would like to advise the Board that the Developer has received notice of the Town Board's meeting and the dollar value of the Special Assessment. Should the Board wish to proceed with the Special Assessment process, a motion would be in order to approve 2015-013 A Final Resolution Levying Special Assessments against Benefitted Property under Section 66.60, Wisconsin Statutes (Fox Valley Asphalt Capital Construction Project). The motion should include the \$136,606.16 value and the fact that it is payable in one installment or with the CY 2015 taxes payable in CY 2015/16 and the approval of the Resolution should be by roll call vote.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Reif

Motion: To approve Resolution 2015-013 A Final Resolution Levying Special Assessments against Benefitted Property under Section 66.60, Wisconsin Statutes (Fox Valley Asphalt Capital Construction Project) payable in one installment or with the CY 2015 taxes payable in CY 2016.

Vote: Carried by unanimous consent.

Chair requested roll call vote:

Chair Geise: Aye

Supervisor Lettau: Aye

Supervisor Grundman: Aye

Supervisor Reif: Aye

- C. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services submitted by Martenson & Eisele, Inc. for the Town’s CY 2016 Capital Reconstruction Project (Clayton Avenue from Town’s Maintenance Line north of Larsen Road to CTH “II”).

Attached please find a copy of an Agreement for Professional Services for the Town’s CY 2016 Capital Reconstruction project. In the Town’s 5-Year Capital Reconstruction Plan the CY 2016 project consists of the reconstruction of Clayton Avenue from the Town’s Maintenance Line to CTH “II” (see attached map). The Administration has asked the Town’s Engineer to base the project on pulverizing the existing surface, stock piling the pulverized material, undercutting the roadway by 24 inches, replacing the cross culverts in the road, placing and compacting the pulverized material under the road bed and then building a road as required in the Town’s Minimum Road Standards Ordinance. The Administration is not recommending that the Town do any ditching as part of this project. This recommendation is based on the condition and the grade of the existing ditches and the number of access culverts that would need to be replaced as part of the project. If need be, the Town could grade the ditches without replacing the access culverts in CY 2017 or 2018. The Administration is aware that several of the Board members may have wished to issue a Request For Proposals for Engineering services this fall, however, based on the volume of work that is being projected and the time available the Administration is recommending that this process be delayed until Summer of CY 2016. If the Board agrees with the Administration’s recommendations, a motion would be in order to approve the Agreement for Professional Services submitted by Martenson & Eisele, Inc. for the Town’s CY 2016 Capital Reconstruction Project (Clayton Avenue from Town’s Maintenance Line north of Larsen Road to CTH “II”) at a cost not to exceed \$35,855.00 and with the funding to come from the Town’s CY 2016 Engineering Line Item.

- Engineer Miller commented that the costs for ditching will be reduced since Martenson & Eisele will not do the ditching. She also reviewed the proposal relative to soil bearings on road included.
- Administrator Johnston reviewed the reasons for NOT much ditch work with this project. The ditches in this area are draining very well.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: To approve an Agreement for Professional Services submitted by Martenson & Eisele, Inc. for the Town’s CY 2016 Capital Reconstruction Project (Clayton Avenue from Town’s Maintenance Line north of Larsen Road to CTH “II”) at a cost not to exceed \$35,855.00 and with the funding to come from the Town’s CY 2016 Engineering Line Item.

Vote: Carried by unanimous consent.

D. Discussion/Action: Town Board review and consideration of a preliminary speed limit traffic study on Lind Lane between Winnegamie Drive and STH “76”.

Staff has reviewed the Statutes on setting the speed limit on town roads (see attached). It does not appear that the speed limit on Lind Lane between Winnegamie Drive and STH “76” could be reduced to less than 45 miles per hour. Based on the Administration’s experience, this reduction will not change the extant condition and the problems created by the speed and the traffic. The Administration is going to do some further research on the issue however, it feels obligated to ask the Board if dead-ending Lind Lane is an option the Board would like to consider. If the Board would consider this option the Administration would poll the residents on Lind Lane and Braun Court to see how they would react. If there is a consensus in the area in favor of dead-ending Lind Lane the first and most significant obstacle would no longer be an issue. Board direction to staff on this issue would be helpful.

- Administrator Johnston discussed “dead-ending” the road.
- Discussed trying to reduce speed, traffic study.
- Discussed making 1-way street going north.
- Burt Drews commented that making the road one-way may not solve the problem but create another problem.

NO ACTION TAKEN

E. Discussion/Action: Town Board review and consideration of a proposal from the Winnebago County Clerk’s Office to purchase a new voting machine in CY 2016.

Attached please find a copy of a proposal from the Winnebago County Clerk’s Office to replace the Town’s voting machines. The Administration, Town staff, and the Town’s Chief Elections worker have been anticipating this purchase for the past few years. Early in CY 2015 the County Clerk’s Office advised the Town that this purchase would occur with the Spring Election in CY 2016, however it appears that the County Clerk is ready to purchase new election equipment now. When the County Clerk first proposed the purchase of election equipment the Town was advised that the County would finance the purchase for the Town however, we are now being told that the County will not finance the purchase. The Administration has funded the purchase of the election equipment in the Town’s CY 2016 Capital Equipment Budget. The Administration has two problems with making the purchase in CY 2015: the first is the funding and the second is that because we operate on a modified accrual account system the Town’s auditors will want to recognize a purchase in CY 2015 with funding available in CY 2015. Staff has asked the County Clerk’s Office if they would bill the Town for the purchase of the new elections equipment in CY 2016; we have not received an answer as of Friday, October 16th, 2015. The Administration is recommending that the Board authorize the purchase of new elections equipment in CY 2016 at a cost not to exceed \$9,116.00. If the Board agrees with the recommendation, a motion would be in order to authorize the purchase of new elections equipment in CY 2016 at a cost not to exceed \$9,116.00 to be paid from the Town’s CY 2016 Capital Equipment Replacement Budget.

- David Pavlik, 5179 Fairview Rd, Larsen, WI. Informed the Town Board about the voting machine training. Our office already knew about the training in Oshkosh sometime in November.

MOTION:

Approved by unanimous consent with the cost not to exceed \$9,116 and take ownership of the machine in January of 2016.

F. Discussion/Action: Town Board review and consideration of models for a Draft Town of Clayton Special Assessment Policies and Procedures document.

Attached please find several examples of municipal Special Assessment Policies and Procedures. The Administration has included examples of policies and procedures documents that range from very simplistic to extremely detailed. Staff is looking for direction from the Board on the type of policy and procedure document it would like to have. The Administration is inclined to recommend that the Board use a detailed and specific policy and procedure document. This type of document allows the Board to exercise options at its own discretion while requiring staff to follow a specific procedure. The Administration is also inclined to recommend a policy and procedure document that is all encompassing and all inclusive; specifically, the document should include assessment policies and procedures even for items the Board does not assess at this time. The rationale for this recommendation is based on the fact that creating a policy and procedure manual when you are not under the pressure of applying the policies and procedures is always preferable to creating the policies and procedures while trying to apply them. Additionally, an inclusive policies and procedures document does not allow individuals to extrapolate from one type of assessment to another when the Board has no intention of using the same policy or procedure for assessing road, utilities, and/or reconstruction projects.

NO ACTION TAKEN

G. Discussion/Action: Town Board review and consideration of a proposal, solicited by Town staff, to replace the chairs in the Town Board meeting room.

Attached please find a copy of two options for Board Room Chairs prepared by Building Service Inc. (BSI) and a copy of the funding in the General Fund, Capital Equipment Budget Line Item. BSI is the same firm that was used for the office furniture when the Town Offices were built, and the chairs in the proposal are the same chairs that were originally planned for the Board Room. The cost for replacing 7 chairs is approximately \$4,022.55 plus delivery charges. If the Board would like to use one of the chairs in the proposal, the Administration recommends that the Board use a chair with urethane caps on the arms so that they are not damaged by being pushed under the desks. Funding for the purchase is available in the CY 2015 General Fund, Capital Equipment Budget Line Item. If the Board would like to see other options please be advised that the options are limited because of the need for the extended height cylinder required to provide the seat height and still fit under the desks. The Administration is respectfully asking the Board for direction on this issue.

- Discussed replacement of the current Town Board meeting chairs. Researched to find comparable chairs and they are more specific on how the chairs adjust with the higher desk top.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Reif

Motion: To do nothing with the chairs until they fall apart.

Vote: Motion carried 3-1 Russ - No

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:24 p.m.

NO ACTION TAKEN

Respectfully submitted,
Laurie Goffard, Deputy Clerk