

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:59 P.M. on Wednesday, December 7, 2011

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 Chair Luebke called the meeting to order at 7:00 P.M.
 - 2. Pledge of Allegiance recited.
 - 3. Meeting properly posted, three locations in the Town.
 - 4. Roll
 - a. Board of Supervisors
 - Chair Luebke PRESENT
 - Supervisor Lettau PRESENT
 - Supervisor Grundman Erdmann PRESENT
 - Supervisor Schmidt PRESENT
 - Supervisor Geise PRESENT
 - b. Staff
 - Administrator Johnston PRESENT
 - Clerk Nester-Huebner PRESENT
 - Public Works Foreman Pamerter PRESENT
 - Town Engineer Miller PRESENT
- II. Public Hearing:
 - A. No Public Hearing.
- III. Approval of Minutes:
 - A. Regular Town Board Meeting – Wednesday, November 16, 2011
 - MOTION:**
 - Motion by: Unanimous consent
 - Approve the Regular Town Board Meeting minutes of Wednesday, November 16, 2011, as written.
 - CARRIED.
- IV. Open Forum – Non-Agendized Town-related Matters:
 - A. No open forum items.
- V. Correspondence:
 - A. No correspondence.
- VI. Discussion Items (No action will be taken.):
 - A. County Supervisor Report
 - 1. County Supervisor Joanne Sievert – present, no report
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues

1. Sheriff Deputy Olig arrived at 8:42 P.M.
- C. Clayton-Winchester Fire Department
 1. No CWFD member present
 2. Update: no report
- D. Larsen Winchester Sanitary District
 1. No LWSD member present; no report
- E. Administration Comments
 1. Administrator: email from resident regarding an agenda item; PASER Report filed yesterday
 2. Clerk: Tax Rate Worksheet received today, completed, and submitted today
 3. Public Works Foreman: ditch work, Larsen Road ditching finished, Sunburst/Sundew ditching, Oakridge Road east of STH 76 ditching, south of Shady Lane on Knox Lane ditching
 4. Engineer: no report
 5. Chair Luebke: no report
 6. Supervisor Lettau: LWSD discussion of aerator in one of the ponds
 7. Supervisor Grundman Erdmann: no report
 8. Supervisor Schmidt: no report
 9. Supervisor Geise: no report

VII. Licenses and Permits:

- A. Discussion/Action – Consideration and approval of Operator Licenses:
 1. New – Cynthia L. John (Present)

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Geise

Approve the Operator License for Cynthia L. John.

CARRIED by unanimous voice vote.

- VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:
 - A. No Referrals.

- IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:
 - A. No Referrals.

X. Business:

- A. Discussion/Recommendation: Town Board direction to staff relative to amending the Town's Assessment Contract with Associated Appraisal Consultants, Inc.

1. Each Town Board member received a copy of the Town's current contract and an Amended Agreement for Full Value Maintenance Assessment Services with Associated Appraisal Consultants, Inc.
2. The Town Chair and staff met with Mark Brown of Associated Appraisal Consultants, Inc., to review the Town's options relative to the assessment process.

3. The Administration is taking the position that despite the fact that the Mill Rate is a calculated number, and controlled by the Levy, the Assessed Value of the Community is the number that most individuals will look at as an indicator of how much their tax rate has changed.
4. Given this position, the Administration is looking for a methodology to keep the Mill Rate constant from year to year.
5. In today's market, the Town's current process of reassessing on an annual basis does little to stabilize the Mill Rate.
6. If the value of the Town's housing stock goes down, the annual revaluation will cause the Assessed Value of the Town to decrease, thus increasing the Mill Rate even if the Levy stays constant.
7. In this scenario, if the Levy stays constant for a prolonged period of time, the Board will have to cut services because of inflation.
8. Based on the conversation with the Town Chair and Mark Brown, the Administration recommends that the Town amend and extend its contract with Associated Appraisal Consultants, Inc., so that it terminates in 2016.
9. The proposal requires that Associated Appraisal Consultants, Inc., continue to assesses 25% of the Community on an annual basis and report those values to the State on a four-year cycle, or as directed by the Board.
10. This process will allow the Board the option of maintaining a consistent Mill Rate and reporting to the State if it sees a significant discrepancy on either side of the State's valuation limits.
11. Assessor Mark Brown will be at the Board's Wednesday, December 7, 2011, meeting to answer any questions and review the attached proposal with the Board.
12. Assessor Mark Brown present.
13. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman Erdmann

Direct staff to bring back an amended assessment contract with Associated Appraisal Consultants, Inc., to the second meeting in December for Town Board approval.

CARRIED by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of Resolution 2011-028: A Resolution appropriating the funds from the Town's Reserve Account and authorizing the payment for the final lift of asphalt and line striping on Larsen Road.

1. Each Town Board member received a copy of Resolution 2011-028: A Resolution appropriating the funds from the Town's Reserve Account and authorizing the payment for the final lift of asphalt and line striping on Larsen Road and Payment Request Number 7, for the Larsen Road project from Peters Concrete, Inc.
2. This Resolution allows staff to pay the bill and approves the use of the Town's Undesignated Reserve Account as the source of funds for the payment.
3. Staff has advised the Board that the final costs of the Larsen Road project exceeded the Town's funding and that the reserve account funds would need to be used to pay for the excess project costs and then refunded to the account over time.

4. It is the Administration's intent to refund the Town's Undesignated Reserve Account in CY 2013 using the CY 2012 Budget Fund Balance Carryover.
5. A motion would be in order to approve Resolution 2011-028: A Resolution appropriating the funds from the Town's Reserve Account and authorizing the payment for the final lift of asphalt and line striping on Larsen Road.
6. Because the Resolution makes changes to the Town's CY 2011 Budget, the approval vote will need to be by a super majority of the Board.
7. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Approve Resolution 2011-028: A Resolution appropriating the funds from the Town's Reserve Account and authorizing the payment for the final lift of asphalt and line striping on Larsen Road to Peters Construction.

Roll Call Vote:

Supervisor Lettau = yes

Supervisor Grundman Erdmann = yes

Supervisor Schmidt = yes

Supervisor Geise = yes

Chair Luebke = yes

CARRIED by 5-0 roll call vote.

- C. Discussion/Action: Town Board review and consideration of Resolution 2011-029: A Resolution Designating and Authorizing a Municipal Official, Authorized to Declare Official Intent Under Reimbursement Bond Regulations.

1. The Administration has been advised by Bond Counsel that based on recent Legislative activity, the Board should designate a Municipal Official as authorized to Declare Official Intent under Reimbursement Bond Regulations.
 - a. This Official will have the authority, pursuant to Board action, to file the documentation required if the Board intends to refinance or refund Reserve Accounts from the proceeds of a borrowing activity.
2. If this action is not taken, the expenditures may be considered part of the Town's Budgeted Levy activities under the law and may significantly impact the Town's Levy for the subsequent year.
3. Please be advised that designating an Authorized Official does not give that individual the authority to take unilateral action; it simply allows the individual to place the notice on file following a Board approval action.
4. As the Town's borrowing activities become more sophisticated, accuracy with this process will become more important.
5. The Board is scheduled to review the Town's borrowing activities as a part of the December 7, 2011, meeting; that agenda item should bring more clarity to the issue.
6. A Motion to Designate and Authorize a Municipal Official to Declare Official Intent Under Reimbursement Bond Regulations would be in order.

7. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Designate and Authorize the Town Administrator to Declare Official Intent Under Reimbursement Bond Regulations.

CARRIED by unanimous voice vote.

- D. Discussion/Action: Town Board review, consideration, and direction to staff relative to the request to improve Lehrer Lane to Town Standards and dedicate the improved road and requisite Right-Of-Way to the Town of Clayton.
1. Each Town Board member received a copy of correspondence with Mark Cocherl, 8143 Lehrer Lane, Neenah, relative to the proposed project.
 2. The Administration met with Travis Lehrer (Travis) on Wednesday, November 30, 2011, to review the family's position relative to its request that the road be improved to Town standards and the Right-Of-Way, including the improvement, be deeded to the Town.
 3. Travis indicated that he would like the Town to proceed with discussing the project with the abutting property owners.
 4. Given the relative positions of the property owners, and the lack of clarity with the process the Town would use, the Administration is respectfully asking the Board for direction.
 5. The Administration believes that the project can be completed without any negative impact to the existing property owners.
 6. This position is based on the idea that a fully-improved Public Road increases the value of the abutting properties.
 - a. This increase in value may not be realized until some point in the future; however, it can and will be realized at some point in the time.
 7. Additionally, the Administration believes that the project can be completed without the use of taxpayer dollars.
 8. Arriving at an amicable conclusion to the process will require that all parties sit at the table with open minds and be willing to compromise from their respective positions.
 9. Given the belief that the project is what the Town's Comprehensive Plan calls for (i.e., infill development), and that the Town needs to foster increases in its assessed value if it wants to continue to provide services to the community at the current level, the Administration would value the opportunity to meet with the property owners in an attempt to arrive at a compromise that will allow the project to proceed.
 10. Should the Board agree, a Motion would be in order to direct staff to schedule the required meeting and report to the Board at its second meeting in January of CY 2012.
 11. Commented on this item: Mark Cocherl (8143 Lehrer Lane, Neenah), Travis Lehrer (8156 Lehrer Lane, Neenah), Dennis Lehrer 8187 Lehrer Lane, Neenah), Dave Keberlein (3237 Fondotto Drive, Neenah)

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Lettau

Direct staff to set up a meeting to include the Town Chair and Town Administrator with the residents on Lehrer Lane and Mr. Keberlein to discuss the potential improvement of Lehrer Lane and report back to the Town Board for the first meeting in February.

CARRIED by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of a request by the Drifter's Snowmobile Club to place a rubber deck mat on the Friendship Trail Bridge.

1. This request was scheduled for a recommendation by the Town's Green Space Committee; however, the Thursday, November 17, 2011, Green Space Committee Meeting was cancelled due to a lack of a quorum.
2. The Administration has advised the Drifter's Snowmobile Club that this item would be placed directly on the Board's agenda in an attempt to expedite the project.
3. Each Town Board member received a copy of photographs of the Friendship Trail Bridge and decking.
4. This project would cover the decking with a rubber mat that would protect the wooden decking from the aggressive carbides used on today's snowmobiles.
5. The Administration believes that this project would extend the life of the decking on the bridge and not impact any of the other activities on the trail.
6. The Administration would support a Motion to authorize the Drifter's Snowmobile Club to place a rubber deck mat on the Friendship Trail Bridge at its earliest convenience, and to advise staff when the project will start.
7. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Authorize the Drifter's Snowmobile Club to place a rubber deck mat on the Friendship Trail Bridge, and maintain it, at its earliest convenience, and to advise staff when the project will start.

CARRIED by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of authorizing the Town Engineer, Martenson & Eisele, Inc., to begin design work on the Town's CY 2013 Capital Construction Projects (Ridgeway Drive and Braun Court) no earlier than January 1, 2012.

1. The town Engineer has asked for direction relative to the Town's CY 2013 Capital Reconstruction Projects.
2. Ridgeway Drive, the associated other roads in the Plat area, and Braun Court were scheduled to be the Town's CY 2012 Capital Reconstruction projects.
3. Based on funding and budgeting issues, the Town's Capital Reconstruction schedule projects were pushed back one (1) year.

4. The revised schedule places the reconstruction of Ridgeway Drive, other roads in the Plat area, and Braun Court in CY 2013.
5. The Board has authorized the survey and geotechnical work for the project so that it could be completed prior to the snow and cold weather.
6. Staff has advised the area property owners of the Capital Reconstruction schedule and indicated that a neighborhood meeting would be scheduled early in CY 2012.
 - a. The Administration will use the meeting as the opportunity to get neighborhood input on the project and to advise the neighbors of the change in the schedule.
7. The Administration believes that the project merits completion in CY 2013; however, for funding reasons, it may have to be completed in two (2) years.
8. Even with the revised schedule, completing the engineering in CY 2012 would be beneficial to the Town.
9. It will allow staff to review the project and talk to certain individuals about what the final project will look like and how it will work.
10. Specifically, a significant amount of the drainage in the area of Ridgeway Drive goes through the storm sewer system on the adjacent golf course.
11. Additionally, there may be some small storm water management projects that staff can work on in CY 2012 if we understand how they relate to the final project.
12. A Motion would be in order to authorize the Town Engineer, Martenson & Eisele, Inc., to begin design work on the Town's CY 2013 Capital Construction Projects (Ridgeway Drive, other roads in the Plat area, and Braun Court) no earlier than January 1, 2012, and at a cost not to exceed \$44,000.00.
13. Funding for the project should come from the Town's CY 2012 Engineering Budget Line Item.
14. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Authorize the Town Engineer, Martenson & Eisele, Inc., to begin design work on the Town's CY 2013 Capital Construction Projects (Ridgeway Drive, other roads in the Plat area, and Braun Court) no earlier than January 1, 2012, and at a cost not to exceed \$44,000.00, and the funding for the project should come from the Town's CY 2012 Engineering Budget Line Item..

CARRIED by unanimous voice vote.

- G. Discussion/Action: Town Board review and consideration of a Lease contract for 7.11 acres of Town-owned land located at 2990 County Road "II" and specifically known as Tax ID # 006-0391-05.

1. Each Town Board member received a copy of the current lease and the proposed lease for the 7.11 acres of Town-owned land, located at 2990 County Road "II", and specifically known as Tax ID # 006-0391-05.
2. The price per acre and the language of the proposed Lease will need to be approved by the Board.
3. The language in the document as presented has not been changed.

4. If the Board agrees with the lease language and dollar value per acre, a Motion to approve the lease agreement for CY 2012 with Leslie Ory at a cost of \$_____ per acre would be in order.
5. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Lettau

Approve the lease agreement for CY 2012 with Leslie Ory at a cost of \$75.00 per acre.

CARRIED by 4-1 voice vote. (Luebke = no)

H. Discussion/Action: Town Board review and consideration of Revisions to the following Town Ordinances and Policies:

- a. Long Grass
 - b. Minimum Road Standards Policy
 - c. Abandoned and Unlicensed Vehicles and Equipment
 - d. Ditch Maintenance Policy
 - e. Culvert Installation Policy
 - f. Seasonal Weight Policy
1. Each Town Board member received a copy of the Municipal Code Index page.
 - a. This Index Page and the codification process were started by the former Administrator.
 - b. The index is divided into Chapters that identify broad legislative headings and Sections that identify specific legislation within the Chapter.
 2. The Administration has reviewed the Town's Policies and Ordinances and recommends that the Board authorize staff to prepare an Ordinance that adopts the Town's current Ordinances and several of the Town's Policies as Ordinances to better serve the Town.
 3. This process would take some time and should reduce the cost of contracting with a firm that would eventually produce a Code of Ordinances for the Town.
 4. The Board has funded the Codification process in the Town's CY 2012 Budget.
 5. The Administration would respectfully request Board authorization to start this process by recreating the Town's existing Ordinances as identified on the attached Index Page.
 6. This will provide the Town with a document that would organize the existing Ordinances into a Code format.
 7. The Code would then be provided to the Codification Firm in order to check for concurrence with State Statues and internal logic and consistency.
 8. The Board would be able to review any recommended changes to the Town's Policies or Ordinances as they are made and ultimately as part of the approval process.
 9. The list of Ordinances and Policies provided would be the starting point for the project.
 10. Commented on this item: no additional comments.

MOTION:

Motion by: Unanimous consent.

Direct staff to proceed with generating the Code of Ordinances and present it to the Town Board at a future date.

CARRIED

- I. Discussion/Action: Town Board review and consideration of a Christmas Tree Pick-up program for the Town of Clayton.
1. The Town Chair asked that this item be placed on the Board's agenda following a routine staff meeting.
 2. Staff was discussing how to deal with Christmas trees found on the side of the road.
 3. The conversation eventually came around to a collection process that would be advertised in the quarterly newsletter.
 4. It appears that when staff brought this project to the Board in the past we were not clear on what we wanted to do.
 5. The project would involve taking one of the Town's plow trucks towing the chipper.
 - a. The Public Works crew would then follow a defined route and chip the trees as they are picked up.
 - b. This process is more efficient than having to pick up trees routinely discarded in the Town ditches.
 6. Staff would publicize the service in the Winter Newsletter so that residents would know where and when to place their trees at the end of their driveway and staff would be able to plan the activity in an organized and rational process.
 7. If inclement weather requires a change, staff will have the ability reschedule the pick-up to fit the priority requirement to plow the Town's streets.
 8. Should the Board wish to provide the tree pick-up service to the Town, a Motion would be in order to direct staff to plan for and schedule the service.
 9. Additionally, staff should advertise the service in the Town's Winter Newsletter, the Town's Tax letter, and at the counter when collecting taxes.
 10. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Proceed with the Christmas tree pick-up as proposed for a 1-year trial period.

CARRIED by 3-2 voice vote. (Grundman Erdmann = no; Lettau = no)

- J. Discussion/Action: Town Board review and consideration of a Notice of Non-renewal of a Mowing Contract with Bohm Lawn Care for CY 2012.
1. Each Town Board member received a copy of the Town's Contract with Bohn Lawn Care.
 2. The Administration has informed Bohms that the Board has funded the purchase of mowing equipment in the Town's CY 2012 Budget and that the Town is not likely to issue a Request For Proposals (RFP) for lawn mowing in CY 2012.
 3. The Administration is confirming that the Board would like to proceed with assuming control of the Town's mowing.

4. The Administration plans to use Public Works staff to do the Town's mowing, including the Friendship Trail, the parks, the cemeteries, and the storm water management devices under the Town's control.
5. Additionally, the Department will continue to mow the roadside ditches with the larger equipment already owned by the Town.
6. If the Board intends to proceed with the Lawn Mowing projects, a Motion would be in order to direct the Administration to notify Bohm's Lawn Care and to proceed with generating a Bid Proposal for lawn mowing equipment for Board approval.
7. Commented on this item: no additional comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Send out a notice of non-renewal to Bohm Lawn Care for 2012 and direct staff to generate the specifications for lawn mowing equipment.

CARRIED by unanimous voice vote.

- K. Discussion/Action: Town Board review and consideration of an extension of the Town's contract with Tony's Cemetery Service, LLC.

1. Each Town Board member received a copy of a revised Contract with Tony's Cemetery Service, LLC.
2. Following the Administration's contact, Tony has indicated that he would like to nominally raise the prices for burial services.
 - a. The last time the Town received an increase was in CY 2009.
3. The Administration has not received any complaints on the service provided by Tony's Cemetery Service, LLC.
4. Given the Town's history with Tony's Cemetery, and the nominal increase in his fees, the Administration recommends that the Town renew the Contract for CY 2012.
5. If the Board agrees with this recommendation, a Motion would be in order to direct staff to sign the Contract renewal for CY 2012 and revise the Town's Fee schedule accordingly.
6. Commented on this item: no additional comments.

MOTION:

Motion by: Unanimous consent

Direct staff to sign the Contract renewal for CY 2012 with Tony's Cemetery Service with the price increase and revise the Town's Fee schedule accordingly.

CARRIED

- L. Discussion/Action: Town Board direction to staff relative to the source and term of any pending future Town borrowing activities.

1. The Administration is looking forward toward budgeting in the next few years and would like to review the Town's options for long-term debt and the impacts of that debt on the Town's levy.
2. This will become particularly important when the Board considers any possible borrowing for the Town/Fire Hall reconstruction project.

3. The Administration is trying to fund the Town's debt requirements without raising the portion of the levy dedicated to debt service.
4. One of the Board's options will be to use the Town's bonding capacity for longer term debt (10 years) with lower debt service payments.
5. Alternatively, the Board could bond to maintain the Debt Service Levy and use some of the funds to capitalize long-term Capital Replacement Accounts.
6. This agenda item is intended to provide the Board with information relative to some of the options the Administration is considering as recommendations for budgeting purposes.
7. This process should allow the Board to become familiar with municipal bonding and generate questions relative to the process.
8. This should be considered the start of an ongoing discussion between the Board and staff to clarify the Town's options and future borrowing processes.
9. Commented on this item: no additional comments.

Sheriff's Department Deputy Olig arrived at 8:42 P.M.

No motion on this item.

M. Discussion/Action: Town Board review and direction to staff relative to the adjustments to the Town's Five Year Capital Construction Plan.

1. The Administration plans to start the process of updating the Town's Five-Year Capital Construction Plan.
2. Given the financial constraints and budgeting issues the Town is experiencing, and is likely to continue to experience for the next few years, the Administration would like to review the updating process with the Board.
3. Staff has routinely looked at the Town's roads and used several factors when making decisions on when to rebuild Town roads.
 - a. One of those factors is road use and traffic.
 - b. Given the funding issues for Capital Construction, the Administration is likely to place a higher priority on road use and traffic counts when scheduling projects.
4. Staff would like to get the Board's input and direction on this process.
5. Please be advised that some of the decisions the Board makes relative to borrowing and the Storm Water Utility District will impact the funding available and the amount of work the Town can do.
6. Additionally, if the Board directs staff to move away from Capital Construction projects and to place a greater emphasis on maintenance projects, the Town will be able to address more of the smaller issues at the expense of the larger projects.
7. These questions are policy-related and should be answered by the Board before staff applies the Board's direction to the funding available.
8. Commented on this item: no additional comments.

No motion on this item.

N. Discussion/Action: Town Board review and direction to staff relative to field soil deposited on Town Roads as a byproduct of farming activities in the Town.

1. During the fall months, staff routinely receives complaints relative to mud on the Town's roads.
2. Based on the complaints and site visits, staff has determined that the source of the mud on the Town's roads is from harvesting activities by local farmers.
3. This activity became a more serious problem during the last weekend in November when there was an accident on Oakridge Road that was attributed to the mud on the road.
4. Following the accident incident, the County Sheriff contacted the Town relative to cleaning the road.
5. The Town Administrator was unable to reach any of the Town staff so the County was directed to clean the road and bill the Town.
6. The Town requires that individuals working on construction sites build a tracking pad prior to starting their projects.
7. This is done to minimize the amount of mud dragged onto the Town's roads.
8. If a contractor does drag mud onto the road staff will contact the contractor and require that they clean the road or the Town will clean the road and bill them at a full burden cost.
9. The Administration would like the Board's direction relative to this problem.
10. Commented on this item: no additional comments.

No motion on this item.

XI. Upcoming Meeting Attendance

A. WTA District Meetings

XII. Board Member Requests for Future Agenda Items

A. No items.

XIII. Review of Disbursements

Town Board reviewed disbursements.

XIV. Adjournment – 8:59 P.M.

MOTION:

Motion by: Unanimous consent

Adjourn.

CARRIED.

Respectfully submitted,

Susan Nester-Huebner, *Town Clerk*