

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 9:31 P.M. on Wednesday, May 1st, 2013

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

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke called the meeting to order at 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 Luebke	PRESENT
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Regular Town Board Meeting – April 17th, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting Minutes for Wednesday, April 17th, 2013.

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

A. No Referrals

V. Correspondence:

- A. Winnebago County Plan Commissioners Network Meeting Notice.
- B. 2012 Winnebago County Land and Water Conservation Department Annual Report.
- C. League of Women Voters Newsletter

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

- A. County Supervisor Report
 1. No Report
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues

1. Deputy Niela reporting
2. Nothing new going on with the Sheriff's Department
3. Arden Schroeder (9458 State Road 76, Neenah) questioned having a deputy in the area for ClaytonFest
- C. Clayton-Winchester Fire Department
 1. Al Kuenzi reporting
 2. 11 calls for April. 2 fire alarm investigations, 3 controlled burns that got out of control, 2 controlled burn investigations, 9 power lines down during the ice storm, 2 vehicle accidents, 1 call for smoke in a residence
- D. Larsen Winchester Sanitary District
 1. Supervisor Lettau reporting
 2. New aerators going in May 16th
 3. New pumps are going in at Winchester
 4. Discussed meter missing from the new municipal building
- E. Administration Comments
 1. Administrator/Clerk
 - a. Mr. Johnston advised the High Point Estates law suit has been dismissed
 - b. Discussed Board of Review training that needs to be done by Board Members
 - c. Randy Bonikowske was introduced as the employee who will be doing the Town's mowing this year. He has lived in Clayton for 14 years and his wife just received Teacher of the Year at Clayton Elementary
 2. Engineer:
 - a. Engineer Miller provided a status report discussing the Ridgeway Drive Preconstruction meeting
 - b. Construction will start May 13th and hope to be paving by mid-June
 3. Public Works Foreman:
 - a. No Report
 4. Treasurer/Deputy Clerk:
 - a. Treasurer Bowen advised a discrepancy was found in tax preparation while switching software. It was being calculated incorrectly by the old software.
 - b. Now aware of an address to send DNR property taxes
 - c. Mr. Johnston commended Ms. Bowen for her work in tracking down the correct people to send property taxes to
 5. Town Board:
 - a. Chairman Luebke reviewed the Capital Day meeting he attended Tuesday, April 30th.
- VII. Licenses and Permits:
 - A. New:
 - i. No New Licenses Issued
 - B. Renewal:
 - i. No Renewed Licenses Issued
- 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. Green Space Committee and ClaytonFest Committee discussion on the planning for the CY 2013 ClaytonFest Event and support activities.
- Chairman Luebke advised to send a ClaytonFest invite to Senator Ellis, Legislator Kaufort, County Representatives, neighboring municipalities and fire departments, etc.
 - Arden Schroeder suggested inviting Cardinal Construction and subs, Pierce, etc.
 - Buffet dinner will start at 11:30 A.M. with Open House to follow from noon until 2:30 P.M.
 - Cavanaugh Petting Zoo has been asked to participate
 - Cody Cavanaugh is going to provide a motocross demonstration starting at 3 P.M. He needs 50ft x 250ft
 - 2 P.M. will start the registration for a Bean Bag Toss Tournament
 - Bake Sale to be held, donations are needed
 - Snack Shack will be on site along with children's games
 - Music will be played all day, fireworks at dusk. The Drifters are still looking for donations to help with the costs.
 - Mr. Johnston discussed sending a postcard out to residents

X. Business:

- A. Discussion/Action: Town Board review and acceptance of the Town's CY 2012 Audit and Management Letter

Attached for your records, please find a copy of the Town's CY 2012 Audit and Management Letter. The Town's Auditor, Mike Konecny of Schenck SC (Mike) presented the Audit at the Town's recent Annual Meeting. The Board's acceptance of the Audit is a formality needed to satisfy the Audit process. Should any of the Board members have any questions; staff will be available to provide answers at the meeting or based on any research needed. If the Board is comfortable with Mike's presentation of the Audit and Management Letter and any answers provided by staff, a motion would be in order to accept the Town's CY 2012 Audit and Management Letter and place them on file in the Town Offices.

MOTION:

Motion made by unanimous consent to accept the Town's CY 2012 Audit and Management Letter and place them on file in the Town Offices

- B. Discussion/Action: Town Board review and consideration of scheduling a time and date for holding the Town's CY 2013 Open Book and Board of Review. Attached please find a copy of an e-mail from Town Assessor, Mark Brown (Mark). The e-mail provides the Board with several options for holding the Town's CY 2013 Board of Review and Open Book. Based on the Statutory requirements for holding the Board of Review and the Notice requirements for both the Board of Review and the Open Book, the best time and date to hold the CY 2013 Board of Review is Friday, May 31st, 2013 between the hours of 10:00 A.M. and 12:00 Noon. This option for holding the CY 2013 Board of Review will allow Mark to hold the Open Book on Friday, May 17th, 2013 between the hours of 4:00 P.M. and 6:00 P.M. Also attached are Draft Agendas and Notices for the proposed meetings. Should the Board agree with the Administration's proposed meeting schedule, a motion would be in order to approve holding the Town's

CY 2013 Board of Review on Friday, May 31st, 2013 between the hours of 10.00 A.M. and 12:00 Noon and the CY 2013 Open Book on Friday, May 17th, 2013 between the hours of 4:00 P.M. and 6:00 P.M. Additionally, the Board should direct staff to post and publish the appropriate notices for the scheduled meetings.

MOTION:

Motion made by unanimous consent to direct staff to post and publish the appropriate notices for the scheduled meetings.

- C. Discussion/Action: Town Board review and consideration of a proposal for the purchase of and training on Sanitary District Utility meter reading software. Based on the completion of the first quarterly reading for the Larsen/Winchester Sanitary District Utility (Utility) staff has come to the realization that the Utility's meter reading software has not been updated and can no longer be brought up to date. With that understanding, the Administration has solicited a proposal to purchase the latest version of the software that is currently being used and a reasonable amount of training time on the product. The reasoning behind the Administration's process is based on the limited number of product suppliers and the continued use of the existing remote meter reading device. Specifically, the meters, the remote meter reading device and the software are all compatible. The cost of the software is \$3,700.00 and the cost of the training is \$900.00, for a total cost of \$4,600.00. Staff is fairly comfortable that we will not need all of the training time budgeted, this should reduce the \$900.00 budgeted for training.

The Administration is using return on investment reasoning for recommending that the Town purchase the needed software to proceed with the billing service for the Utility. Given the skills of the Town's Office staff and the equipment the Town already owns, the return on purchasing the software to proceed with the Utility Billing project is immediate. The Utility has agreed to pay the Town \$8,000.00 per year to do a quarterly billing to its customers. Based on the first quarterly billing cycle the Administration expects that each billing cycle will cost approximately \$500.00 including labor and materials, for the four billing cycles per year the fixed cost for the project are \$2,000.00 per year. The estimated cost of the work at \$2,000.00 and the cost of the software and training at \$4,600.00 for a total of \$6,600.00 for the first year will give the Town a \$1,400.00 return on its investment for the first year and an estimated \$5,000.00 for the remaining 2-years of the agreement with the Utility including the annual updates to the meter reading software. Additionally, if the Utility does not extend its agreement with the Town it would need to purchase the meter reading software from the Town or purchase new software to do its own meter reading. How the Utility deals with the fact that their software was not updated is not my purview -- it is up to Utility Commission.

Should the Board agree with the Administration's recommendation a motion would be in order to approve the purchase of the meter reading software and training at a cost not to exceed \$4,600.00 with the funds to come from the Utility's payment for quarterly billing services.

MOTION:

Motion by: Supervisor Grundman
Seconded by: Supervisor Schmidt

Motion to approve the purchase of the meter reading software and training at a cost not to exceed \$4600.00 with the funds to come from the Utility's payment for quarterly billing services.

Motion carried by unanimous voice vote.

D. Discussion/Action: Town Board review and consideration of the schedule for mowing the Town's roadside ditches.

The Town Chair asked that this item be placed on the agenda for review by the Board. At this time and under normal circumstances, staff would mow the Town's roadside ditches in the early spring, during mid summer and in late fall. During CY 2012 this schedule was disrupted by limited staff and the significant drainage and road work the Department had to complete. At best, staff mowed those areas that represented a traffic hazard on a regular basis and the entire roadside ditch system in fall. This resulted in a number of complaints by residents that their ditches were not mowed and caused poor storm water drainage. The only redeeming fact was that the late mowing of the roadside ditches in fall allowed the system to work well during the spring thaw and rains. The Administration continues to be of the opinion that the roadside ditch system should be mowed on a monthly basis during the growing season with a final severe mowing in late fall of the year. This process will allow the roadside ditches to work at peak efficiency year round. The Administration's position is based on the belief that roadside ditches are a primary part of the Town's storm water management systems and the outfall for many small tributaries. If the outfall of the system does not work well, how can we expect the tributary system to work at peak efficiency?

Given its position the Administration respectfully asks the Board for direction relative to this issue.

- Discussed mowing ditches relative to the best option for water drainage
- No additional employees will be hired to cover the additional work
- Supervisor Lettau discussed concerns with mowing too aggressively, destroying native plants, and inviting invasives into the ditches
- Chairman Luebke advised that ditches are meant to keep water out of the roads and are not meant to provide space for native plants and animals
- Burt Drews (3113 County Rd II, Neenah) mentioned that many property owners are mowing all the way up to the gravel
- Supervisor Lettau questioned mowing less in certain unique areas for native plants

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to give the Town Administrator discretion to mow the ditches as he sees fit with the manpower available during the growing season.

Motion carried by 4-1 voice vote. Supervisor Lettau voted "NO"

E. Discussion/Action: Town Board review and consideration of a proposal for the purchase of an Electronic Document Management software program and the associated dedicated scanner.

The Administration and the Board have discussed the possibility of transitioning to an Electronic Records Management System for the Town. Attached please find a proposal

from Modern Business Machines (MBM) to provide the Town with Digital Document Management Software and a scanner for the conversion of existing and new documents into a digital format. Staff has reviewed the benefits of digitally storing all of the Town's documentation and although there are benefits to the system there are also costs. In order for the conversion to provide any space in the building, staff would need to digitize the existing documents. In order to complete this task staff would first need to create a functional filing system and then convert those files into a digital format. Failure to take these steps will create a file of documents with no retrieval system, essentially a digital box of documents. Based on a review of the proposal with staff, the Administration is recommending that the Board give it time to complete the creation of a filing system and then transition to digital files. The best way to achieve this goal would be to budget for the purchase of the software and the scanner in the Town's CY 2014 Budget with the purchase of the software in early spring of CY 2014. This schedule will allow staff time to create the needed filing system during the rest of CY 2013 and then plan for the conversion to electronic files. Additionally, the Administration will review the State's requirement that the Tax Parcel Files be digitized and coordinate that transition with the digitizing of the existing property files. Prior to the scheduled purchase the Administration would review the filing process and digitizing process with the Board in early CY 2014. If the Board agrees, a motion would be in order to direct the Administration to place the proposed Electronic Records Management System in the Town's Draft CY 2014 Budget.

MOTION:

Motion made by unanimous consent to direct the Administration to place the proposed Electronic Records Management System in the Town's Draft CY 2014 Budget.

- F. Discussion/Action: Town Board review and consideration of Engineering Services proposals for the following projects:
- a. Staking and construction supervision for the Town's CY 2013 Capital Reconstruction Projects (Phase-1 of the Ridgeway Drive Subdivision). Attached please find a copy of the Agreement for Professional Services for Phase-1 of the Town's CY 2013 Capital reconstruction project. The Agreement is for drafting temporary easements, construction staking and observation. The Administration has reviewed the Agreement and is comfortable with the scope of services and the fees. Please be advised that any construction supervision over the expected amount will be charged on a time and materials basis. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the Agreement for Professional Services for the Ridgeway Subdivision Roadway Improvements at a cost of \$29,000.00 with funding to come from the Town CY 2013 Budget, Engineering Line Item.
 - A fair number of Easements have been returned and continue to come in
 - Should read "not to exceed \$29,000.00"
 - Engineer Miller advised the cost does include all review services

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Geise

Motion to approve the Agreement for Professional Services for the Ridgeway Subdivision Roadway Improvements at a cost not to exceed \$29,000.00 with funding to come from the Town CY 2013 Budget, Engineering Line Item.

Motion carried by unanimous consent.

- b. Construction Materials Testing Services provided by River Valley Testing Corp. for the Town's CY 2013 Capital Reconstruction Projects (Phase-1 of the Ridgeway Drive Subdivision).

Attached please find a proposal from River Valley Testing Corp, (RVT) for the Town's CY 2013 Capital Reconstruction projects. The Administration is asking the Board to approve the RVT proposal on a preemptive basis. RVT does testing to provide confirmation that the product meets the required standard. For example, the compaction of the substructure of a road can be visually tested by running a fully loaded quad axel truck over the newly constructed surface and observing any deflection in the surface. Additionally, RVT can mechanically test the surface for compaction with a greater degree of accuracy; the difference between the two methods is cost. If in doubt, the Administration would like to have the option of having the testing done without having to wait for the Board Meeting to get approval of the proposal. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the RVT proposal on an as needed basis with funding to come from the Town's CY 2012 Budget, Engineering Line Item.

- This is being requested as a preemptive measure and will only be used if needed
- The Administration can only approve up to \$1,000.00 without coming to the Town Board. For this purpose, approval for up to \$2,500.00 can be given at the discretion of the Town Chair

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve the River Valley Testing proposal on an as needed basis with the funding to come from the Town's CY 2012 Budget, Engineering Line Item with the Administrator available to approve up to \$1,000.00 and with consultation with the Town Chair available to approve up to \$2,500.00

Motion carried by unanimous voice vote.

- c. Design and staking for the Storm Water Management Utility Improvement project on Woodcrest Drive in the Plat of Oakcrest Manor.
- Attached please find a copy of an Agreement for Professional Services for Storm Water Improvements in the Plat of Oakcrest Manor. The proposal is for improvements to the roadside ditches and cross culverts on Woodcrest Drive. Staff is working on a phased project to minimize the storm water management problems in the area. This proposal is for the first phase of the work which includes replacing the cross culvert, replacing the driveway culverts, ditching and installing the drain tile under the roadside ditches. The Administration has reviewed the Agreement for Professional Services and is recommending that the Board approve the document. If the Board agrees with the recommendation, a

motion would be in order to approve the Agreement for Professional Services at a cost of \$7,500.00 with funding to be split equally between the Town's Storm Water Management Utility Engineering Budget and the Town's CY 2013 Budget Engineering Line Item

- Discussed project plan relative to navigable waterway and storm water management drainage

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion to approve the Agreement for Professional Services at a cost not to exceed \$7,500.00 with funding to be split equally between the Town's Storm Water Management Utility Engineering Budget and the Town's CY 2013 Budget Engineering Line Item

Motion carried by unanimous voice vote.

- d. Design and staking services to correct the drainage issue on Lot 43 of the Plat of High Point Estates (3505 Dekalb Lane) in the Town of Clayton.

Attached please find a copy of an Agreement For Professional Services for designing a solution to the flooding problem on Lot 43 of the Plat of High Point Estates (3505 Dekalb Lane). The Town's Engineering Firm has agreed to hold the cost of the project in abeyance until the Board makes its decision on if and how it wants to deal with the issue. It is the Administration's belief that until we know how to solve the problem, and if the solution can be made to work the Board cannot make an educated decision on what to do. Given the Town Engineer's offer the Administration is recommending that the Board approve the Agreement For Professional Service at a cost not to exceed \$2,800.00 with the understanding that the Town Engineer will hold the fee in abeyance until the Board makes its final decision on the issue.

- Mr. Johnston described the water route which will be taken for proper drainage
- Chairman Luebke discussed where the Town draws the line with helping residents who have flooding in their homes due to poor construction at the Town's cost
- Mr. Johnston explained the Town is the best choice for completing the work, the Town needs to try to help them, but the homeowner should pay for everything including Town labor
- Chairman Luebke explained that the Storm Water Management Utility was created to pay for projects that will benefit everybody in the town and not just specific properties

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion to deny any funding for this issue and to send the residents in the right direction for services

Motion carried by unanimous voice vote.

G. Discussion/Action: Town Board review and consideration of a proposal for an exchange of land between the Town of Clayton and Chris Clauson, 8338 CTR “T”, Larsen WI 54947.

Town Chair Luebke (Mark) has been working with Mr. Clauson to get an access directly from the Town’s property to the new yard waste site. The attached map is a preliminary concept of how this could be accomplished. Mr. Clauson appears to be in agreement with this process; the only stumbling block is the cost. Mr. Clauson has indicated that he will provide staff with a dollar value that he finds acceptable on Monday, April 29th, 2013. The Administration will have the details of the process and its recommendation for the Board prior to the meeting. Staff will make an attempt at getting the information to the Board by close of business on Tuesday April 30th, 2013.

- Chairman Luebke explained the map and described the parking lot Mr. Clauson is considering
- Pricing is based on square footage. Mr. Clauson will agree with the Town’s plan for a cost of \$9,000.00
- Burt Drews questioned if Mr. Clauson will be taking other buildings down, which he does plan to do
- Supervisor Grundman questioned where the money is coming from. Chairman Luebke advised it will come from the money made on the sold house
- Chairman Luebke asked for Arden Schroeder’s opinion. Mr. Schroeder advised he would not go through with the \$9,000.00. He would offer \$5,000.00 and stick with it
- Mr. Johnston advised there is a benefit to the Town being able to control the access for the waste site
- Mr. Schroeder advised to get everything in writing before going through with a plan.
- Supervisor Schmidt advised there needs to be a timeframe in place and the money should be in escrow until the work is done.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion to propose the exchange of land between the Town of Clayton and Mr. Clauson with a cost not to exceed \$9,000.00

ROLL CALL VOTE

Supervisor Schmidt: NO

Supervisor Geise: AYE

Supervisor Grundman: AYE

Supervisor Lettau: AYE

Chairman Luebke: AYE

Motion carried by 4-1 roll call vote. Supervisor Schmidt voted “no”

H. Discussion/Recommendation: Town Board review and direction to staff relative to the issues discussed at the pre-construction meeting and the project schedule for the CY 2013 Capital Reconstruction Project ((Phase-1 of the Ridgeway Drive Subdivision).

Attached please find a copy of the agenda for the project pre-construction meeting, the minutes of the pre-construction meeting and a copy of the construction schedule for the project. The Administration is providing this information to the Board so that, if asked, you will know what the construction schedule for the project is; staff will advise the Board of any changes to the proposed schedule. Additionally, staff provided the contractor with information relative to the unique features of the project and project site. The issue of progress payments was discussed; the Administration advised the Contractor that the Board's current policy is to allow staff to make project payments as submitted, however, staff would confirm this process with the Board prior to making any commitment to the policy.

As part of the project, staff has asked certain property owners for Temporary Easements to improve the final look of the project (see areas highlighted in yellow on the attached map). To date staff has received 3 of the 14 easement documents mailed. For those property owners who do not sign the easement documents, the Contractor has been directed to work only within the Town's Right-Of-Way.

NO MOTION

- I. Discussion/Recommendation: Town Board review and direction to staff relative to a CY 2014 Storm Water Management Utility project to drain Phase-2 of the Ridgeway Drive Subdivision through the Ridgeway Country Club, Inc. properties.

Attached, please find a copy of a letter from Thomas Wroblewski, Vice President and Greens and Grounds Committee Chairman for the Ridgeway Country Club, Inc. As the Board knows, the storm water drainage from the southern part of the Ridgeway Drive subdivision, (phase-2 of the capital re-construction project) drains through the Ridgeway Country Club grounds (see attached map). Mr. Wroblewski is asking the Town how it plans to deal with the existing and additional storm water that is likely to be directed on to the Country Club grounds. This has become less of an issue for the Town with the phasing of the Town's Ridgeway Drive subdivision re-construction project. However, there is significant benefit to developing a plan for disposal of the Town's storm water through the Country Club prior to starting phase-2 of the reconstruction project. The Administration is asking for authorization to develop a plan and discuss the potential solutions with the Country Club prior to starting phase-2 of the capital reconstruction project in CY 2014. Please be advised that, from the Town's perspective, any plan and/or solution would be subject to Board approval of the plan and funding of the project. Additionally, the Board would have to approve any engineering agreements prior to the start of the design process.

- Discussed meeting with Ridgeway Golf Course V.P.
- Discussed sharing costs for the project
- Discussed cleaning the farm ditch on the Drew's property

NO MOTION

- XI. Upcoming Meeting Attendance
- A. Joint Fire Department Meeting 7:00 P.M. on 4/25/13 at Winchester Town Hall
 - B. Capital Day 4/30/13 in Madison

C. Next Town Board Meeting has changed to Monday, May 13th

XII. Board Member Requests for Future Agenda Items

A. Supervisor Lettau requested looking at non-toxic/organic treatments for weed spraying on the baseball diamonds and the trails

XIII. Review of Disbursements

A. Disbursements

XIV. Adjournment – 9:31 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant