

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 p.m. on Wednesday, November 7th, 2018

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.
2. Pledge of Allegiance.
3. Verification of Notice
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
Asst Admin/Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ben Lafrombois	PRESENT

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

A. No Public Hearings

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, October 17th, 2018 Town Board Meeting.

MOTION:

Motion by unanimous consent to approve the Minutes of the Wednesday, October 17th Town Board Meeting

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

- Becky Haskell, 9080 N Oakwood Ave, Neenah
 - Chief Election Inspector
 - Tuesday, November 6, 2018 was the election with 80 percent voter turn-out with 2233 ballots cast
 - Poll Workers worked very long, busy shifts, many without breaks
 - Chairs in the meeting room caused discomfort and issues for Poll workers

- Adjustments features are broken, pillows slip, chairs lean forward—should lean back, the issues are numerous
- Requested the Board consider purchasing new chairs prior to the next election which will be held February 19, 2019

V. Correspondence:

- A. October CY 2018 Building Inspection Report.
- B. Distribution to the Town Board of the Wisconsin Compensation Rating Bureau, Workman's Compensation Experiential Modification Factor of 0.85.
 - Administrator Johnston pointed out that the rating of 0.85 is an excellent rating reflecting the diligence of the Public Works Crew to maintain a safe environment
 - He noted that scores below 1.0 receive premium refunds
- C. A copy of correspondence from the Governor's Office.
- D. A copy of an e-mail relative to work done by the Public Works Department.
- E. A copy of a Notice of Award to the Greater Oshkosh Economic Development Corporation on their Commute to Careers Grant.

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

- A. County Supervisor Report
 - NO REPORT
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - NO REPORT
- C. Clayton Fire Rescue Department (First Meeting of the Month)
 - Chief Rieckmann provided a written report to the Town Board. 144 calls as of 11/02/18 of which 88 were EMR, 41 were Fire, and 16 were both.
 - Rescue 43 Vinyl Graphics installed
 - Brining equipment installed and ready
- D. Larsen-Winchester Sanitary District
 - Mike Pfankuch, Chairman provided a report to the Town Board.
 - Set Levy for CY 2018—the same as last year, \$1.25/\$1,000 of assessed value
- E. Administration Comments
 - Mary Jo Miller, Engineer
 - Due to the weather and utility locates, work in Highland Wood subdivision has continued to be slow.
 - Geotech on Larsen Road completed, Topographic will be completed soon
 - Regional Pond has had the wetland delineation completed, Topographic will be completed soon
 - Administrator Johnston
 - Staff and Poll Workers completed the election without any major issues
 - One person required medical attention, but staff managed to help them complete the voting process prior to transport to a medical facility
 - Staff has started tax prep work
 - Developing TIF
 - Continuing Incorporation process
 - Deputy Clerk Stevens

- Noted the excellent work the Chief Election Inspectors did, running an extremely hectic and busy election—a high paced, high stress day ran smoothly without problems

Chairman Geise

- Two public informational meetings held Oct 30 and Oct 31. Both went well, residents very supportive of incorporation process
- Anticipate receiving an answer to a water and sewer proposal soon

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Melissa C Wintrow
- ii. Emily T. Calder

B. Renewal:

- i. No Renewal Licenses Issued

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 (second Town Board meeting of the month):

A. No Referrals

X. Business:

- A. Discussion/Action: Town Board review and consideration of Payment #2 (Final Payment) submitted by MCC, Inc., P.O. Box 1137, 2600 North Roemer Road, Appleton, WI 54912-1137 for the Developer funded construction of the Rosemary Lane Project.

The Board reviewed a copy of Pay Request #2 (Final Payment) in the amount of \$26,147.22, submitted by MCC, Inc., P.O. Box 1137, 2600 North Roemer Road, Appleton, WI, 54912-1137 for the Rosemary Lane Construction Project. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the second and final pay request for the Rosemary Lane Construction Project from the escrow account held by the Developer's Bank. Staff advised the Board that it will be making the payment out of escrow funds provided by the Developer. Staff also reminded the Board that the final lift of asphalt will be placed on Rosemary Lane at the Developers expense in CY 2019.

MOTION:

Motion by unanimous consent to approve the pay request submitted by MCC, Inc., P.O. Box 1137, 2600 North Roemer Road, Appleton, WI, 54912-1137 in the amount of \$26,147.22 with the funding to come from the Developer's Escrow Account.

- B. Discussion/Action: Town Board review and consideration of the Treasurer's Audit of Payment #3 (Final Payment) submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded extension of Rose Moon Way.

The Town Board approved Pay Request # 3 (Final Payment) in the amount of \$2,411.25, submitted by Radtke Contractors Inc., 6408 Cross Road, Winneconne, WI 54986 for the Developer funded extension of Rose Moon Way. When Rose Moon Way was originally constructed it had a temporary cul-de-sac on the west end of the road which extended to the north onto the property owned by the Steckling Family. As part of the Developer funded extension of Rose Moon Way the temporary cul-de-sac was removed from the Steckling property. It is customary for the Municipality to pay for the removal of a temporary cul-de-sac. In this case the temporary cul-de-sac was removed as part of the road extension project. The Treasurer has audited the project cost and determined that the cost of the removal of the temporary cul-de-sac was \$2,100.00. The Administration is recommending that the Town fund the refund from the CY 2018 Public Works, Road Maintenance Line Item. In addition, the Treasurer has calculated an escrow refund of \$2,916.36 that is due to the Developer, making the total refund due to the Developer \$5,016.36. Additionally, the Board was advised that the Developer will be responsible for the second lift of asphalt on the extension of Rose Moon Way in CY 2019. The Administration also reminded the Board that the Town will be Special Assessing the cost of constructing half of the extension to the abutting property owner to the south with the payment to be refunded to the Developer if and when the property owner takes access to the road and the Special Assessment is paid.

MOTION:

Motion by unanimous consent to refund \$5,016.36 to the Developer as presented.

- C. Discussion/Action: Town Board review and consideration of Resolution 2018-007 A Resolution Approving the Financing for and the scheduled purchase of a plow truck to replace the Town's CY 2004 International plow truck.

The Board reviewed a draft copy of Resolution 2018-007 A Resolution Approving the Financing for and the scheduled purchase of a plow truck to replace the Town's CY 2004 International plow truck. They also reviewed copies of the documents provided by Tax-Exempt Leasing Corporation. The annual lease cost is \$56,780.59 with the first lease payment due on January 15th, of CY 2020. The Administration advised the Board that debt should never extend past the life cycle of the unit being purchased. In this case the debt is for 5-years and the life cycle of the unit is 10-years. The Administration is recommending that the Board continue funding the annual payment to a Capital Equipment Replacement Fund so that the funding to replace the unit will be in place at the end of its life cycle. The Board agreed to the purchase and the funding of the unit as part of the CY 2019 Budgeting

process. The Resolution provides the evidence needed to satisfy the lender's requirement of Board action approving the purchase and the funding mechanism.

- Supervisor Reif expressed concern about borrowing the funds to purchase the truck at this time
- Administrator Johnston explained that the 2004 International Plow Truck is at the end of its life and has already required significant repair work in order to keep it operational

MOTION:

Motion by Supervisor Lettau

Second by Supervisor Schmidt

Motion to approve Resolution 2018-007 A Resolution Approving the Financing for and the scheduled purchase of a plow truck to replace the Town's CY 2004 International plow truck.

ROLL CALL VOTE:

Supervisor Lettau	Aye
Supervisor Schmidt	Aye
Supervisor Grundman	Aye
Supervisor Reif	Nay
Chair Geise	Aye

Motion carried by a vote of 4-1

- D. Discussion/Action: Town Board review and consideration of improving the storm water management easement on Tribute Drive specifically located between Tax ID# 006-1615 (8051 Tribute Drive) and Tax ID# 006-1614 (8057 Tribute Drive) with the costs to be Special Assessed to the benefitted property owners.

The Board reviewed information locating the properties on Tribute Drive having a drainage issue. Mr. Heling (8051 Tribute Drive) has approached the Board about correcting the drainage issue on the north side of his property. The Town Chair has spoken to Mr. Heling and arrived at a proposal that would deed the drainage easement to the Town allowing Town staff to work in the area. Additionally, the adjoining property owners would accept the Town Special Assessment of the cost of the repairs if they were to be placed on the benefitted property owners tax bills. Staff is looking for Board approval of the proposed concept so that it can move forward with the transfer of the drainage easements to the Town, the design of the project, and planning for purchase of the needed product so that the drainage improvements can be completed early CY 2019. The Assessments would then be placed on the CY 2019 Tax Bills payable in CY 2019/20 by the benefitting property owners.

MOTION:

Motion by unanimous consent to direct staff to proceed with the project as outlined.

- E. Discussion/Action: Town Board review and direction to staff relative to cleaning of the navigable waterway that extends from Oakwood Avenue to Pioneer Road on the north side of CTR “II”.

The Administration informed the Board that they and the Town Engineer have had many discussions relative to this project and are of the opinion that having received Board direction they now can now provide reasonable advice to the Board. Specifically, the Department of Natural Resources (DNR) requirements for permitting are going to drive the costs of developing the project. The DNR is requiring that the Town provide cross sections of the ditch area to be cleaned. The cost of this work is dependent on how much of the ditch the Town would like to clean. Based on the mapping and photographs staff has received an estimate from a local contractor for the costs of the project. The cost estimate is in the area of \$60,000.00 for cleaning the congested areas of the drainage course.

- The Board expressed concern about the cost of the project
- Administrator Johnston explained that the estimate provided was in line with the amount of work to be completed
- The Board requested the opinion of the Town Attorney in regard to the Board’s statutory obligation to complete the work
- Attorney Lafrombois informed the Board he would review the item and provide his legal opinion at the next Board meeting

NO ACTION TAKEN

- F. Discussion/Action: Update to the Town Board on the sale of the surplus Clayton Fire Department Command Vehicle (2003 Ford).

The Administration advised the Board that it has sold the Town’s CY 2003 Ford that was used as the Fire Department’s Command vehicle. The Administration had intended to use the vehicle as the Town Police Vehicle. Prior to making the final decision on the use, Supervisor Reif was asked to give his opinion on the continued use of the vehicle. Supervisor Reif indicated that he would not recommend using the vehicle for municipal purposes, however, he knew of an individual looking for an inexpensive vehicle for use as daily transportation. The Administration conferred with the Town Chair and was given permission to dispose of the vehicle in an as-is-where-is manner. The vehicle was sold for \$1,500.00 with the funds to be placed in the Unanticipated Revenue Line Item of the CY 2018 Budget.

NO ACTION TAKEN

- G. Discussion/Action: Town Board review and consideration of the purchase of CY 2019 Ford Police Interceptor Utility (K8A) AWD vehicle for the Town’s Police Officer.

Staff noted that they have lost the vehicle they had intended to use as a Town Police vehicle due to the condition not being suitable for the type of use proposed. As a replacement staff has solicited a proposal from Ewald Automotive Group at a cost of \$29,394.00, Ewald Automotive Group has been awarded the State Bid for this type of

vehicle. Staff advised the Board that a police vehicle is constructed with the understanding that it will see significant use in a specialized environment.

MOTION:

Motion by unanimous consent to authorize the purchase of a new Police vehicle at a cost of \$29,394.00 with the funding to come from the Town's CY 2018 Unassigned Reserve.

- H. Discussion/Action: Town Board review and authorization to staff to divide the Town owned land located on the southwest corner of Clayton Avenue and Fairview Road (8879 Clayton Avenue) and specifically identified as Tax ID# 006-0348-01.

The Board reviewed a copy of an e-mail from an individual expressing interest in purchasing residential property in the Town of Clayton. The individual had expressed interest in the Town owned property located at 8879 Clayton Avenue. The Board also reviewed a site plan showing how the property at 8879 Clayton Avenue could be divided and sold. Specifically, the first lot would separate the existing residential structure on a 1.4-acre lot from the rest of the property. The rest of the property would be divided into two lots, the first being 1-acre and the second being 1.4-acres. All three of the properties would comply with the Town's Zoning Code of Ordinances. The Administration respectfully asked the Board for authorization to Contract with the Town Engineer to provide the Town with a Certified Survey Map (CSM) that divides the property as described.

MOTION:

Motion by unanimous consent to authorize the Administration to contract for a CSM with the funding to come from the property rental account.

- I. Discussion/Action: Distribution to the Town Board of the Administrator's CY 2018 Performance Evaluation Documents.

Each of the Board members was provided a blank copy of the Administrator's Annual Performance Evaluation document. The Administration will be distributing a completed copy of the Administrator's Performance Evaluation with the agenda packet for consideration at the Board's Wednesday, November 21st, 2018 Town Board Meeting

- Chair Geise requested that each of the Supervisors complete their evaluation of the Administrator and return it to him no later than November 16, 2018.

NO ACTION TAKEN

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance: NONE
- XIV. Board Member Requests for Future Agenda Items: NONE
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:05 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk