

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 8:18 P.M. on Wednesday, January 4, 2012

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, December 21, 2011

MOTION:

Motion by: Unanimous consent

Approve the Regular Town Board Meeting minutes of Wednesday, December 21, 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 – not present, no report

B. Winnebago County Sheriff’s Department – Public Concerns and Issues

1. Sheriff Deputy Villie arrived at 7:05 P.M.
2. The lost fox was found and returned to its owners this evening
- C. Clayton-Winchester Fire Department
 1. No CWFD member present
 2. Update: no report; Town Board requests Fire Chief be present at one Town Board meeting per month
- D. Larsen Winchester Sanitary District
 1. No LWSD member present; no report
- E. Administration Comments
 1. Administrator: Received a Notice of Claim this afternoon; open-bottom culvert project on Oakwood Avenue at the intersection of Golf Wood Drive installed with gravel until paved in 2012; renovation of the municipal building start date anticipated immediately after the Annual Meeting in April, 2012; we will be applying for conservation-type grants, the bulk of the grant applications will be Department of Commerce
 2. Clerk: Town Board Supervisor seats #3 (Ann Schmidt) and #4 (Russell D. Geise) will be on the April 3, 2012, Spring Election, they are both running unopposed on the Spring Election ballot; to-date we've taken in just over half the 2011 taxes payable in 2012
 3. Public Works Foreman: Open-bottom culvert project update; culvert is 54 feet
 4. Engineer: no report
 5. Chair Luebke: no report
 6. Supervisor Lettau: Larsen-Winchester Sanitary District is looking into installing solar aerators in the ponds; it will proceed with DNR permitting to move ahead with the project; the project is to improve the duck weed and depleted oxygen in the ponds; no violations in the last draw-down 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 – Shane M. Louks (Present)

MOTION:

Motion by: Unanimous consent
Approve the Operator License for Shane M. Louks.
CARRIED

2. New – Angela L. Castellion (Present)

MOTION:

Motion by: Unanimous consent
Approve the Operator License for Angela L. Castellion.
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 review and consideration of a staff request to purchase new election voting equipment for the Town Offices.

1. Listed below please find the election equipment that staff would like to purchase before the Spring Election.
2. The equipment will be needed to run the elections once the Town/Fire Hall renovation is completed.
3. Staff would like to have the new equipment in place to avoid having to use new, untried equipment during what will likely be a busy Presidential Primary and General Election.
4. The equipment consists primarily of voting booths, storage equipment for the voting booths and routine election supplies.
 - a. Item #1904-01 Companion Pack Premier Voting Booth
(Qty. = 10pks) \$2,099.50
 - b. Item #1912-01 Companion Pack Premier ADA Voting Booth
(Qty. = 1pk) \$ 249.85
 - c. Item #1307-01 Provisional Booth (Corrugated plastic)
(Qty. = 2ea) \$ 39.00
 - d. Item #1968-01 AccuVote-OS Tally Paper Roll
(Qty. = 20ea) \$ 22.00
 - e. Item #1966-01 AccuVote-OS Ink Ribbon
(Qty. = 3ea) \$ 18.00
 - f. Item #1956-01 AccuVote-OS and AccuVote-TSX Precinct Cart
(Qty. = 1ea) \$ 895.00
 - g. Item #1314-01 PollCAT 66 Equipment Cart
(Qty. = 2ea) \$1,049.50
 - h. Item #1248-01 Single Slot Ballot Box
(Qty. = 1ea) \$ 247.00
 - i. Total purchase costs: \$ 4,619.85
5. Funding for the purchase will come from the Town’s CY 2012 Office Capital Equipment, Line Item.
6. If the Board agrees with the proposed purchase, a motion to authorize the purchase at a not-to-exceed cost of \$4,750.00 would be in order.
7. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Purchase new voting equipment for the Town Offices at a cost not to exceed \$4,750.00.

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

- B. Discussion/Action: Town Board review and consideration of a proposal to complete Town Operations/ClaytonFest-related electrical work in the Town's Cold Storage Building.
1. The Green Space Committee has been working with the ClaytonFest volunteers to plan for the CY 2012 event.
 2. Because of the planned reconstruction of the Town/Fire Hall this summer, the ClaytonFest activities are scheduled to be held at the east end of the Town Garage (see ClaytonFest grounds map).
 3. In order to provide for electricity for the activities staff has contacted an electrician to run power to the east end of the Cold Storage Facility.
 4. The proposed power extension will serve the food and music activities of the event.
 5. Additionally, any power extended to the Cold Storage Building would be useful to the Public Works Department.
 6. Given the expansion of the Town/Fire Hall into the area east of the existing Fire Hall, the Administration expects that the ClaytonFest activities will need to be held at the east end of the Cold Storage Facility for the foreseeable future.
 7. Once the Town/Fire Hall is completed, there will not be enough room for the tent much less any social activities.
 8. The cost of the proposed project is \$1,900.00 including parts and labor.
 9. The Board will need to identify the source of funding for the project.
 10. The Administration can use the Town's Public Works Department, Building Repair and Maintenance Budget Line Item, or the proceeds from ClaytonFest.
 11. The Administration is recommending using a combination of both funds.
 12. If the Board would like to proceed with the project, a motion would be in order to authorize the extension of power to the Town's Cold Storage Facility as identified at a cost not to exceed \$1,900.00, with funding to come from an even split between the Public Works Department, Building Repair and Maintenance Budget Line Item, and the proceeds from the reserve account from past ClaytonFest events.
 13. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Approve the proposal to complete Town Operations/ClaytonFest-related electrical work in the Town's Cold Storage Building at a cost not to exceed \$1,900.00, with funding to come from an even split between the Public Works Department, Building Repair and Maintenance Budget Line Item, and the proceeds from the reserve account from past ClaytonFest events.

CARRIED by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of an Engineering proposal for storm water management improvements in the following Subdivisions:

1. The Town Board members each received a copy of the proposals for the design of the Storm Water Management improvements to the above-listed subdivisions.

2. Deer Trail Estates
 - a. Deer Trail Estates is located off the south side of Shady Lane west of Oakwood Avenue.
 - b. The subdivision has some drainage problems that need to be corrected prior to replacing the cross culvert in Knox Lane.
 - c. The cross culvert has a significant heaving problem that has troubled the area residents since the start of my tenure as Town Administrator.
 - d. Additionally, several residents have either already or intend to replace their driveway culverts in the near future.
 - e. In order to allow the residents to replace their culverts correctly and in order to replace the cross culvert correctly staff will need to complete a significant amount of ditching in the area of Bomar Avenue and the west end of Knox Lane.
 - f. Staff will also need to clean and grade the outfall for the storm water management system.
 - g. The cost of the engineering proposal for the project is \$10,450.00.
 - h. Funding for the project will come from the Town's CY 2012 Budget, Engineering Line Item.
3. Sunburst Estates
 - a. Staff would like to finish the project that was started in CY 2011.
 - b. The balance of the project consists of restoring and maintaining the storm water management system on Sunburst Lane and Sunwood Drive.
 - c. The project will include restoring and improving the drainage easement that provides access to the storm water management pond.
 - d. The Administration needs to advise the Board that this engineering proposal includes only the baseline survey work for creating an outfall for the Storm Water Management Pond.
 - e. To the best of staff's knowledge the pond has no outfall at this time.
 - f. The cost of the engineering proposal for the project is \$10,695.00.
 - g. Funding for the project will come from the Town's CY 2012 Budget, Engineering Line Item.
4. Oakcrest Manor
 - a. The Town's Engineer has designed the first segment of the proposed improvement to the storm water management system in the area of Oakcrest Manor.
 - b. This proposal will complete the design of the system throughout the subdivision.
 - c. The main issue with the storm water management system in the area is that it includes a navigable waterway under the jurisdiction of the Department of Natural Resources (DNR).
 - d. The cost of the engineering proposal for the project is \$7,090.00.
 - e. Funding for the project will come from the Town's CY 2012 Budget, Engineering Line Item.
5. The total cost of the engineering proposals for these projects is \$28,235.00.
6. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Approve the engineering proposals for Deer Trail Estates, Sunburst Estates, and Oakcrest Manor, at a cost not to exceed \$28,235.00, with funding for the projects to come from the Town’s CY 2012 Budget, Engineering Line Item.
CARRIED by unanimous voice vote.

D. Discussion/Action: Town Board review and consideration of a Governmental Accounting Standards Board (GASB) Rule # 54-compliant Fund Balance Policy.

1. Each Town Board member received a copy of a Draft of A Governmental Accounting Standards Board (GASB) Rule # 54-Compliant Fund Balance Policy.
2. The Town’s auditor has recommended that, in order to be GASB compliant, the Board adopt such a Policy for the Town.
3. The Administration has not put the draft policy in the format usually used by the Town for its Policies.
4. If the Board wishes, it can approve the draft policy and direct the Administration to convert it to the Town’s standard format.
5. Or, as an alternative, the Board can direct the Administration to convert the draft policy to the Town’s standard format and then present the document to the Board for approval.
6. In either case, the draft policy essentially standardizes the names, the definitions, and the uses for certain accounts.
7. This will allow the reader to have a consistent understanding of the names given to accounts and to the uses of the funds in those accounts.
8. The Board will need to give the Administration direction on the amount of money, as a percentage of the General Fund Expenditures, that it would like to have in reserve.
9. The Administration has routinely recommended that the Governing Body keep 15% to 20% of the community’s General Fund Expenditures, including debt service.
10. A motion would be in order to approve the draft policy and convert it to the Town’s standard policy format.
11. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Geise

Approve the draft Governmental Accounting Standards Board (GASB) Rule #54-compliant Fund Balance Policy and convert it to the Town’s standard policy format, with 50% of the levy for reserve.

CARRIED by unanimous voice vote.

E. Discussion/Recommendation: Town Board direction to staff relative to scheduling an Offer to Purchase Municipal Land located at 2990 CTR “II”, specifically known as Tax ID # 006-0391-05, by Mark Westphal for Board action.

1. The Administration has received an offer to purchase Town owned land at the above-captioned address.

2. Before scheduling this item for Board consideration, the Administration would like direction from the Board on the manner in which it would like to consider this issue.
3. Given the specifics of the property, the Administration is concerned that there be no appearance of impropriety with the consideration of the offer.
4. Specifically, the Administration would like to know if the Board would like to schedule a Closed Session of the Board to discuss the offer or would it like to negotiate in a Public Meeting?
5. Does the Board wish to have its legal counsel present at the meeting?
6. The Administration is advising the Board to not discuss the offer at its Wednesday, January 4th, 2012, meeting.
7. The only thing that should be considered is the process the Board would like to use when considering the offer.
8. Please do not ask for any more information relative to the offer than is published on the agenda.
9. Given the potential sensitivity of the issue, the Administration is recommending that the Board discuss the offer in a public forum at the Board's Wednesday, February 1st, 2012, meeting.
10. Some of the issues the Board should consider are the price of the land, the issue of the access cul-de-sac, and the use of the potential proceeds of the sale.
11. Additionally, the Board should be able to indicate how it plans to locate any potential future Fire Station on the east side of the Town.
12. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Schmidt

Hold the discussion of the property located at 2990 CTR "II", specifically known as Tax ID # 006-0391-05, in open session at the February 1, 2012, Town Board meeting.

CARRIED by unanimous voice vote.

- F. Discussion/Recommendation: Town Board review and direction to staff relative to a draft one-year rolling Employment Agreement extension with Tom Spierowski for Uniform Building Code (UDC), Building Inspection Services for the Town of Clayton.

1. Each Town Board member received a copy of the Town's existing Agreement with Tom Spierowski, the Town's Building Inspector (Inspector), and a copy of the draft of a new Employment Agreement with the Inspector for CY 2012.
2. Based on the Inspector's employment circumstances, the Administration is recommending a one-year rolling contract.
3. The Inspector has been looking for full-time employment and would likely take a full-time position if it were to be offered.
4. The Administration would like know the Board's position relative to the Draft Employment Agreement before it is sent to the Town's Labor Counsel for his review.
5. The final draft of the employment agreement will come before the Board for approval at its Wednesday, January 18th, 2012, meeting.

6. The Administration has some concerns relative to how the employment of the Inspector is considered.
7. Specifically, in order to be covered by the Town's Liability Insurance Policy, the Inspector needs to be a Town Employee.
8. This process would require that the Inspector be paid through the Town's payroll system.
9. The Inspector's wage is variable and dependant on the number of permits issued.
10. The only comparison to the private sector that makes any sense is a pure commission salesperson.
11. In order to simplify the payroll process staff is recommending a fixed split of the value of all permits issued; the recommended split being 80/20, with 80% going to the Inspector and 20% going to the Town.
12. From the Administration's perspective, the motivating goal is to make the Inspection Department self-supporting from the fees collected.
13. Staff will prepare an analysis of the Permit Fees and the Fee split for the Board's January 18th, meeting.
14. Board Direction: Place this item on the next Town Board agenda.
15. Commented on this item: no resident comments.

No motion on this item.

- G. Discussion/Recommendation: Town Board direction to staff relative to Performance Evaluations for non-represented Municipal Staff to include the following positions:

1. Town Administrator
2. Town Clerk
3. Town Treasurer
4. The Administration would like to know how the Board would like to proceed with the Performance Evaluations of the Town's non-represented staff.
5. In the past, the Administration has reviewed the performance of the Clerk and the Treasurer, and the Board has reviewed the performance of the Administrator.
6. The Administration would like to know if the Board wishes to continue with this process.
7. Additionally, the Administration would like to remind the Board that the Administrator's Contract expires on December 31st, 2011.
8. Each Town Board member received a blank copy of the document the Administrator would use to evaluate the performance of the Clerk and the Treasurer.
9. In the past, the Town Chair has used the same document to evaluate the performance of the Administrator.
10. Once completed, all three Performance Evaluations would be presented to the Board.
11. Additionally, the Board will need to direct the Administrator relative to his contract.
12. Board direction: Administrator to complete the evaluations on the Clerk and the Treasurer; Town Board members to complete the evaluation of the Administrator; Chair and Supervisor #3 to present evaluation results to the Board and Town Administrator employment agreement on the February 1, 2012,

13. Commented on this item: no resident comments.

No motion on this item.

XI. Upcoming Meeting Attendance

- A. Winnebago County Zoning Information Session – 4:00pm-7:00pm on Thursday, January 5, 2012 (Location: Town of Clayton Town Hall)
- B. WTA District Meeting – 630pm on Thursday, January 5, 2012 (Location: Nekimi Town Hall)
- C. Green Space Committee – 5:30pm on Thursday, January 19, 2012 (Includes ClaytonFest planning)

XII. Board Member Requests for Future Agenda Items

- A. No items.

XIII. Review of Disbursements

Town Board reviewed disbursements.

XIV. Adjournment – 8:18 P.M.

MOTION:

Motion by: Unanimous consent

Adjourn.

CARRIED

Respectfully submitted,
Susan Nester-Huebner, *Town Clerk*