

TOWN OF CLAYTONRegular Meeting of the Town Board of Supervisors
Meeting MinutesFebruary 2, 2011
7:00 p.m. – 9:18 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke.

Roll: Town Board

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Klingenberger	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamerter	ABSENT (Excused)
Town Engineer Madsen	PRESENT

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Town Board Meeting – January 19, 2011
MOTION: (unanimous consent) Approve Regular Town Board Meeting Minutes from January 19, 2011, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters – none**IV. Correspondence**

- Murphy Concrete & Construction (MCC) (received 1/20/2011) – Notification of blasting and operations at the Larsen Quarry, CTH II in Larsen
- Winnebago County Sheriff (received 1/25/2011) – Alcohol Sales Compliance Check for Willie Beamon's (Passed)
- East Central Wisconsin Regional Planning Commission regarding February 2, 2011, joint meeting of the Town of Clayton, Town of Neenah, and City of Neenah

V. Discussion Items (No action will be taken.)

- County Supervisor Report – Supervisor Joanne Sievert, District 29, not present: HERE
- Winnebago County Sheriff's Dept. – no Deputy present
- Clayton-Winchester Fire Chief Report – Fire Chief Mathison not present: Fire Department has received 9 calls year-to-date
- Administration Comments –

Town Administrator: Met with Town of Neenah and City of Neenah for the purposes of reviewing/discussing past and current issues associated with the Oakcrest Manor subdivision located in the Southeastern portion of the Town of Clayton to identify and discuss potential solutions for addressing failing on-site sewerage facilities in a collaborative manner; met with Westridge Golf Course Operator and Manager regarding the flow-line of the ditch on Larsen Road

Clerk: Dog/Cat vaccine clinic held in mid-January and had over 60 dogs and cats attend

Town Engineer: Lighted stop signs for Larsen Road to be installed; 2012 projects design work to begin this summer at the latest

Chair Luebke: Dry Cake Storage Facility proposal to be on agenda next month (March 2 at 4pm)

VI. Zoning – Receipt of Information from Plan Commission – none

VII. Licenses

- A. **Discussion / Action** – Board discussion and action on Dog Licensing in the State of Wisconsin per State Statute 95.21(9)(d) allowing an exemption from rabies vaccination

Wisconsin State Statute 95.21(9)(d) allows the Town an exemption from the rabies vaccine if the Town is willing to allow the exemption. Recently, staff received two (2) different inquiries regarding residents whose dog has either a deadly allergic reaction to vaccines or is receiving a regimen of therapy where their veterinarian deems it inadvisable to administer a rabies vaccine.

Staff drafted a Town of Clayton Liability Release letter which the owner would be required to sign before being issued a dog license. The owner would first be required to submit a letter from the veterinarian specifically stating the reason for the request; the reason must comply with Wisconsin State Statute 95.21(9)(d).

Staff contacted the Town’s attorney and submitted the draft release letter for accuracy. The Attorney stated we should include that this exemption is only valid for one (1) calendar/licensing year, and the owner would need to submit a new letter each year he/she asks for the exemption from the rabies vaccination.

To date, neither owner has submitted a request to obtain a 2011 dog license with the exemption. Once the owner submits an exemption request, submits the veterinarian, letter, and reads/signs the Town of Clayton Liability Release Letter, staff will note the exemption in the dog licensing software and inform the Animal Control officer of the exemption.

MOTION: (Geise, Schmidt) Approve Dog Licensing for the Town of Clayton in the State of Wisconsin per State Statute 95.21(9)(d) allowing an exemption from rabies vaccination.
 CARRIED by unanimous voice vote.

VIII. Business

- A. **Discussion / Action** – Town Board approval of Job Descriptions for the Town Administrator, the Town Clerk, and the Town Treasurer

MOTION: (Klingenberger, Lettau) Approve the Job Descriptions for the Town Administrator, the Town Clerk, and the Town Treasurer
 CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Town Board action on a Fire Department/Town Hall Remodeling Design Contract proposal submitted by Martenson & Eisele, Inc., the Town’s Engineering Firm

The proposal submitted by Martenson & Eisele is based upon a solicitation by the Administration. Administration has received several requests for consideration from area engineering firms for the above-referenced project. Administration has taken the position that it is more efficient to use the firm that worked with Plan Commission and Town residents to arrive at this point.

The Town Chair has asked that staff have a plan and related cost estimates prepared in time to present at the Town’s April 12, 2011, Annual Meeting. If staff is to meet this timeline, the Town’s Engineer/Architect needs to start work on the project.

Additionally, The Town Chair has asked the Administration to research all sources of grant funding available for the project. Any grant application submitted by the Town would carry more weight if it was accompanied by a set of construction cost estimates and final/approvable construction plans.

The cost for the design and construction engineering process is \$52,500.00 plus \$500.00 in reimbursable expenses. On page 5 of the proposal there is a list of items not included in the proposal. Administration has reviewed the list and asked the Town’s engineering firm to have cost estimates for the individual items.

The Board can treat this issue in one of two ways: 1) to include the estimated costs in a potential approval of the proposal, or 2) to treat the individual items as change orders to the contract on an as-needed basis. Of the items listed as “Not Included in Proposal” the Administration believes the Board should plan on doing sub-soil borings on the areas dedicated to new construction, topographic survey work, and the costs related to local and State plan approval. The other items are optional and depend on the type and energy efficiency of the facility.

Administration would like to offer the following observation: the Town spends approximately \$5,000.00 per year heating the Fire Hall facility and it is, for all intensive purposes, an empty building. The Board should consider any improvements to the Heating Ventilation and Air-Conditioning (HVAC) system that will reduce this cost, including the \$2,730.00 for a geothermal HVAC system. Administration recommends that these items be taken as individual change orders to the contract on an as-needed basis. Funding for any potential change orders will need to be approved by the Board and will come from the Town’s Reserve Accounts.

Audience members providing input on item: Ben Hamblin (2986 Shady Lane, Neenah)

MOTION: (Klingenberger, Schmidt) Accept the agreement for professional services per the January 12, 2011, proposal and the January 28, 2011, supplement that includes reimbursable costs.
CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board action on Resolution #2011-003: A Resolution transferring funds from the Town’s Designated Reserve Accounts to fund a Fire Department/Town Hall Remodeling Design Contract proposal by Martenson & Eisele, Inc., the Town’s Engineering Firm

This Resolution authorizes the transfer of funds from the Town’s Designated Reserve Accounts to the Town’s CY 2011 Budget, Plan Budget Line Item.

Item tabled.

- D. **Discussion / Action** – Town Board review of a proposed Municipal Street Sign replacement project in the northwest quadrant of Town and authorization to purchase sign replacement equipment

The Town’s CY 2011 Capital Expenses Budget contains a Line Item funding the replacement of the street signs in the northwest quadrant of the Town. Staff has created a sign inventory of the signs with and reviewed the signs in the northwest quadrant of the Town as well as the American Associate of State Highway and Transportation Officials (AASHTO) Uniform Manual on Traffic Control Devices to see if the signs are placed correctly. Staff will follow the AASHTO recommendations when replacing the Towns’ signs.

Staff has prepared a map showing the relative location of the signs; the map will be available for the Board to review at its meeting. Administration is asking the Board for approval of the project and authorization to purchase the equipment and the replacement signs. Funding for the project will come from the Capital Expenses Budget, Public Works Line Items. Staff expects to have the project completed by mid summer of CY 2011.

MOTION: (Geise, Lettau) Approve the sign replacement project in the northwest quadrant of the Town and authorize the purchase of the sign replacement equipment.
CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board review and action on a Neenah Animal Shelter Contract for providing stray animal services for dogs and cats to the Town of Clayton

The Town received a proposed 10-month Contract with the Neenah Animal Shelter for CY 2011 (March 1 through December 31, 2011). Administration has reviewed the draft contract and recommends its approval. Please be advised that the proposed contract has an increase in the fees charged to the Town; the new fees are \$60.00 for a single animal (cat or dog) and \$100.00 for a litter. The current fees are \$40.00 for a single animal with no limit on the number of animals and no fee specified for a litter. The proposed Contract will allow the Town to have a better understanding of the animal control process and the related costs of the project.

MOTION: (Klingenberger, Schmidt) Approve the contract that is proposed with the Neenah Animal Shelter.
CARRIED by unanimous voice vote.

- F. **Discussion / Action** – Town Board action on a request by Best Friends of Neenah/Menasha to reduce the rental cost for the Clayton Park Pavilion from \$80.00 to \$60.00 for their CY 2011, 25th, Annual Best Friends Gourmet Bike Tour

Best Friends of Neenah/Menasha, Program Service Coordinator Patti Houlihan, has submitted a letter requesting that staff reduce the rental fee for Clayton Park. Administration indicated that she would have to make the request of the Board. Last year the Board elected to not reduce the Rental Fee and an individual elected to donate the fee for the rental. Administration respectfully requests direction from the Board relative to the request. The reduction is from the current rental fee of \$80.00, to the old rental fee of \$60.00.

MOTION: (Klingenberger, Geise) Deny the request by Best Friends of Neenah/Menasha to reduce the rental cost for the Clayton Park Pavilion from \$80.00 to \$60.00 for their CY 2011, 25th, Annual Best Friends Gourmet Bike Tour.
 CARRIED by unanimous voice vote.

- G. **Discussion/Recommendation:** – Town Board review of the ClaytonFest activities including the uses of and the encumbering process for the net revenues of the ClaytonFest project

This item was placed on the Board’s Agenda for clarification by the Town Chair. In CY 2009, the Board took action to set up a non-lapsing account for the revenues from the ClaytonFest Celebration.

Administration was asked to clarify the Board’s intended use for the net proceeds from the ClaytonFest Celebration. The Green Space Committee would like to see these funds allocated to the scheduled CY 2015 construction of the second leg of the Larsen Road Trail and has indicated that it believes that this use would be consistent with the original intent of the project. Additionally, this would reduce the Tax Funding required for the trail construction project.

If the Board would like to affirm its CY 2009 action, a motion to direct the Administrator to ask the Town’s Auditors to set up the non-lapsing account would be in order. All the Town’s net proceeds from the ClaytonFest Celebration would be set aside to be used for the Larsen Road trail construction project. However, any use of segregated funds would require Town Board approval.

Audience members providing input on item: Carol Ihde (7834 STH 76, Neenah)

Direction to staff: Create the non-lapsing account; all the Town’s net proceeds from the ClaytonFest Celebration would be set aside to be used for the Larsen Road trail construction project; use of the segregated funds would require Town Board approval.

- H. **Discussion/Recommendation:** – Town Board direction to staff relative to the stormwater management system on Larsen Road east of STH “76”, including a specific discussion on the cross culverts at the intersection of Larsen Road and Clayton Avenue

As the Board knows, the Town of Neenah is having some difficulties with the drainage issue resulting from the CY 2010 reconstruction of Larsen Road. The Town has received a letter from Lawrence Wirth to the Town of Neenah Board relative to the issue. Mr. Wirth makes a number of assertions in his letter that are not incorrect; however, they need to be placed in context.

Administration would like to advise the Board of the following points:

1. There is no more water coming off of Larsen Road after the project than there was before the project.
2. The specific drainage system at the intersection of Larsen Road and Clayton Avenue was designed in cooperation with the Town of Neenah’s Engineer.
3. The only significant difference in the drainage system as it sits today and the drainage system as it was before the reconstruction project is that the water is routed in the front yards on the north side of Larsen Road in the Town of Neenah.

Town staff should be able to answer any questions the Board may have relative to the drainage issues on the project as well as any additional drainage work proposed for completion in spring of CY 2011.

Audience members providing input on item: Ben Hamblin

No Motion on this item.

I. **Discussion/Recommendation:** – Town Board review of the Clayton/Winchester Joint Fire Board Bylaws as requested by Town Board Supervisor Klingenberger

The Town Chair and Supervisor Klingenberger have indicated that they would like to discuss a number of issues raised at the recent Clayton/Winchester Joint Fire Board meeting. These issues include, but are not limited to, the following:

1. The Town of Clayton pays approximately 76% of the Fire Department budget, and the make-up of the Joint Fire Board is 50/50 (3 members each from Town of Clayton and Town of Winchester); the Joint Fire Board may consider making its representation proportional to the percentage paid by each Town.
2. The Joint Fire Board is currently made up of three (3) members of each Town Board of Supervisors; the Joint Fire Board may wish to consider appointments to the Joint Fire Board that are not necessarily Town Board Supervisors.
3. Appointment of the Fire Chief: in the future the Fire Chief may need to be a full-time employee of the Joint Fire Board and, therefore, should be an appointed position by the Joint Fire Board rather than being elected by the fire fighters.

Additional item to consider: No active fire department member may serve on the Joint Fire Board.

Should the Board wish to make a formal recommendation to the Joint Fire Board on any of the above-referenced issues, or any other issue, the item should be scheduled for formal Board action at a future Town Board meeting.

No Motion on this item.

J. **Discussion/Recommendation:** – Town Board review of the budgetary repercussions of a State Supreme Court adoption of rules relating to the Practice of Law in the State

The League of Wisconsin Municipalities has issued a Legal Note on the New Practice of Law Rules promulgated by the State Supreme Court. The new rules take effect on January 1, 2011. Administration would like to briefly review the potential impact of these new rules with the Board. In summary, if the rules are strictly interpreted, they will likely increase the Town’s legal services budget line item.

Audience members providing input on item: Jonathon Bartz (Martenson & Eisele)

No Motion on this item.

X. Upcoming Meeting Attendance – none

- February 23, 2011 (6:00pm-8:00pm) – 2011 Winnebago County Plan Commission Network Kick-Off Celebration (J.P. Coughlin Center, 625 E. County Rd. Y, Oshkosh, WI)
- March 2, 2011 (4:00pm) – Dry Cake Storage Facility meeting (Larsen Winchester Sanitary District) (Town of Winchester Town Hall)

XI. Board Member Requests for Future Agenda Items

- The Town of Clayton Town Board of Supervisors will be accepting applications from interested residents of the Sanitary District to serve and represent the Town of Clayton on the Larsen Winchester Sanitary District Board; the Larsen Winchester Sanitary District Board meets on the 1st Wednesday of each month at 4:00pm in the Winchester Town Hall

XII. Approval of Disbursements

MOTION: (Unanimous consent) Approve disbursements as presented.
CARRIED.

XIII. Adjournment – 9:18p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*