

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:46 P.M. on Wednesday, February 1, 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 Pamentor	PRESENT
Town Engineer Miller	PRESENT

II. Public Hearing:

- A. No Public Hearing.

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, January 18, 2012

MOTION:

Motion by: Unanimous consent

Approve the Regular Town Board Meeting minutes of Wednesday, January 18, 2012, with the following correction: on page 2, item 5, change “Chair Luebke – no report” to “Chair Luebke – absent (excused)”

CARRIED.

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

- A. Arden Schroeder (9458 STH 76, Neenah) – Topic: Airport overlay
- B. Bob Manteufel (2915 Fairview Rd., Neenah) – Topic: Airport overlay

V. Correspondence:

- A. Winnebago County Solid Waste Management Board – December 2011 Tonnage Report
- B. Winnebago County Zoning Department – No items for the Town of Clayton to review in February

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 Grube present
 - 2. No issues or concerns.
- C. Clayton-Winchester Fire Department
 - 1. No CWFD member present
 - 2. Update: 12 calls year-to-date
- D. Larsen Winchester Sanitary District
 - 1. LWSD Chairperson, Michael Pfankuch, present; beginning the permitting process on solar aerators for the settling ponds, state is behind on issuing permits, chloride levels in the ponds, oxygen levels in the ponds, phosphorous levels in the ponds
- E. Administration Comments
 - 1. Administrator: Scheduling work completion, election process, grant application
 - 2. Clerk: We have completed taking CY 2011 taxes and, in mid-February, will turn over the records to the Winnebago County Treasurer for the remainder of collections (the 2nd Installment and Delinquent property taxes); proposed legislation to extend Town Board Supervisors' terms of office one week (beginning in 2012) and to move the Town Annual Meeting one week later in April (beginning in 2013)
 - 3. Public Works Foreman: completed northwest quadrant of town with new signs, will be starting the southwest section of the town shortly
 - 4. Engineer: Larsen Road reconstruction update, Braun Court reconstruction, options for a cul-de-sac at end of Braun Court and diverting water around the development, Ridgeway Drive reconstruction, Oak Crest drainage options, Deer Trail Estates and Sunburst Estates topographic survey to be completed, Highway 10 Corridor study for water and drainage
 - 5. Chair Luebke: no report
 - 6. Supervisor Lettau: no report
 - 7. Supervisor Grundman Erdmann: no report
 - 8. Supervisor Schmidt: no report
 - 9. Supervisor Geise: no report

VII. Licenses and Permits:

- A. No Licenses and Permits.

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 recommendation relative to a staff recommendation for planting in the Clayton Park, parking lot islands.
 - 1. Green Space Committee tabled this item.
 - 2. Green Space Committee meetings will now begin at 7:00 P.M. instead of 5:30 P.M.

No motion on this item.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2012-001: A Resolution Adopting a Citizen Participation Plan for the purposes of applying for a State of Wisconsin Community Block Grant.

1. Each Town Board member received a copy of Resolution 2012-001: A Resolution Adopting a Citizen Participation Plan for the purposes of applying for a State of Wisconsin, Community Block Grant.
2. Each Town Board member received a copy of the State's criteria for a Citizens Participation Plan, a copy of the Town's Draft Citizens Participation Plan, and a copy of the Notice that is required by the Citizens Participation Plan.
 - a. A Board-adopted Citizens Participation Plan is required before the Town can submit a Community Development Block Grant (CDBG) Application.
3. As a step in submitting a CDBG Application, the Town Board will need to hold a Citizens Participation Meeting.
 - a. Additionally, the staff will need to include the Meeting Notice and Minutes of the meeting in the grant application.
4. If the Board would like to proceed with the CDBG Application for the Town/Fire Hall project, a motion to approve Resolution 2012-001: A Resolution Adopting a Citizen Participation Plan for the Town of Clayton would be in order.
5. Additionally, the Board should direct staff to schedule and notice a Citizens' Participation Plan Meeting before the Board in a timely fashion.
6. Chair Luebke read aloud Resolution 2012-001: A Resolution Adopting a Citizen Participation Plan
7. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Approve Resolution 2012-001: A Resolution Adopting a Citizen Participation Plan for the Town of Clayton for the purposes of applying for a State of Wisconsin Community Block Grant, and direct staff to schedule a notice a Citizens' Participation Plan Meeting before the Board.

CARRIED by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of Resolution 2012-002: A Resolution Authorizing Submission of a Community Development Block Grant Application by the Town of Clayton and participation in the Community Development Block Grant Program.

1. Each Board member received a copy of Resolution 2012-002, authorizing submission of a Community Development Block Grant application by the Town of Clayton.
2. The Resolution authorizes staff to apply for CDBG funding for the reconstruction of the Town's Town/Fire Hall project.
3. The Resolution is a required step in the application process and a copy must be included in the application document.
4. The Resolution speaks in a very general way about the proposed grant application.

5. A motion would be in order to approve Resolution 2012-002: A Resolution Authorizing Submission of a Community Development Block Grant Application and participation in the Community Development Block Grant Program.
6. Town Board members unanimously waived the reading of the resolution.
7. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Approve Resolution 2012-002: A Resolution Authorizing Submission of a Community Development Block Grant Application and participation in the Community Development Block Grant Program.

CARRIED by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of Resolution 2012-003: A Resolution Appropriating Funds for and Authorizing the Purchase of a Replacement Fire-fighting Truck for the Clayton/Winchester Volunteer Fire Department.

1. Each Board member received a copy of Resolution 2012-003: A Resolution appropriating funds for and authorizing the purchase of a replacement fire fighting truck for the Clayton/Winchester Volunteer Fire Department.
2. It is the Administration's understanding that the Joint Fire Board authorized the purchase of a Fire Truck from Pierce Manufacturing, Inc.
 - a. The apparatus is expected to cost approximately \$500,000.00.
 - b. The Town's share of that cost would be approximately \$250,000.00.
3. In order to realize some savings on the purchase, the Joint Fire Board plans to prepay for the vehicle.
 - a. This will result in a discount of the chassis and a rebate on the interest charged on the construction of the truck.
 - b. Essentially, the Town is receiving a discount for financing the purchase and construction of the vehicle from Pierce Manufacturing.
4. The attached Resolution uses a not-to-exceed number of \$250,000.00 because the final cost of the truck has yet to be determined and staff will not have to return to the Board for additional funding.
5. Funding for the vehicle will consist of the following: approximately \$107,000.00 from the Town's Capital Equipment Replacement Account and approximately \$143,000.00 from the Joint Fire Board's Vehicle Replacement Account.
 - a. The Town's Capital Equipment Replacement Account has approximately \$57,000.00 in it.
 - b. The other \$50,000.00 will need to come from the Town's CY 2011 Fund Balance Carryover allocation.
 - c. This allocation will occur following presentation of the Town's CY 2011 Audit.
6. Once the final cost of the apparatus is determined, the Administration will provide the Board with a detailed accounting of the fund allocation.
7. A Motion would be in order to approve Resolution 2012-003: A Resolution Appropriating Funds for and Authorizing the Purchase of a Replacement Fire-fighting Truck for the Clayton/Winchester Volunteer Fire Department.

8. Additionally, the Board should direct staff to prepare a detailed accounting of the fund allocations for the purchase once the final price of the truck is known.
9. Town Board members unanimously waived the reading of the resolution.
10. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman Erdmann

Approve Resolution 2012-003: A Resolution Appropriating Funds for and Authorizing the Purchase of a Replacement Fire-fighting Truck for the Clayton/Winchester Volunteer Fire Department and direct staff to prepare a detailed accounting of the fund allocations for the purchase once the final price of the truck is known.

CARRIED by unanimous voice vote.

D. Discussion/Action: Town Board review and consideration of an Offer to Purchase Municipal Land located at 2990 CTR II, specifically known as Tax ID # 006-0391-05, by Mark Westphal.

1. Each Board member received a copy of an offer to purchase the Town-owned land located at 2990 CTR II, specifically known as Tax ID # 006-0391-05, and a copy of the CSM that created the lot in question.
2. The Board has indicated that it would like to review and act on this issue in a public forum; this action will require that the Board negotiate any counter offer in the same public forum.
 - a. The Administration does not see any problem with this process; however, it recommends that the Board simply respond to the offer by making a counter offer.
 - b. It is not advisable for the Board to discuss the potential of, or the possible location of, an east side Fire Hall as part of the negotiations.
3. The Administration recommends that any negotiations for the purchase of the Town-owned land in question revolve around the sale of the land and the possible need for public access.
 - a. Specifically, the cul-de-sac that was dedicated when the Certified Survey Map that created the lot was approved.
4. Should the Board agree to sell the property and wish to vacate the right-of-way, it should recommend the sale and refer the vacation of the right-of-way to the Plan Commission.
5. Please be advised that the final authority on authorization to sell the property rests with the Town's Electors.
 - a. Specifically, the Town's Electors must authorize the sale of the land.
 - b. However, the Board is not legally obligated to sell the land if it is not satisfied with the conditions of the transaction.
6. Staff has advised Mr. Westphal that his offer will be considered by the Board at its Wednesday, February 1, 2012, meeting.
7. Present: Mark Westphal (945 Hunt Avenue, Neenah)
8. Commented on this item: Arden Schroeder

MOTION:

Motion by: Supervisor Geise

Seconded by: Chair Luebke

Reject the Offer to Purchase Municipal Land located at 2990 CTR II, specifically known as Tax ID # 006-0391-05, by Mark Westphal.

CARRIED by unanimous voice vote.

E. Discussion/Action: Town Board review and consideration of the final pay request for the CY 2010 reconstruction of Larsen Road from Clayton Avenue to STH 76.

1. Each Board member received copies of Change Order #6 showing the deductions for actual quantities vs. estimated quantities for the project, a memorandum detailing the project costs and the source of the project overruns, and the Final Payment Request for the Larsen Road project.
2. The final payment is \$75,976.30 and it includes releasing any retainage for the project.
3. The bid cost for the Larsen Road Reconstruction project was \$712,971.90.
4. The Town's final cost for the project is \$961,326.23, for a cost overrun of \$248,354.33.
5. The Town Engineer and staff will be ready to answer any questions the Board may have relative to the project and the cost overruns.
6. Following a review of the project, a motion to approve the final payment would be in order.
7. Funding for the final payment will come from the Town's CY 2012 General Fund, Public Works Operating Budget.
8. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Schmidt

Approve the final pay request for the CY 2010 reconstruction of Larsen Road, from Clayton Avenue to STH 76, with funding for the final payment to come from the Town's CY 2012 General Fund, Public Works Operating Budget.

CARRIED by unanimous voice vote.

F. Discussion/Action: Town Board review and consideration of a request by Best Friends on Neenah/Menasha to set the rental fee for Clayton Park at \$60.00 for the organization's Annual Best Friends Gourmet Bike Tour.

1. Best Friends of Neenah/Menasha has made a request of the Board to reduce the rental fee for Clayton Park to \$60.00 for the organization's Annual Best Friends Gourmet Bike Tour.
2. The Town's current fee for renting Clayton Park is \$80.00.
3. Over the past few years, the organization has made this request and the Board has routinely denied the request; however, a resident has made a donation to cover the rental fee for the Organization.
4. The Administration recommends that the Board reject the request for consideration by the Best Friends of Neenah/Menasha.

5. The recommendation is based on the uncertainty of what criteria the Board would use to agree to the consideration.
6. Barring a Board Policy that defines the conditions that would merit consideration of the rental fee reduction, staff would recommend not reducing the fee for anyone.
7. Staff is comfortable that a donation will be made to cover the cost of renting Clayton Park by the Best Friends of Neenah/Menasha.
8. A Motion to deny the request of the Best Friends of Neenah/Menasha for consideration would be in order.
9. Commented on this item: no resident comments.

MOTION:

Motion by: Unanimous consent

Deny the request of the Best Friends of Neenah/Menasha to set the rental fee for Clayton Park at \$60.00 for the organization's Annual Best Friends Gourmet Bike Tour.

CARRIED

G. Discussion/Recommendation: Town Board review of the draft CY 2012 Community Development Block Grant (CDBG) Public Facilities grant application.

1. Each Board member received a draft copy of the Town's Community Development Block Grant (CDBG) application.
2. The Administration intends to review the draft grant application with Department of Commerce staff within the next few weeks.
3. Following the review, the Administration will make any recommended changes to the document and prepare the final draft for submittal.
4. The draft is not complete; however, it fairly represents the text and the logic used in the grant application.
5. In addition to the text, many of the documents approved by the Board as part of its Wednesday, February 1, 2012, meeting will need to be included in the grant application.
6. Staff will be available to answer any questions the Board may have relative to the draft application.
7. Any advice the Board would like to offer would be greatly appreciated.
8. Commented on this item: no resident comments.

No motion on this item.

H. Discussion/Recommendation: Town staff update to the Board on approving Operator Licenses at the **second** Town Board meeting of the month.

1. In anticipation of the planned reductions in Office staff, the Clerk has recommended that the Town review and approve Operators Licenses on a monthly basis.
2. Starting in February of CY 2012, the Board authorized staff to place Board approval of Operators Licenses on the Board's first agenda of the month.
3. Based on a review of the calendar for 2012, staff recommends that the Operator License approvals be presented to the Board at its second meeting of the month.

4. This change was prompted by the possibility of the first Wednesday of the month falling on a holiday (i.e., the Fourth of July).
5. Barring direction for formal action, the Administration will implement the revised schedule starting in February of CY 2012.
6. Commented on this item: no resident comments.

No motion on this item.

- XI. Upcoming Meeting Attendance
 - A. WTA District Meeting (February 24, 2012 – Mark)
- XII. Board Member Requests for Future Agenda Items
 - A. Luebke – Property located on the SW corner of 76/Larsen Road regarding the first right of refusal for the property
- XIII. Review of Disbursements
 - A. Town Board reviewed disbursements.
- XIV. Adjournment – 8:46 P.M.
MOTION:
Motion by: Unanimous consent
Adjourn.
CARRIED

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