

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 9:32 P.M. on Wednesday, February 15, 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 Vice-Chair Geise 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 Pamentier PRESENT
 - Town Engineer Miller PRESENT
- II. Public Hearing:
 - A. No Public Hearing.
- III. Approval of Minutes:
 - A. Regular Town Board Meeting – Wednesday, February 1, 2012
 - MOTION:**
 - Motion by: Unanimous consent
 - Approve the Regular Town Board Meeting minutes of Wednesday, February 1, 2012, as written.
 - CARRIED.
- IV. Open Forum – Non-Agendized Town-related Matters:
 - A. Bob Manteufel (2915 W. Fairview Road, Neenah) – Airport Overlay
 - B. Arden Schroeder (9458 State Road 76, Neenah) – Agenda, Minutes, Roads, Airport Overlay
- V. Correspondence:
 - A. No correspondence.
- VI. Discussion Items (No action will be taken.):
 - A. County Supervisor Report
 - 1. No County Supervisor present; no report

- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. Sheriff Deputy Grube present
 - 2. Cathy Clark (3102 Fairview Road, Neenah) – School Bus drivers speeding; parking by school on Fairview Road
 - 3. Arden Schroeder – Wednesday next week STH 76 will be closed to clean up hazardous material in ditch and his yard
- C. Clayton-Winchester Fire Department
 - 1. No CWFD member present
 - 2. Update: 15 calls year-to-date
- D. Larsen Winchester Sanitary District
 - 1. No LWSD member present; no report
- E. Administration Comments
 - 1. Administrator: Herrling-Clark notice for petition of incorporation for the Town of Harrison; Treasurer will be sending out refund checks from the overpayment of taxes
 - 2. Clerk: no report
 - 3. Public Works Foreman: no report
 - 4. Engineer: 6 projects, Ridgeway, Braun Ct., Oakcrest Manor, Deer Trail Estates, Sunburst Estates, Hwy 10 Corridor feasibility study
 - 5. Chair Luebke: communication regarding Lehrer Lane, communication from Winnebago County Sheriff Department regarding alcohol education information; Joint Fire Board meeting on February 13, 2012
 - 6. Supervisor Lettau: no report
 - 7. Supervisor Grundman Erdmann: no report
 - 8. Supervisor Schmidt: requests Fire Chief to attend at least one meeting per month
 - 9. Supervisor Geise: no report
 - 10. Resident Comments: Bob Manteufel (airport overlay), Arden Schroeder (airport overlay)

VII. Licenses and Permits:

- A. Discussion/Action – Consideration and approval of Operator Licenses:
 - 1. New – Luke C. Fronczak (Not present)
 - 2. New – Stephanie J. Clauson (Not present)
 - 3. New – Kendra M. Daily (Not present)
 - 4. New – Tori M. Francart (Present)

MOTION:

Motion by: Unanimous consent

Approve the Operator Licenses for Stephanie J. Clauson, Kendra M. Daily, and Tori M. Francart.

CARRIED

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Lettau

Deny the request for an Operator License for Luke C. Fronczak.

CARRIED by unanimous voice vote.

VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

Plan Commission Chair, Dick Knapinski, overviewed the following Plan Commission Referrals.

- A. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) for Susan E. and Michael R. Pierson 7985 Tribute Way, Neenah, WI 54956, for property located at 3088 Rose Moon Way, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-1729, Being All of Lots 1, 2, and 3, Strawberry Estates, being part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
1. Plan Commission Recommendation (Includes Staff Recommendations):
 - a. Approve the Certified Survey Map (CSM) for Susan E. and Michael R. Pierson 7985 Tribute Way, Neenah, WI 54956, for property located at 3088 Rose Moon Way, Neenah, WI 54956, in the Town of Clayton, and specifically described as Tax ID # 006-1729, being all of Lots 1, 2, and 3, Strawberry Estates, being part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, with staff recommendations and that Mr. Steckling makes a decision on the access point by April 30, 2012, and the temporary cul-de-sac be included on the CSM.
 - b. Convert the temporary access point on Lot 2 of the proposed CSM (Tax ID # 006-1728, owned by Steckling) to a permanent access point or remove the temporary access point by a date certain set by the Plan Commission and approved by the Board.
 - c. Acknowledge that Lot 2 of the proposed CSM has a temporary cul-de-sac that encroaches onto the Lot and that it will need to remain in place until Rose Moon Way is extended west and the temporary cul-de-sac is formally abandoned by the Town Board.
 - d. The Town receives payment for the CSM approval application.
 - e. Documentation of the approval of the proposed CSM by any overlying unit of government with jurisdiction.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

the Certified Survey Map (CSM) for Susan E. and Michael R. Pierson 7985 Tribute Way, Neenah, WI 54956, for property located at 3088 Rose Moon Way, Neenah, WI 54956, in the Town of Clayton, and specifically described as Tax ID # 006-1729, being all of Lots 1, 2, and 3, Strawberry Estates, being part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, along with the staff recommendations.

CARRIED by unanimous voice vote.

- B. Plan Commission recommendation to the Town Board on the proposed changes and updates to the Town's Sub-division Ordinance.

1. The Plan Commission recommended that Staff implement the proposed changes to the Sub-division Ordinance and submit it for review by the Town’s attorney before presenting it to the Town Board for final approval.
2. The Town Board acknowledged receipt of this recommendation.

No motion on this item.

- C. Plan Commission review of the proposed revisions to the Outagamie County, Airport Zoning Overlay Ordinance.

No motion on this item.

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

- A. No referrals.

X. Business:

- A. Discussion/Action: Town Board review and direction to staff on Draft Resolution 2012-004: A Resolution extending the Terms of Office for Elected Town Officials in order to comply with pending State Legislative activities.

1. Each Town Board member received a draft copy of Draft Resolution 2012-004: A Resolution extending the Terms of Office for Elected Town Officials for CY 2012 and CY 2013 in order to comply with pending State Legislative activities.
2. Staff has prepared the Draft Resolution in anticipation of the Legislature passing and the Governor signing AB 476 and SB 381.
3. If the legislation does pass and the Governor does sign the legislation, there will be a one-week period when the Town has no governing body.
4. This Resolution allows the Board to extend its term of service for one week in both CY 2012 and CY 2013.
5. The Administration understands that the State Legislature has a Constitutional prohibition on extending the terms of service of a Town’s Governing Body; therefore, the legislation is being amended to allow the Town Board to extend its term of service by Ordinance.
6. The Administration has some questions on the legality of this process.
7. Specifically, if the Board can not change the wage of an elected official during the term of that official, how can it change the term of service?
8. The Administration is not formally asking that question since it does not want to know the answer.
9. Staff will schedule the Public Hearing and first and second reading of the Ordinance for the Board’s March meetings in order to resolve any potential problems with the election transition period.
10. Board direction to staff to proceed with the process would be greatly appreciated.
11. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Proceed with the scheduled public hearings and notices for Resolution 2012-004: A Resolution extending the Terms of Office for Elected Town Officials in order to comply with pending State Legislative activities.

CARRIED by unanimous voice vote.

- B. Discussion/Action: Town Board review and direction to staff on a presentation by Michael S. Hallmann of Lantern Associates, LLC, relative to the long-term financing needs of the Town of Clayton.
1. Each Town Board member received a copy of the Report on Financing Town Projects prepared by Michael S. Hallmann (Michael) of Lantern Associates, LLC.
 2. Michael has been asked to present a financing project to the Town Board.
 3. The presentation is the first step in a project that is intended to get the Town through the next five (5) to seven (7) years of its Capital Reconstruction Plan.
 4. The Board is aware of the difficulties it will be facing in the future.
 5. The Administration is trying to present the Board with options for how it can get through this difficult period without foregoing its responsibilities to maintain the Town's Public Infrastructure.
 6. This process will involve some relatively long-term debt (10 to 15 years) and the need to foster growth for the foreseeable future.
 7. Rather than go into the details of the project in this memorandum, the Administration will let Michael present the financing proposals.
 8. The Administration would like to advise the Board that what is being presented is a long-term financing commitment and that this and future Boards will need to stay the course if the process is going to work.
 9. Another item the Administration would like to advise the Board on is a Debt Service Policy that outlines why and how much the Board is willing to commit to debt to complete its Capital Reconstruction Plan.
 10. After Michael's presentation, the Administration will place the issue on the Board's March agendas to review and answer any questions Board members may have.
 11. If the Board is agreeable, direction to staff to proceed with the financing project would be in order.
 12. Please be advised that neither the Board nor the Town is committed to any action until the Board approves the Resolution authorizing the borrowing activities.
 13. Additionally, the Board should be aware that the project timeline requires Board commitment to the process by August of CY 2012 at the very latest.
 14. Commented on this item: no resident comments.

No motion on this item.

- C. Discussion/Action: Town Board review and consideration of the Administration's performance evaluations of the following Town Employees:
1. Each Town Board member received copies of the Performance Evaluation documents completed by the individual employees as well as the Administration's completed Performance Evaluation forms, for the following positions:

- a. Town Clerk
- b. Town Treasurer
- c. Town Public Works Foreman
2. As is usually the case, staff is more critical of itself when completing the evaluations than the Administration.
3. The Administration believes that an annual Performance Evaluation is the single best opportunity to review and update the employees' job descriptions and set the Board's expectations of the employee.
4. In this particular case, the Board should be sensitive to the fact that one of its administrative employees is being terminated and that the other position will have to absorb additional responsibilities, while having seen no increases in pay over the past three years.
5. Additionally, the State's recent legislative activities have resulted in 6% to 8% pay cuts to non-represented staff.
6. The Board may wish to take this opportunity to give its staff some reassurance that their efforts are valued and that they will be compensated for those efforts in the proximate future.
7. Barring any changes the Board may wish to make to the Administration's Performance Evaluations of staff, a motion would be in order to accept the evaluations and place them in their respective personnel files.
8. Board direction: Place this item on the next Town Board meeting.

No motion on this item.

D. Discussion/Action: Town Board review and consideration of a right of first refusal on property owned by Karen and Scott Miller for property located at 8085 STH 76, Neenah, WI 54956, specifically known as Tax ID # 006-0657-01.

1. In order to keep the Town's options open relative to planning for an east side Fire Hall, the Town Chair has talked to Karen and Scott Miller, the owners of property located at 8085 STH 76, Neenah, WI 54956, specifically known as Tax ID # 006-065701.
2. The property is located on the southwest corner of Larsen Road and STH 76 and consists of approximately 3.11 acres of land.
3. The Chair has indicated that the Miller's would be agreeable to giving the Town a first right of refusal on the property.
4. The Administration has recommended that the Board consider the issue before the Town's Attorney drafts and staff records the document.
5. A first right of refusal will allow the Town the option of matching any offer the Millers receive for their property.
6. If the Town is willing to match an offer, it will have the first option of purchasing the property.
7. If the Town is not willing to match an offer, the Millers would have the right to sell the property to the individual making the offer.
8. If the Board would like to proceed with this option, a motion would be in order to direct staff to have the first right of refusal drafted by the Town's Attorney, have it signed by the Millers and the Town Chair, and record the document with the Winnebago County Register of Deeds.

9. Commented on this item: No resident comments.

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Schmidt

Have Town Attorney draft a right of first refusal, have it signed by the Millers and the Town Chair, and record the document with the Winnebago County Register of Deeds, with a time-frame for the Town Board to call a special town electors' meeting.

CARRIED by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of a bill from Time Warner Cable for repairing a cable TV trunk line damaged by Town staff during the installation of the culvert at the intersection of Oakwood Avenue and Gold Wood Drive.
1. Each Town Board member received a copy of a bill for \$6,783.00 from Time Warner Cable for repairing one of its mainline trunk cables.
 2. The cable, which is located at the intersection of Oakwood Avenue and Golf Wood Drive, was struck/damaged when Town staff was replacing the culvert in Oakwood Avenue.
 3. Town staff had accurately called in the Diggers Hotline locate but failed to ask Time Warner Cable to relocate the cable that was in the way of the culvert.
 4. Based on a review of the incident, the Administration is comfortable with the understanding that this was a mistake based on a lack of experience.
 5. The department did not truly understand that calling Diggers Hotline was the first step in the process; once the utilities were located there should have been a determination that they needed to be moved and those activities should have been scheduled accordingly.
 6. This was a scheduling error that involved not allowing for the time needed locate and then move the utilities.
 7. Additionally, the issue has been reviewed with staff and will not happen again.
 8. The Administration is recommending that the bill be paid and that in order to put a price on the mistake, funds come from the CY 2012 Public Works Budget, Overtime Budget Line Item.
 9. This will place pressure on the Department to complete its work without the use of overtime hours.
 10. This, too, is a scheduling function and will serve to make the point that mistakes do not happen without reason.
 11. If the Board agrees with the Administration's recommendation, a motion would be in order to authorize paying the Time Warner bill with funding of \$6,783.00 coming from the CY 2012 Public Works Budget, Overtime Budget Line Item.
 12. Commented on item: No public comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman Erdmann

Submit this bill total to the insurance company; should the insurance company fail to pay the bill, then we pay it.

CARRIED by unanimous voice vote.

- F. Discussion/Recommendation: Town Board review and direction to staff relative to an update on the proposed meeting between the property owners on Lehrer Lane and the Town.
1. The Administration would like to advise the Board that it is having difficulty scheduling the meeting with the residents of Lehrer Lane.
 2. It appears that Dennis Lehrer is out of Town for the winter season and that his son has not been able to respond to my e-mails.
 3. Since the process is not hampered by the delay, the Administration will continue to work on scheduling the meeting and advise the Board as progress is made.
 4. If the Board would like to see an alternative resolution to the process, the Administration would like receive direction on how the Board would like to proceed with the process.
 5. Board direction: Direct Administration to draft a letter.

No motion on this item.

- G. Discussion/Recommendation – Town Board update on the draft CY 2012 Community Development Block Grant (CDBG) Public Facilities grant application.
1. The Administration would like to update the Board on the grant application process.
 2. Staff has continued to work on the text of the Town's CDBG Application.
 3. The Administration has met, by telephone, with Jason Scott, Community Account Manager / Team Leader at the Department of Commerce.
 4. A preliminary review of the Town's Application was conducted.
 5. Based on that review, staff intends to send a draft copy of the Application to the Mr. Scott at the Department of Commerce for an informal review and comments.
 6. Following that review, the Administration will make any recommended changes to the document and prepare the final draft for submittal.
 7. As part of the Grant Application process, staff has updated the Town's 5-Year Capital Reconstruction Plan and the Town's Capital Equipment Replacement Plan/Accounts documents.
 8. Please be advised that the dollar values in the 5-Year Capital Reconstruction Plan are generated using the Town's Minimum Road Specifications Policy.
 9. Staff is aware of the burdensome costs projections and is working with the Town's Engineer to find cost savings options for the Board.
 10. The options will be presented to the Board when the Plans are updated in March of the CY; however, staff will be using the full burden cost estimates in the Town's Grant Application.

11. Staff will be available to answer any questions the Board may have relative to the draft application.

No motion on this item.

H. Discussion/Recommendation – Town Board review of the Draft CY 2012 revisions to the Town’s 5-Year Capital Reconstruction Plan, the Town’s Capital Equipment Replacement Accounts, and the Town’s Capital Reserve Allocation for CY 2012.

1. As part of the Town’s CDBG Application process, staff has updated the Town’s 5-Year Capital Reconstruction Plan and the Town’s Capital Equipment Replacement Plan/Accounts documents.
2. Each Town Board member received copies of draft revised documents.
3. Please be advised that the dollar values in the 5-Year Capital Reconstruction Plan are generated using the Town’s approved Minimum Road Specifications Policy.
4. Staff is aware of the burdensome cost projections and is working with the Town’s Engineer to find cost savings options for the Board.
5. The options will be presented to the Board when the Plans are updated in March of the CY.
6. The Capital Replacement Plan/Accounts are current as of January 31, 2012.
7. Please be advised that these accounts are funded annually with the Town’s Budget fund balance carryover.
8. Staff will be preparing its recommendations for the CY 2011 fund balance carryover distributions; these recommendations will be presented to the Board following the presentation of the Town’s CY 2011 Annual Audit in March.
9. Staff expects that the CY 2011 Budget fund balance carryover will be approximately \$120,000.00.
10. With the recent purchase of the new fire truck, the Board has already committed approximately \$50,000.00 of that Fund Balance carryover.
11. Staff will be available to answer any questions the Board may have relative to either of these draft documents.

No motion on this item.

I. Discussion/Recommendation – Town Board review and direction to staff relative to issuing Request For Proposals (RFP) for the following CY 2012 projects:

1. Proposed projects:
 - a. Paving of CY 2011 culvert repairs
 - b. Line Striping
 - c. Crack Filling
2. Each Town Board member received copies of documents identifying the details of the proposed projects.
3. The Administration would like the Board’s authorization to proceed with Request for Proposals (FRP) for the specific work.
4. The paving projects consist of the placing a bituminous surface on the areas where staff replaced culverts during CY 2011.

5. Staff is taking advantage of the required paving work to fix adjoining areas that are in need of pavement repair.
6. The crack filling and line striping are routine yearly maintenance work; the specific projects are identified as part of the States Paser Rating process.
7. If authorized, staff will issue the RFPs for the work and present the proposal reports and award recommendations to the Board at its Wednesday, March 21, 2012, meeting.
8. Board direction: Issue RFPs and bring back to Town Board

No motion on this item.

J. Discussion/Recommendation – Town Board review and direction to staff relative to developing a road shouldering plan and the purchase/construction of related equipment for the project.

1. One of the most important elements of road maintenance is shouldering; having well maintained road shoulders reinforces the pavement surface, stabilizes the pavement surface, extends the life of the pavement surface, and allows individuals to stray from the pavement surface without being dragged into the roadside ditches.
2. Staff has been working on this project for several years with the goal of creating a shouldering plan that can be accomplished with a single individual.
3. One of staff's main frustrations is with plow trucks that sit idling during the summer months.
4. Each Town Board member received copies of several brochures from HTC advertising its shouldering conveyor and material-leveling assembly.
5. These pieces of equipment are designed to be attached to heavy duty trucks similar to the Town's plow trucks.
6. Staff would like the Board direction relative to creating a road shouldering plan and purchasing and/or constructing/modifying the equipment necessary for completing the work.
7. Specifically, staff would like to purchase the material conveyor and either modify the HTC Leveling Assembly or construct a similar unit that has the capacity to scarify and compact the shouldering material.
8. Additionally, the Administration would like to look at the HTC Patcher 48 and to include compacted patching in the Public Works plans.
9. The Administration would like to advise the Board that staff can accomplish a significant amount of work over the course of any given year; however, the only way staff can continue to accomplish the work with less staff is to use better tools.
10. Staff believes that it can accomplish the goal of maintain the Town's roadside shoulders; however, it needs to look at equipment that will facilitate the process.
11. As soon as the shouldering plan is developed and the costs of the equipment is determined, the Administration will present the plan to the Board with a recommendation on the equipment and costs.
12. Board direction: Move forward to look at this option.

No motion on this item.

- XI. Upcoming Meeting Attendance
 - A. WTA District Meeting – February 24, 2012
 - B. Airport Overlay Meeting – February 28, 2012

- XII. Board Member Requests for Future Agenda Items
 - A. No items.

- XIII. Review of Disbursements
 - A. Town Board reviewed disbursements.

- XIV. Adjournment – 9:32 P.M.
 - MOTION:**
 - Motion by: Unanimous consent
 - Adjourn.
 - CARRIED**

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