

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, February 3rd, 2016

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 at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
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
Deputy Clerk Goffard	PRESENT
Treasurer Straw	ABSENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, January 20th, 2016.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, January 20th, 2015. Correction to the minutes as follows: Dale from the Town of Menasha, not Tom from the Grand Chute treatment plant. See VI (E).

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

V. Correspondence:

- A. January 2016 Building Inspection Report.
- B. Tobi Machak's letter of resignation from the Clayton Fire Rescue Department.
- C. Correspondence from Catherine Neiswender relative to the Winnebago County Plan Commissioner Network Meetings.

- D. Larsen/Winchester Club, Inc. Animal Clinic History.
 - Throughout the years the attendance has significantly reduced and the prices from Omro Animal Hospital are not as reduced as they used to be. Revisit this issue closer to the end of 2016.
- E. Correspondence relative to storm water management pond in the Outagamie County Airport Overlay District.
 - The airport wants dry ponds to reduce the hazards of the birds being by airplanes.
- F. Copy of a memorandum from Cedar Corporation relative to Sanitary District #1 wastewater flows and loadings.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
- C. Clayton Fire Rescue Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Miller reported that the E. Clayton Avenue project has a bid date of February 24, 2016. She presented a letter dated January 28, 2016 to report back on this project at the first meeting in March.
 - Administrator Johnston discussed the Town of Menasha possible incorporation to the Village of Fox Crossing. The Town of Clayton will beat the risk to lose the tax dollars. If the referendum is voted down on April 5th, 2016. The west side of the Town of Menasha only votes on it, not the east side. They can only do one section at a time for annexation. The area in the south side of Hwy 10 is at risk of annexation. At this time the trail and another home is in the way of the Town of Menasha. Midwest Properties have owned land in that area for the last 8-9 years and wants utilities. The Town of Menasha judge will have a meeting on February 9th, 2016 so this issue will go to a vote at the April 5th, 2016 election.
 - Supervisor Lettau commented on the developers and businesses in the Town of Clayton.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Tierney Murphy
 - ii. Alexandra Hoida
- B. Renewal:
 - i. None

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 (first Town Board meeting of the month):
- A. No Referrals.

X. Business:

- A. Discussion/Action: Town Board review and consideration of the Administration's recommendations for the CY 2016 updates to the Town's 5-Year Capital Reconstruction Plan.

Attached please find a Draft copy of the Town's update 5-Year Capital Reconstruction Plan (Plan). The Administration has added its recommendation for the fifth year as part of the routine update to the document. Additionally, the Administration has added a set of projects that should be added to the five out years of the Plan, the out year projects would be subject to change based conditions and resources. Once the projects are move into the 5-Year Capital Reconstruction Plan they would only change based on specific Town Board action. If the Board is comfortable the updated Plan the Administration would like to present the Plan to the residents as part of the CY 2016 Annual Meeting. A motion would be in order to approve the updates to the Plan and to direct staff to present the document at the CY 2016 Annual Meeting.

- The Town of Clayton will be doing the ditching in this area. More details on the project to be presented at the Annual meeting.

Vote: Approved by unanimous consent.

- B. Discussion/Action: Town Board review and consideration of authorizing Town staff to implement a State of Wisconsin, Department of Revenue, Tax Refund Intercept Program (TRIP) to recover monies owed for municipal services rendered to the public.

Staff has been approached by an area provider of emergency services to Town residents relative to opening a State Tax Refund Interception Program (TRIP) for the Town in order to collect unpaid debt for service provided to a resident or in some cases to a transient resident of the State. The TRIP program essentially allows the Town, under certain specific conditions, to require that the State garnish any potential tax returns of an individual owing money to the Town for a service, or to a third party provider, as long as the provider meets the program criteria. Please be advised that the State has other more aggressive programs that allow the Town to accomplish the same goal. Staff is respectfully asking the Board for direction relative to implementing such a program. Should the Board wish to proceed with implementing a TRIP collection system staff will prepare the needed paperwork for the process and present the documents for approval at the Board's second meeting in February 2016.

- Collection agency was starting a TRIP program in the Town of Clayton name. Information can be submitted to the Department of Transportation and a lien can go against a resident's income tax refund.
- Attorney Lehocky stated that the resident can also appeal the lien and the Town attorney would therefore be defending the appeal. At this time she does not see a benefit for the Town of Clayton to pursue this. Would have to consider the cost benefit analysis to hand over to Gold Cross Ambulance.

Vote: Approved by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of Resolution 2016-001 A Resolution creating a Policy Statement on the setting and collection of fees to recover costs related to fire call responses to vehicles on state, federal, county, and town roads.

The proposed Resolution will replace the existing document used by the Clayton/Winchester Joint Fire Board to collect fees for emergency services rendered on State, County, and Town Roads. Attached please find a Draft copy of Resolution 2016-001 A Resolution creating a Policy Statement on the setting and collection of fees to recover costs related to fire call responses to vehicles on State, Federal, County, and Town roads. Also attached is a copy of the Town's Policy relative to the same subject, the Administration is recommending the approval of Resolution 2016-001 creating the referenced Fee Policy. The Administration has asked the Town's Attorney if the Town can bill and collect for First Responder services under this Resolution and Policy since the Town's First Responder program has been incorporated in the Clayton Fire Rescue Department. The Town's Attorney will be able to advise the Board of her opinion at the Board's meeting. If the Board is comfortable with the Resolution and the program, a motion would be in order to approve Resolution 2016-001 and direct staff to post the document as required.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve Resolution 2016-001 A Resolution creating a Policy Statement on the setting and collection of fees to recover costs related to fire call responses to vehicles on state, federal county, and town roads.

Vote: Carried by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of extending the billing service contract with the Larsen Winchester Sanitary District for an additional 3-years.

The Chair of the Larsen/Winchester Sanitary District (District) will be asking Town staff to submit a revised proposal for the Town to do the meter reading and the billing for the district. Staff has been doing the billing work for the District for the past three years. Based on the work level and the time required to complete the meter reading and the billing, the Administration is comfortable with keeping the Contract cost of \$8,000.00 per year including reimbursable costs for postage and stationery. The Administration expects the District to approve extending their Contract at their next meeting. Based on conversations with the District Chair relative to the project costs to the Town and the Administration's concerns relative to the animosity between the two communities, extending the Contract as is would be the most reasonable way to proceed. Should the Board wish to proceed with extending the Contract at its current rate, a motion would be in order to approve the extension and to direct staff to proceed with drafting a Contract extension for signatures in a timely fashion.

Vote: Approved by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services from the Town's Engineer, Martenson & Eisele, Inc. for providing maps for Election, Fire Department and Public Works Department use.

Attached please find an Agreement for a Professional Services proposal from the Town's Engineer, Martenson & Eisele, Inc. (M&E) for mapping services. The cost for the mapping services is \$4,200.00 and includes the creation of the following maps:

1. Laminated election maps that the Town is required to post at each election; these maps are updated every ten years following the decennial census conducted by the Federal Government.

Staff is replacing the maps created in CY 2011 because they are in poor repair; unfortunately staff mounted the original maps on a foam backing board but failed to laminate them. This failure has resulted in the maps being torn over the course of the past elections. The new laminated maps should last until the next decennial census in CY 2019/20.

2. A laminated map of the Town to be placed in the fire bay identifying section lines and town roads. This map is being laminated so that it will not be ruined by getting wet when the Department cleans the bays and washes the apparatus.
3. A series of maps identifying sections lines, quarter sections, waterways, ponds, town roads and housing addresses. These maps will be reproduced in house and used by office staff, the building inspector, the Public Works Department and the Fire Rescue Department.

Funding for the project will come from the Town's CY 2016 General Fund Planning Budget Line Item. If the Board agrees with the project, a motion would be in order to approve the mapping services project at a cost not to exceed \$4,200.00 plus reimbursable expenses with the funding for the project to come from the Town's CY 2016 General Fund Planning Budget Line Item.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: To approve an Agreement for Professional Services from the Town's Engineer, Martenson and Eisele Inc. for providing maps for Election, Fire Department and Public Works Department use at a cost not to exceed \$4,200.00 with the funding to come from the Town's CY 2016 General Fund Planning Budget Line Item.

Vote: Carried by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with the Town Engineer, Martenson & Eisele, Inc. for a Change Order to the Town's CY 2015/16 Comprehensive Plan Update Contract.

Attached please find an Agreement for a Professional Services proposal from the Town's Engineer, Martenson & Eisele, Inc. (M&E) for a Change Order to the Town's CY 2015/16 Comprehensive Plan Update Contract. The cost for the Change Order is \$800.00 and includes revising the following map:

1. The Town has used an Existing Land Use Map in its Comprehensive Plan (see attached) that was generated by the East Central Wisconsin Regional Planning Commission (ECWRPC). A staff review of the map has concluded that the map should be revised to more accurately identify the existing land uses. Specifically, staff would like to more accurately identify the land use on lots of 5-acres or less. Once the map is adjusted it can be updated and used in future updates to the Town's Comprehensive Plan.

Funding for the project will come from the Town's CY 2016 General Fund Planning Budget Line Item. If the Board agrees with the project, a motion would be in order to approve the Change Order to the Town's CY 2015/16 Comprehensive Plan Update at a cost not to exceed \$800.00 with the funding for the project to come from the Town's CY 2016 General Fund Planning Budget Line Item.

Vote: Approved by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with the Town Engineer, Martenson & Eisele, Inc. for a Change Order to the Town's CY 2015/16 Comprehensive Plan Update Contract to include the Park and Open Space Plan in the Town's Comprehensive Plan.

Attached please find an Agreement for Professional Services from the Town's Engineer, Martenson & Eisele, Inc. (M&E) for a Change Order to the Town's CY 2015/16 Comprehensive Plan Update Contract to include the Park and Open Space Plan in the Town's Comprehensive Plan. The cost for the Change Order is \$1,200.00 for updating the Town Park and Open Space Plan and including the revised document into the Town's CY 2015/16 update to the Town's Comprehensive Plan. The Town's last revision to the Park and Open Space Plan was conducted in CY 2010. In order to be useful for State Grant Applications it must be updated on a 5-year basis. Since the Administration would like to make several park and open space grant application in the next few years, updating the document becomes a requirement. Staff has reviewed both the Comprehensive Plan and the Park and Open Space Plan for internal logic and consistency; based on that process the Administration would recommend that the Park and Open Space Plan be included in the Town's Comprehensive Plan. This recommendation is based on the interdependence of the two documents, the need to amend both documents if either of the documents is amended, and the 5-year update windows of both documents. Specifically, if both the Comprehensive Plan and the Park and Open Space plan are a single document they will always have internal logic and be updated at the same time. Funding for the project will come from the Town's CY 2016 General Fund Planning Budget Line Item. If the Board agrees with the project, a motion would be in order to approve the Change Order to the Town's CY 2015/16 Comprehensive Plan Update at a cost not to exceed \$1,200.00 with the funding for the project to come from the Town's CY 2016 General Fund Planning Budget Line Item.

Vote: Approved by unanimous consent.

- H. Discussion/Action: Town Board review and consideration of granting a refund for Solid Waste and Recycling fees charged in error for property located at 3307 Fairview Road in the Town of Clayton.

Attached please find copies of the CY 2012 through CY 2015 Tax Bills for property owned by the Robert J. and Marion M. Knox Revocable Trust located at 3307 Fairview Road, Neenah, WI 54956. Based on the attached Tax Bills it is evident that the Town has charged the property for two garbage and two recycling bins for a number of years. The Fee for the service was \$200.00 in CY 2014 and CY 2015 and the Trust was charged \$400.00 in each of those years. In CY 2013 and CY 2012 the Fee for the service was \$187.59 and the Trust was charged \$375.18 in each of those years. The Administration has confirmed with the Town's provider that the property has only one garbage and one recycling bin. The Administration is recommending that the Trust be refunded \$200.00 for the CY 2015 charge and asking the Board for direction on a refund for the remaining three years. Should the Board direct staff to follow the Administration's recommendation the refund would total \$200.00. Should the Board wish to refund the CY 2014 Fee it would cost an additional \$200.00. Refunding the CY 2013 Fee would cost an additional \$187.59, refunding the CY 2012 Fee would cost an additional \$187.59 for a total refund of \$775.18. The Administration's recommendation is based on an expectation that a resident has some responsibility for reviewing the content of a bill he or she is paying and the fact that the Town operates on an annual budget. Staff will make the refund the Board directs. A motion would be in order to direct staff to make a refund in the specified amount with the funding for the refund to come from the Town's Solid Waste and Recycling Special Revenue Fund.

- The Town Board discussed error on the previous tax bills from the Town of Clayton for garbage fees from CY 2012 through CY 2015. There were some deaths in the family and most likely the tax bills were previously paid by the family trust and the bills not reviewed.
- Supervisor Grundman felt that this should have been caught sooner and to go back one year for reimbursement would be fair.

Vote: Approved by unanimous consent to reimburse the Robert J. and Marion M. Knox Revocable Trust located at 3307 Fairview Road, Neenah, WI 54956 in the amount of \$200.00 for CY 2015 only.

- I. Discussion/Action: Town Board review and direction to staff relative to a Draft Special Assessment Policy for the Town of Clayton and its related Municipal Sanitary Sewer and Municipal Water Utilities.

Attached please find a draft copy of a Special Assessment Policy for the Town of Clayton. The Administration has prepared the draft policy by reviewing the Special Assessment Policies of area communities and past policies drafted by the Administrator. The Town Board Chair and staff have reviewed this item with the Town's Attorney and the Chair will summarize the discussion for the Board at its Wednesday, February 3rd, 2016 meeting. Please be advised that the Board will be reviewing the Draft Policy by section for simplicity of review with the understanding that the Policy needs to be considered and applied in its entirety and in concert with the referenced Special Assessment Ordinance. A copy of the Draft Policy was distributed to the Board earlier so that it had time to review and digest the document in its entirety. The Administration expects to go through edits of each Section of the document before it presents the Board with a Special Assessment Ordinance and the related Policy for consideration.

- Attorney Carlson will be reviewing the Draft Special Assessment Policy and table this issue to the next meeting on February 17th, 2016.

- XI. Review of Disbursements:
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month):
- XIII. Upcoming Meeting Attendance:
- XIV. Board Member Requests for Future Agenda Items:
- XV. Adjournment:
MOTION: Motion made by unanimous consent to Adjourn at 7:58 p.m.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk