

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:42 P.M. on Wednesday, April 2nd, 2014

Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke 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 Luebke	PRESENT
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Eric Fowle – East Central Wisconsin Regional Planning Commission	PRESENT

II. Public Hearing:

- A. No Public Hearing(s) and/or Public Informational 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, March 19th, 2014.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, March 19th, 2014.

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

- A. No Referrals

V. Correspondence:

- A. Fox Cities Convention & Visitors Bureau, Summary of the Annual Report
- B. Copy of correspondence from Attorney Rose L. Simon to Christopher Clausen, Sr.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues

- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments

- Engineer Mary Jo Miller updated the board on 2014 road projects
Treasurer Tori Bowen commented on the water utility billing meter readings. Discussion on the April 1, 2014 election and absentee ballot numbers. Attended the Larsen-Winchester Sanitary District meeting and the board is happy with the transition from Jenna to Laurie
- Supervisor Geise comments regarding the Clausen CSM approval
- Discussion by the board on the Elmer property taxes and pending sale

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Nicole A. Halambeck
- B. Renewal:
 - i.

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. Green Space Committee review and recommendation to the Board relative to a Town Policy for the use of chemicals, herbicides, and pesticides on Town property.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion: Motion to approve the draft herbicide and pesticide policies as presented and to direct staff to implement the documents as approved

Vote: Motion made by unanimous consent to approve draft herbicide and pesticide policies as presented

Discussion by Fire Chief Scott Rieckmann (7:15 arrival): Fire Engine 144 received back after repairs in the amount of \$12,000. Rebuilt all of the valves in the engine. Amount of the repair was around the same amount which was previously approved by the town board. Up to date on his training. Controlled house burn scheduled for Saturday, April 19th on east Fairview Avenue. Scott will be going to the Firefighter Department Instructor's Conference (FDIC) in Indianapolis, Indiana. Letters to be going out to the Town of Clayton residents advising of the fire.

X. Business:

- A. Discussion/Action: Town Board review and consideration of the Town's options relative to taking title to the storm water management and other out lots in the Plat of Strawberry Estates as part of the creation of the Owner's Association for the Strawberry Subdivision.

K.C. Maurer (K.C.), realtor for RE/MAX 24/7 Real Estate, LLC has advised the Administration that the lots in the Plat of Strawberry Estates that were owned by Capital Credit Union have been sold and are going to be resold and/or developed. As part of that final transaction two questions need to be answered; the first is to determine the ownership of Out Lot 3 and 4 of the Plat. These Out Lots contain stormwater management devices and were deeded to the Town as part of recording the Plat of Strawberry Estates. The second is to ask the Board if it thinks it is a good idea to take over Out Lot 5 (the stormwater management pond) or if they want to reaffirm the thought process that the Association would do a better job for future management of the stormwater basin. K.C. has indicated that it would be nice to know the answer before he calls the organizational meeting of the proposed Neighborhood Association since it would be easier to effect the ownership change at the inception of the Neighborhood Association activation. The Administration has advised K.C. that the Board has been reticent to assume ownership of stormwater management ponds, however, this is a Policy Statement and it needs to be made by the Board. If the Board would like to take ownership of the stormwater management pond for the Plat, a motion would be in order to approve that action and to advise K.C. of the Board's intent. If the Board does not take ownership of the stormwater management device, it will become part of the properties owned by the Neighborhood Association and their maintenance liability.

NO ACTION TAKEN

- B. Discussion/Action: Town Board review and consideration of a presentation on the possibility of providing municipal sanitary sewer and municipal water utilities to the USH 10 corridor and the CTH "JJ" corridor in the Town of Clayton by Eric Fowle, Executive Director of the East Central Wisconsin Regional Planning Commission.

The Town Chair and staff have been working with [Eric Fowle](#) (Eric), Executive Director of the East Central Wisconsin Regional Planning Commission and the Town Engineer on the Town's options for providing municipal sanitary sewer and municipal water utilities to the above referenced areas of the Town. Eric has prepared a comprehensive presentation that outlines the process the Town could use to provide the proposed utilities. This presentation should bring the Board up to speed on the project and get everybody on the same page with the process. The next step would be to have the Town's Financial Advisor make a presentation to the Board on the financing options it has available to fund the project. Both Eric and the Town's Engineer will be available to answer the Board's questions. Please be advised that staff is still in the concept planning phase of the project and cannot give the Board detailed and/or exact project costs. Once the Board has completed the review of the engineering options and the financing options for the project it will need to direct staff on how it wishes to proceed with the project. At this point, the Board should make a motion to place the report presented by Eric on file and direct staff to schedule the presentation on the Town's project financing options by the Financial Advisor.

Eric Fowle presented PowerPoint presentation. A copy of this presentation is posted on the Town Board meeting minutes website.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion to place the report presented by Eric Fowle, Executive Director of East Central Wisconsin Regional Planning Commission on file and prospectus given by a presentation

Vote: Motion made by unanimous consent to approve the presentation of Eric Fowle

- C. Discussion/Action: Town Board review and consideration of Resolution 2014-004, A Resolution denying the claim for a refund for an Unlawful Personal Property Tax Levied on Yamaha Motor Corporation for personal property leased to Westridge Golf Club, LLC.

Attached please find a draft copy of Resolution 2014-004 A Resolution denying the claim for a refund for an Unlawful Personal Property Tax Levied on Yamaha Motor Corporation for personal property on golf carts leased to Westridge Golf Club, LLC. Over the past two years the Town has been charging Yamaha Motor Corporation personal property taxes on the golf carts leased by the Westridge Golf Club, LLC. It appears that these taxes have been levied unlawfully by the Town. Procedurally, personal property taxable items are self reported by the business owner. The Town's assessor mails the self reporting forms to the property owner, they return the completed forms to the Assessor and the Assessor uses the information to develop the taxes and the tax bills. Based on Wisconsin law the golf carts would only be subject to a personal property tax if they were on site on January 1st of the calendar year. Since Yamaha Motor Corporation takes their entire inventory back to a central location for storage and maintenance the golf carts are not on site on January 1st, of the year. The Town's Assessor has corrected this issue for January 1st, of CY 2014 and the future. However, the CY 2013 personal property taxes have been paid and the Yamaha Motor Corporation is asking for a refund on the Unlawful Personal Property Tax Levied by the Town. State Statutes require that the application for a refund on Unlawful Personal Property Tax Levied must be received by the Town on or before January 31st, of the year when the taxes are due. Staff has asked the Town's Attorney for a Legal Opinion on the issue (see attached) and based on that opinion, the self reporting function of the personal property taxes, and the date on which the refund request was made, the Administration is recommending that the Board deny the claim for a refund for an Unlawful Personal Property Tax Levied on Yamaha Motor Corporation for personal property leased to Westridge Golf Club, LLC. If the Board agrees with the Administration's recommendation, a motion to approve Resolution 2014-004 would be in order; additionally, staff should be directed to notify Yamaha Motor Corporation of the Board's action in a timely manner.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion to approve resolution 2014-004 to give direction to notify Yamaha Motor Corporation accepting the denial.

Vote: Motion made by unanimous consent to accept the denial of Yamaha Motor Corporation.

- D. Discussion/Action: Town Board review and consideration of allowing Town staff to serve as the financial functionary for the Clayton/Winchester Joint Fire Board and the Clayton/Winchester Volunteer Fire Department.

With the changes in the operation of the Clayton/Winchester Volunteer Fire Department, Town staff has begun to see an increase in the calls and bills being sent to the Town for the Joint Fire Department. The Administration has reviewed the issue with staff and come to the conclusion that it would be more efficient if Town staff processed the accounts receivable, the accounts payable, and the payroll functions for the Joint Fire Department and the Joint Fire Board. The Board has asked how much money the Joint Fire Department spends with the Mathison Organization for accounts receivable, accounts payable and payroll. The Administration has asked the Fire Chief for this information. Based on the Chief's response the Joint Fire Department spends approximately \$3,600.00 a year for the services provided by the Mathison Organization. If the Board agrees with the Administration's recommendation to bring these functions into the Town Offices, it should direct those members of the Board who serve on the Joint Fire Board to offer the option of having Town staff provide accounts receivable, accounts payable and payroll services for the Joint Fire Department and the Joint Fire Board. The only question the respective parties would need to agree on would be the rate of compensation for the services provided.

Motion made by unanimous consent to approve the town staff to handle the financial services of the Clayton/Winchester Volunteer Fire Department.

- E. Discussion/Action: Town Board review and consideration of hosting and providing a meal for a monthly meeting of the Winnebago County Unit, Town's Association Meeting.

The Town Chair has asked that this item be placed on the Board's Agenda for review and consideration. The Winnebago County Unit, Town's Association holds a monthly meeting that is hosted on a rotating basis. At these meetings the host Town routinely provides a meal for the individuals attending the meeting. The Town Chair would like to discuss having the Town of Clayton host a monthly meeting and the possible provision of food and refreshments as part of the meeting. Should the Board choose to provide a meal and refreshments at the meeting, staff will fund the activity under the Legislative Line Items in the Town's CY 2014 Budget.

Discussion by Mark Luebke regarding the cost involved by the taxpayers for providing a meal. Trying to determine who pays for the meal. Many other towns offer a meal at their Town Association meeting.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Made to host the Wisconsin Towns Association Winnebago County Unit meeting the next time our name comes up and to provide a meal and refreshments at that meeting.

Vote: Motion carries 4 to 1. Chair Luebke voted no.

- F. Discussion/Action: Town Board review and consideration of the conditions and costs placed on the granting of an easement for the Town's stormwater management pond on the golf course property by the Ridgeway Country Club, Inc.

Attached please find a draft copy of the easement document for the stormwater management pond on the Ridgeway Country Club, Inc. (Club) property; also attached is a copy of an e-mail from Attorney Thomas S. Wroblewski (Thomas) and a copy of an e-mail from the Town's Engineer (Mary Jo). Thomas drafted the Easement Document for the Club. As drafted, the easement and the proposed stormwater management pond would require that the Town relocate the existing maintenance facility driveway. Moving the existing driveway would benefit the Town and simplify the corner of Ridgeway Drive by moving the access to the Club's maintenance facility to the east side of the property (see attached map). The costs of constructing the pond and relocating the driveway would accrue to the Town as part of the Capital Reconstruction project.

Thomas also asked if the Town would include paving the maintenance facility parking area and the Club House parking area in the Town's Capital Project Contract; the Club would pay for the costs of the grading and paving of the parking areas. Both Town Attorney Rich Carlson and the Administration have sufficient concerns with including private work in the Town's Municipal Capital Construction Contract that we are both recommending that the Town not include the private work in the Town's Contract.

The Town's Attorney has not completed his review of the draft easement; however, the Administration would like authorization to include the construction of the stormwater management project in the Town's Capital Reconstruction Bid Documents with approval of the terms and conditions of the easement and approval of the stormwater management pond construction project included in the Bid Award for the CY 2014 Capital Reconstruction projects. If the Board agrees with the Administration's recommendation, a motion would be in order to authorize the inclusion of the stormwater management project as an alternate in the Bid Documents for the Town CY 2014 Capital Reconstruction projects.

- Burt Drews asked about use of the swim pond

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Made to authorize the inclusion of the storm water management program as an alternate in the bid documents for the towns CY 2014 Capital Reconstruction projects.

Vote: Motion carried by unanimous consent.

- G. Discussion/Recommendation: Town Board review of a Draft Agenda and direction to staff relative to the potential agenda items for consideration at the Town's Annual Electors Meeting.

This item was placed on the Agenda at the Administrator's request so that the Board could give staff direction on which items it would like to see on the agenda for the Annual Meeting of the Town's Electors. The Administration would recommend that the Board place the following items on the Agenda for the Town's Annual Meeting:

- 1) Call to Order by the Town Chair, Mark E. Luebke.
 - a) Pledge of Allegiance

- 2) Town Elector Approval of the Minutes of the CY 2013 Annual Meeting of the Town Electors.
- 3) Introduction of Elected and Appointed Town Officials by the Town Chair.
 - a) Reports by Appointed Town Commission and Committee Chairs:
 - i) Plan Commission Chair, Dick Knapinski
 - ii) Green Space Committee Chair, Cathy Clark

- 4) Presentation of the Town’s CY 2013 audit by Town’s Auditor, Schenck SC.

- 5) Recognition of Town Officials and Employees by Town Chair, Mark E. Luebke:
 - a) Attorney, Rich Carlson
 - b) Treasurer, Tori Bowen
 - c) Clerical Assistant, Laurie L. Goffard
 - d) Public Works Foreman, Scott Pamerter
 - e) Public Works Employee, David Borchert
 - f) Public Works Employee, Dylan Meyer
 - g) Animal Control Officer, David Huebner
 - h) Building Inspector, Tom Spierowski
 - i) Town Assessor, Mark Brown of Associated Appraisal Consultants, Inc.
 - j) Clayton/Winchester First Responders, Cindy Pfankuch and Department Volunteers
 - k) Clayton/Winchester Fire Department, Chief Scott Rieckmann and Department Volunteers
 - l) Emergency Government Coordinator, Bob Breaker
 - m) Town Administrator, Richard Johnston:

- 6) Town Electors approval of the Town Board wages.
 - a) Town Chair:
 - i) Wage per Year: \$8,300.00
 - ii) Full day meeting Per Diem: \$ 66.00 (based on County Board Rates)
 - iii) Half day meeting Per Diem: \$ 44.00 (based on County Board Rates)
 - b) Town Supervisors:
 - i) Wage per year: \$5,100.00
 - ii) Full day meeting Per Diem: \$ 66.00 (based on County Board Rates)
 - iii) Half day meeting Per Diem: \$ 44.00 (based on County Board Rates)

- 7) Setting the meeting date for the Town’s CY 2015 Annual Meeting of the Town Electors for the 3rd Tuesday in April of CY 2015 or within ten (10) days following that date.

- 8) Town Elector Proposed Agenda Items.

- 9) Adjourn Sine Die.

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment: 8:42 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Laurie L. Goffard, Administrative Assistant