

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, July 6th, 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
Treasurer Straw	PRESENT
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, June 15th, 2016 (to be approved at the July 20th, 2016 meeting).

IV. Open Forum – Town-related Matters not on the Agenda:

- Tom Mayer, 2941 Braun Ct, Neenah, WI. Inquired about the clean-up of the debris in the yard at 9595 Lind Lane.
- The resident at 9595 Lind Lane is not accepting certified mail. The Town will issue a citation.
- Happy with the progress of what the Town of Clayton is doing on this issue.

V. Correspondence:

- A. Copy of correspondence from the Winnebago County Treasurer's Office.
- B. Wisconsin Department of Transportation CY 2015/16 Salt Contract information.
- C. Copy of an anonymous complaint about drainage issues from a resident in the Sunburst Subdivision.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Officer Johnson arrived at 7:19 p.m.
- C. Clayton Fire Rescue
 - Chief Rieckmann presented his monthly report.
 - State Fire Chief's convention overview.
 - Signed on First Responders for response.
 - Tim Kempen passed test for First Responder.
 - Reviewed fire inspections.
 - Reviewed Knox Box ordinance for commercial buildings.
 - Discussed the need for compliance on fire inspection finds.
 - Discussed daytime training schedule.
 - Discussed Epi pen order.
 - Discussed dry hydrant for retention ponds.
 - Bloodmobile event scheduled for Tuesday, August 2nd, 2016.
 - Supervisor Grundman asked about vandals relative to Knox box.
 - Chair Geise discussed paying members to be on call and adding it to the 2017 budget.
- D. Larsen-Winchester Sanitary District
 - Mike Pfankuch reported that they replaced the X pumps at the Larsen Road lift station.
 - Hooked up one resident in Winchester.
 - Discussed yws grinder.
- E. Administration Comments
 - Engineer Miller reviewed the Clayton Avenue, Whispering Meadows and Hickory Avenue projects.
 - Administrator Johnston discussed the Hickory Avenue project.
 - Discussed the tub grinder bearing failure.
 - Discussed computer system hack on Tuesday, June 21st, 2016.
 - Discussed the Clayton Fire Rescue cooperation relative to the Clayton Avenue project.
 - Discussed significant interest in development on the east side of the Town of Clayton.
 - Treasurer Straw gave her report.
 - Supervisor Reif discussed the two lanes going down to 1 lane on the Highway 10 and 76 accidents.
 - Chair Geise gave an update on the Town of Clayton.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Kasey Lawson
 - ii. Ali Wiemer
 - iii. Mykenna Polacheck
- B. Renewal:
 - i. Rebecca Hilgers
 - ii. Maria Hopfensperger
 - iii. David Cheslock
 - iv. Gina Combs

- 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 sale of Town owned property located at 8795 Clayton Avenue with a contractual agreement that the property cannot be removed from the Town of Clayton by annexation to the Village of Fox Crossing.

Attached please find copies of e-mails from Chris Rosales and Dustin Rugotska asking the Town if it would be willing to sell the property at 8795 Clayton Avenue subject to a contractual guarantee that the new owner would not petition for, or vote in favor of, annexing the property to the Village of Fox Crossing. The Administration has some concerns on the Town's ability to contractually restrict access to State Statutes on annexation of property. Specifically, if the purchaser is willing to contractually stipulate that he/she will not petition to annex the property to the Village of Fox Crossing and/or contractually agree to not vote in favor of annexation in the case of a referendum, can this agreement be passed on to a subsequent purchaser. For example, if the purchaser contractually agrees not to annex but then sells the property for development purposes at significantly more than the property is assessed for, can the contractual obligation be passed on to the second buyer? The Administration has asked the Town's Attorney for a legal opinion on the issue. If the Town's Attorney is unable to provide a degree of comfort on the process the Administration would recommend keeping title to the property for the foreseeable future. An alternative to the sale of the property could be a lease to purchase where the tenant would agree to a purchase price and an agreed amount of the rent would be put toward a down payment on the home. In all cases, at this time the Administration is recommending that the Town keep title to the property until it no longer has a use for the property.

MOTION:

Motion by: Chair Geise

Seconded by: Supervisor Reif

Motion: To we direct staff to keep the title/ownership of the property located at 8795 Clayton Avenue.

Motion carried by unanimous consent.

- B. Discussion/Action: Town Board review and consideration of Pay Request No. 2 from R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI 54971 for the Whispering Meadows Capital Construction Project.

Attached, please find a copy of Pay Request #2 in the amount of \$44,687.63, submitted by R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI 54971. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the payment for the Whispering

Meadows Drive project. Please be advised that staff will be making the payment out of operating funds with the intent of replacing the funds with a borrowing from the State of Wisconsin, Board of Commissioners of Public Lands in August of CY 2016. If the Board is comfortable with staff's recommendation, a motion would be in order to approve the pay request in the amount of \$44,687.63 and to direct the Treasurer to make the payment to R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI 54971. Additionally, the Board should direct staff to add this payment to the Special Assessment process for the project costs to the Developer with the intent of placing the debt on the CY 2016 taxes payable in CY 2016/17.

Vote: Motion made to pay \$44,687.63 for Pay Request No. 2 to R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI, 54971 for the Whispering Meadows Capital Construction Project.

- C. Discussion/Action: Town Board review and consideration of the Town's options relative to repairing and/or purchasing a new truck to replace the Town's existing 2009 International tandem axle plow truck.

Attached please find revised copies of proposals to repair and/or replace the Town's existing 2009 International tandem axle plow truck from Packer City Trucks in Appleton, WI and Quality Truck Care Center in Oshkosh, WI. Also attached are proposals to replace the Town's existing 2009 International tandem axle plow truck with a unit in inventory at either dealer. The Board has directed the Administration to provide it with more details relative to repairing and/or replacing the Town's 2009 International plow truck. Please be advised that the existing unit ground a cam follower and cam lobe when a retaining pin on the cam follower failed.

Repairing:

The estimate from Packer City Trucks in Appleton for repairing the Town's 2009 International is \$10,873.11. The estimate from Quality Truck Care Center in Oshkosh is \$21,470.00. Please be advised that repairing the truck does not eliminate the issue of an underpowered truck.

Replacing with spec to order truck:

There are 2 proposals for replacing the Town's 2009 International with an order to specification unit, one from Packer City International in Appleton and one from Quality Truck Care Center in Oshkosh. Both proposals are for trucks with a plow, a wing, and an insert salter. The Packer City International proposal costs \$207,116.00; the breakdown is \$113,992.00 for the chassis and \$99,124.00 for the plow and salter. The Quality Truck Care Center proposal costs \$205,725.00; the breakdown is \$111,850.00 for the chassis and \$94,109.00 for the plow and the salter.

Replacing with a truck in inventory:

In order to maximize the workload of the Town's Department of Public Works (DPW) the Administration has asked both Packer City International in Appleton and Quality Truck Care Center in Oshkosh to provide the Town with the option of purchasing a truck out of inventory. Packer City International in Appleton is proposing a 2016 unit with a nominally longer box, a plow, a wing and an insert salter for a cost of \$187,355.00; the breakdown is \$113,693.00 for the chassis and \$73,662.00 for the plow and salter. Quality Truck Care Center in Oshkosh is proposing a 2015 unit with a plow, a wing, and an insert salter for a cost of \$212,891.00; the breakdown is \$119,030.00 for the chassis and \$93,861.00 for the plow and the salter.

Trade-in values:

Packer City International in Appleton is offering a trade-in value for the Town’s existing 2009 International of \$40,000.00 as is and \$51,000.00 repaired. Quality Truck Care Center in Oshkosh is offering a trade-in value of \$10,000.00 as is.

Financing:

The Town has several lease-to-purchase options for the purchase; the offering from Navistar Capital is being included as an example of the financing terms, payment options, and interest rates available. If the Board elects to replace the Town’s 2009 International plow truck with a new unit the Administration will look at the Town’s CY 2017 and future Budgets to find the monies needed to make the payments on the truck.

- Discussed changing differential ratio into truck.
- Discussed repair proposals.
- Discussed purchasing a truck.
- Supervisor Grundman asked about pricing as stated relative to the trade-in.

MOTION:

Motion by: Supervisor Reif

Seconded by: **MOTION FAILED**

Motion: To repair the 2009 International truck with Packer City Repair.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: To replace current truck from Packer City.

Chair requested roll call vote:

Supervisor Lettau: Aye.

Supervisor Schmidt: Aye.

Chair Geise: Aye.

Supervisor Reif: No.

Supervisor Grundman: Aye.

Vote: Motion carried with a 4:1 vote and Supervisor Reif voted no.

- D. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2015-015 A Resolution Creating a Statutorily required list of Appointed Election Poll Workers for the CY 2016/17 election cycle to add the following to the list of approved poll workers:
 - i. Charlene Hayward, 8195 Golf Course Drive, Neenah 54956

Attached please find a copy of Resolution 2015-015 as approved by the Board. Resolution 2015-015 is a Resolution Creating a Statutorily Required List of Appointed Election Poll Workers. Also attached is a copy of Exhibit A to Resolution 2015-015 with the names of the additional poll workers highlighted in yellow. The latest Poll Worker on the list is recommended for addition by staff and the Chief Poll Worker, Judi Quadracci. As in the past, both the Democratic Party and the Republican Party are eligible to provide Poll Worker names to the Clerk. The list of Poll workers (with the additional name) is valid for 2 years and is used to select individuals who will work at the Town’s Elections. If the Board agrees with the addition of the name to the Poll Worker List, a

Motion to approve the additional name to Exhibit A of Resolution 2015-015 a Resolution Creating an Election Poll Worker List for the CY 2016 and CY 2017 election cycle as presented.

Vote: Approved by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with Cedar Corporation for work related to the Town's CY 2016 DNR Urban Nonpoint Source & Storm Water Management Grant.

In CY 2015 the Town Applied for a Wisconsin Department of Natural Resources (DNR) Urban Nonpoint Source & Storm Water Management Grant (MS4 Planning Grant). In February of CY 2016 the Administration was notified that the Town was awarded a matching MS4 Planning Grant in the amount of \$26,840.00 (see attached notice of award). Since the grant planning area on the northeast side of the Town matches the Town's Sanitary District #1 boundary area and the area on the southeast corner of Town matches the future area to be served by sanitary sewer the Administration has asked Cedar Corporation to submit a proposal for doing the MS4 Planning Grant work. Both sanitary sewer and storm water (unless pumped) flow by gravity. As part of the sanitary sewer work in the northeast quadrant Cedar Corporation is conducting aerial survey work. They are doing this work by using aerial orthophotography to create the required 1-foot contour maps. With this proposal the same maps are going to be used for both the sanitary sewer planning and engineering and the MS4 Grant planning work. Cedar Corporation is going to use the County's 2-foot contour maps for the storm water management study area in the southeast quadrant of the Town. It is the Administration's position that the overlap in the survey work and the MS4 Planning Grant work can reduce the Town's costs by sharing these 1-foot and 2-foot contour maps to create both the sanitary sewer plans and the storm water management plan for the specified areas of Town. If the Board agrees with the Administration's recommendation, a motion would be in order to award the work outlined in the proposal at a cost not to exceed \$41,000.00 (subject to the DNR's approval of the Scope of Services) with the matching funding to come from the Town's Storm Water Management Utility.

- Discussed Grant process and requirements.

Vote: Approved by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of an Application for a DNR Chapter 30 Permit to clean the farm ditch/waterway north of CTH "II" between Oakwood Avenue and Pioneer Road.

In CY 2015 the Town Applied for a Wisconsin Department of Natural Resources (DNR) Urban Nonpoint Source & Storm Water Management Grant (MS4 Planning Grant). In February of CY 2016 the Administration was notified that the Town was awarded a matching MS4 Planning Grant in the amount of \$26,840.00 (see attached notice of award). Since the grant planning area on the northeast side of the Town matches the Town's Sanitary District #1 boundary area and the area on the southeast corner of Town matches the future area to be served by sanitary sewer the Administration has asked Cedar Corporation to submit a proposal for doing the MS4 Planning Grant work. Both sanitary sewer and storm water (unless pumped) flow by gravity. As part of the sanitary sewer work in the northeast quadrant Cedar Corporation is conducting aerial survey work. They are doing this work by using aerial orthophotography to create the required 1-foot contour maps. With this proposal the same maps are going to be used for both the sanitary sewer planning

and engineering and the MS4 Grant planning work. Cedar Corporation is going to use the County's 2-foot contour maps for the storm water management study area in the southeast quadrant of the Town. It is the Administration's position that the overlap in the survey work and the MS4 Planning Grant work can reduce the Town's costs by sharing these 1-foot and 2-foot contour maps to create both the sanitary sewer plans and the storm water management plan for the specified areas of Town. If the Board agrees with the Administration's recommendation, a motion would be in order to award the work outlined in the proposal at a cost not to exceed \$41,000.00 (subject to the DNR's approval of the Scope of Services) with the matching funding to come from the Town's Storm Water Management Utility.

- Reviewed issues with drainage of waterway.
- Discussed special assessing property owners.
- Proposal from M&E for applying for permit.
- Discussed contracting to have done.
- Amos Ihde, 7834 State Rd 76, Neenah, WI. Discussed the fact that the town would be able to get permit easier than farmers/property owners.

Vote: Approved by unanimous consent.

- XI. Upcoming Meeting Attendance:
- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
None.
- XIV. Adjournment:
MOTION: To Adjourn at 8:29 p.m. by unanimous consent.

Respectfully submitted,

Laurie Goffard, Deputy Clerk