



# TOWN OF CLAYTON

## Regular Meeting of the Town Board of Supervisors Meeting Minutes

August 4, 2010  
7:00 p.m. – 10:27 p.m.

### I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke  
 Present: Town Chairperson Luebke, Supervisors Geise, Klingenberger, Lettau, and Schmidt  
 Staff Present: Town Administrator Johnston, Clerk Nester-Huebner, Public Works Foreman Pamerter, Town Engineer Brueggeman  
 Meeting properly posted; three locations in the Town.

### II. Approval of Minutes

- Regular Town Board Meeting – July 21, 2010  
**MOTION:** (Unanimous consent) Approve July 21, 2010, Town Board meeting minutes as written.  
**CARRIED** by voice vote.

### III. Open Forum – Non-Agendized Town-related Matters

- Roger Herman, 2663 Woodcrest Drive – Topic: Excessive water in Oakcrest Manor subdivision in July 2010
- John Geiger, 2666 Woodcrest Drive – Topic: Water flow
- Thomas Becher, 3019 Fairwinds Drive – Topic: Yard waste

### IV. Correspondence

- Attorney General (received 7/28/2010) – notice that Van Hollen issues memorandum regarding Supreme Court’s recent decision involving personal e-mails
- Winnebago County, Health Department (received 7/23/2010) – WSLH Funding for Water Sampling, 2008 Flood Follow-up
- Winnebago County, Zoning Department (received 7/28/2010) – No documents for the Town to review for August Public Hearing

### V. Discussion Items (No action will be taken.)

- County Supervisor Report – no supervisor present
- Winnebago County Sheriff’s Dept. – no deputy present
- Clayton-Winchester Fire Chief Report – Fire Chief not present, 53 fire calls YTD, Fire Department raised \$3,600 with “Fill The Boot” Campaign / Fundraiser
- Administration Comments –

Town Administrator: Larsen Road vehicle incident so Town notified Town Attorney and Insurance Carrier, received email relative to 4-wheeling activity in the Clayton Park, Cassy Lane drainage project begins Thursday, August 5, 2010, working on installing kiosk on Friendship Trail at end of Umland Road on North side of Hwy 10

Clerk: We received communication from a research company that will be conducting state-wide exit polls at selected precincts for 2010 elections (Clayton is one of the selected sites – so we can plan on having exit polls conducted outside the polling place on one or both of the fall Election Days)

Public Works Foreman: Cassy Lane project to start tomorrow, Clayton Park gate will be installed once fence is repaired

Town Engineer: Coleman Ridge to Clayton Ave. will be graveled starting on Friday, accident last night individual westbound hit one of the backhoes and there were non-life-threatening injuries

Chair Luebke: decorum in town board meetings

**VI. Business**

- A. **Discussion / Action** – Operator Licenses
  - New/Renewal – Mary Louise Chapin
  - New – Shirley Elaine Hoepner

**MOTION:** (Klingenberg, Geise) Approve operator license for Mary Louise Chapin.  
CARRIED by unanimous voice vote.

**MOTION:** (Geise, Klingenberg) Approve operator license for Shirley Elaine Hoepner.  
CARRIED by unanimous voice vote.

- B **Discussion / Action** – Town Board action on a Plan Commission recommendation on a Site Plan for developing a secure storage area for the Town’s Public Works Department

Resident Commented on item:

Thomas Becher – Topic: curbing

The Plan Commission has recommended the Site Plan for the proposed project.

Project – includes tree removal, grass removal, surface contouring, asphalt surfacing, and fencing of the area between the Town Garage, the Town Sign Shop, and the Trail Head Park Restrooms.

Purpose of project – to provide the Town’s Public Works Department with a secure long-term storage area for equipment.

The project consists of an 8-foot chain-link fence with a barbed wire surround and three (3) gates. Additional access to the area would be available from a garage door in the cold storage building.

The Plan Commission’s recommendation included placing a vegetative screening barrier on the north side of the salt shed and the west side of the fence line. Note: Town Staff will purchase and plant the proposed vegetative barrier.

The Town will be acting as a general contractor for the project and bidding out the individual elements of the project.

The Town received the following bids for the project:

<u>Asphalt:</u>		<u>Fencing:</u>	
Appleton Asphalt:	\$ 10,787.00	American Fence Company:	\$ 5,880.00
Fox Valley Asphalt:	\$ 12,450.00	Security Fence & Supply Co., Inc.:	\$ 7,177.00

The Administration’s recommendation is to award the individual components of the project to Appleton Asphalt at a cost of \$10,787.00, and American Fence Company at a cost of \$5,880.00, and to direct staff to install the vegetative barrier at a cost not to exceed \$500.00.

Funding for project will come from the Town’s CY 2010 Public Works Capital Construction Budget.

Pending approval, construction of the project would start in early August with completion expected in three to four weeks.

**MOTION:** (Lettau, Geise) Follow the recommendations of the Site Plan for developing a secure storage area of the Town’s Public Works Department, which does include vegetation, the asphalt at \$10,787.00, the fencing at \$5,880.00, and not to exceed \$500.00 in vegetation.  
CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board action on the residents’ request to design and construct a passing lane at the intersection of STH “76” and Windfield Drive

Residents Commented on item:

Bryce Adie (3040 Windfield Drive), Joe Slezak (9425 Memory Lane), Tom Becher, Jason Hale (2934 Windfield Drive), Ray Darling (3014 Windfield Drive), Bill Heeter (3049 Fairwinds Drive)

The Town received communication from Dave Nielson, Regional Access Management Engineer at the Northeast Regional Office of the Department of Transportation (DOT). It has become apparent that the DOT will not fund a passing lane at the specified location and is unwilling to permit anything but a full DOT-standard passing lane.

Based upon the DOT’s apparent position, the Administration will revert to its original estimate of approximately \$75,000.00 for the Town to construct a passing lane to the DOT’s standards. The cost estimate received is for the engineering and the construction of the passing lane to DOT standards. The Board now needs to resolve the problem of who pays for the project.

If authorized by the Board, funding for the Town’s project has been authorized in the Town’s CY 2010 Budget, Capital Construction line item. The source of the funds would be part of the Town’s projected CY 2010 borrowing.

**MOTION:** (Klingenberger, Schmidt) We deny the residents’ request to approve and construct a passing lane at the intersection of STH “76” and Windfield Drive.

CARRIED by 5-0 roll call vote.

(Klingenberger = Yes, Schmidt = Yes, Lettau = Yes, Geise = Yes, Luebke = Yes)

D. **Discussion / Action** – Town Board approval for bidding the replacing of two culverts and double-chip sealing Pioneer Road for approximately 5,300 linear feet from Medina Junction Road to Winnegamie Drive

**Project:** Consists of approximately 5,300 linear feet of work on Pioneer Road from Medina Junction Road to Winnegamie Drive. The Engineering Includes replacing two (2) culverts in Pioneer Road and double chip sealing approximately 5,300 linear feet of Pioneer Road. The replacement of the large culvert in the navigable waterway will be completed as part of the Town’s CY 2011 County Bridge Aids project.

**Purpose:** The proposed project will allow the Town to use some of the surplus funding from the Larsen Road reconstruction project to complete the proposed work on Pioneer Road in CY 2010.

**Time-frame:**To complete the project in a timely manner, and before the end of the hot summer season, the Town Chair has directed staff to place this item on the Board’s Agenda for approval. Should the Board approve, staff will bid the project on Thursday, August 5, 2010, with the intent of bringing the bids for approval at the Board’s August 18, 2010, meeting. Construction on the project would start as soon as possible after the bid award.

**Funding:** The engineering project would come from the Town’s CY 2010 Capital Construction, Road Reconstruction Budget Line Item.

**MOTION:** (Lettau, Schmidt) Go ahead with the bidding process for the replacement of two culverts and double-chipsealing of Pioneer Road for approximately 5,300 linear feet from Medina Junction Road to Winnegamie Drive.

CARRIED by unanimous voice vote. *(Added the vote; it was omitted in the draft minutes.)*

E. **Discussion / Action** – Town Board review and approval of a set of engineering proposals for the Town’s CY 2011 Capital Construction Projects

Two issues the Administration would like to clarify for the record.

1. A shortcoming in the Town’s tracking and internal control functions prior to CY 2009. The Administration is comfortable that any variances in fund balance accounts occurred as a result of incorrect account coding in the accounting software.
2. The Treasurer’s departure is in no way related to the previous issue, since she did not work for the Town between the years of 2000 and 2008.

Listed below are the Town’s CY 2011 Capital Plan projects-related escrow funds and related Engineering Costs:

<b>Berry Bramble Estates</b>		
Total Number of Lots:	16	
Number of Lots Sold:	6	
Number of Lots subject to escrow payments:	11	(2/3 x 16)
Lots currently owned by Developer:	10	
Developer’s Agreement Escrow Payment per Lot:	\$ 3,250.00	
Estimated Engineering Costs:		\$ 3,700.00
Estimated Construction Costs:		<u>\$ 64,825.00</u>
Total Estimated Construction Costs:		\$ 68,525.00
Calculated Paving Escrow Amount (6 x \$3,250.00):		<u>\$ 19,500.00</u>
Projected Shortfall (\$ 68,525 – 19,500):		\$ 49,025.00
Lots currently owned by the Developer:		10
Project cost per Lot (\$ 68,525/16):		<u>\$ 4,282.81</u>
Recoverable by Special Assessment (\$ 4,282.81 x 10):		\$ 42,828.12
Net cost excluding interest (\$ 49,025.00 – 42,828.12):		\$ 6,196.88

<b>Strawberry Estates</b>		
Total Number of Lots:	41	
Number of Lots Sold:	24	
Number of Lots subject to escrow payments:	28	(2/3 x 41)
Lots currently owned by Developer:	17	
Developer’s Agreement Escrow Payment per Lot:	\$ 4,792.49	
Estimated Engineering Costs:		\$ 4,500.00
Estimated Construction Costs:		<u>\$ 190,830.18</u>
Total Estimated Construction Costs:		\$ 195,330.18
Calculated Paving Escrow Amount (24 x \$4,792.49):		<u>\$ 115,019.76</u>
Projected Shortfall (\$ 195,335.18 – 115,019.96):		\$ 80,310.42
Lots currently owned by the Developer:		17
Project cost per Lot (\$ 195,330.18/41):		<u>\$ 4,764.15</u>
Recoverable by Special Assessment (\$ 4,764.15 x 17):		\$ 80,990.55
Net cost excluding interest (\$ 80,310.42 – 80,991.55):		\$ 0

<b><i>Emerald Valley I and II</i></b>		
Total Number of Lots:		56
Number of Lots Sold:		51
Number of Lots subject to escrow payments:		38
Lots currently owned by Developer:		5
Developer's Agreement Escrow Payment per Lot:	\$ 4,086.75	
Estimated Engineering Costs:		\$ 4,700.00
Estimated Construction Costs:		\$ <u>304,330.94</u>
Total Estimated Construction Costs:		\$ 309,030.94
Calculated Paving Escrow Amount (38 x \$4,086.75):		\$ <u>155,296.50</u>
Projected Shortfall (\$ 309,030.94 – \$ 155,296.50):		\$ 153,734.44
Lots currently owned by the Developer:		5
Project cost per Lot (\$ 309,030.94 / 56):		\$ <u>5,518.40</u>
Recoverable by Special Assessment (\$ 5,518.40 x 5):		\$ 27,592.04
Net cost excluding interest (\$ 153,734.44 – \$ 27,592.04):		\$ 126,142.40

<b><i>Highpoint Estates</i></b>		
Total Number of Lots:		23
Number of Lots subject to escrow payments:		16
Lots currently owned by Developer:		3
Developer's Agreement Escrow Payment per Lot:	\$ 3,200.00	
Estimated Engineering Costs:		\$ 3,700.00
Estimated Construction Costs:		\$ <u>95,544.00</u>
Total Estimated Construction Costs:		\$ 99,244.00
Calculated Paving Escrow Amount (16 x \$3,200.00):		\$ <u>51,200.00</u>
Projected Shortfall (\$ 99,244.00 – \$ 51,200.00):		\$ 48,044.00
Lots currently owned by the Developer:		3
Project cost per Lot (\$ 99,244.00 / 23):		\$ <u>4,314.95</u>
Recoverable by Special Assessment (\$ 4,314.95 x 3):		\$ 12,944.86
Net cost excluding interest (\$ 48,044.00 – \$ 35,099.14):		\$ 35,099.14

The total of the Town's Paving escrow, from the CY 2009 Town Audit, is \$233,483.00. The projected calculated escrow funding, based upon the number of subdivision lots sold, is \$341,016.30. The variance in the escrow account balance is \$107,533.30.

The total estimated dollar value of the Town's CY 2011 paving projects is \$655,530.12. The total project funding for the Town's CY 2011 Capital Road Reconstruction is \$483,483.00 (\$233,483.00 from the Town's Paving Escrow Fund and \$250,000.00 from the tax levy supported Capital Reconstruction Fund). The funding shortfall for the subdivision paving project is \$167,438.40 (\$126,142.39 + \$35,099.13 + \$6,196.88).

Reconstruction of the roads in the following two (2) Plats/Subdivisions:

<b>Estimated Costs:</b>	<b>Oak Openings</b>	<b>Oakcrest Manor (Woodenshoe)</b>
Engineering:	\$ 3,000.00	\$ 3,000.00
Construction:	<u>\$ 95,599.71</u>	<u>\$ 71,337.76</u>
<b>Total Construction:</b>	<b>\$ 98,599.71</b>	<b>\$ 74,337.76</b>

Estimated total cost to reconstruct the Plats of Oak Openings and Oakcrest Manor is \$166,937.47 (\$95,599.71 + \$71,337.76), exclusive of engineering costs. The cost of these projects would need to be added to the shortfall in funding for the Town’s CY 2011 subdivision paving projects. The total funding shortfall would be \$334,375.87 (\$167,438.40 + \$166,937.47).

The Administration would like to advise the Board that a number of the residents of Oakcrest Manor have asked staff to correct a significant problem with the stormwater management drainage in the subdivision. This process would significantly increase the estimated cost of the project by adding the relocation of the stream that the Department of Natural Resources (DNR) will label a navigable waterway.

The Administration’s recommendation for financing the funding shortfall is to borrow the funds in CY 2011. This would involve refinancing the CY 2010 borrowing of approximately \$500,000.00 in CY 2011 to include the additional \$334,375.87. The CY 2011 refinancing would be projected at \$709,375.87 (CY 2010 \$500,000.00 *minus* a \$125,000.00 loan payment made in CY 2011 *plus* \$334,375.87). If the borrowing were to be extended to ten (10) years it would have no impact on the Town’s levy.

Other than assuming debt, the only issue Administration can see with the proposal is the impact on the Town’s long-term borrowing plans for the future reconstruction of Larsen Road. If the Board wanted to mitigate the impact of the CY 2011 borrowing on the reconstruction projects, it could dedicate a portion of the Town’s Annual Budget fund balance surplus to additional debt service. This would allow the Town to satisfy the additional debt in the original five-year increments. Additionally, the Board could dedicate the revenue from the Special Assessment for paving the Developer-owned Lots to debt service. This would amount to an estimated \$164,355.61. After all the potential Special Assessments are collected, the net cost to the Town for paving the Town’s unpaved subdivisions in CY 2011 would be \$167,438.40 *plus* the \$250,000.00 from the Town’s tax-supported CY 2011 Capital Reconstruction Fund plus interest.

<b>Estimated Costs:</b>	<b>Center Road (from Larsen Road to Breezewood Lane)</b>	<b>Oakwood Road (from Larsen Road to Oakridge Road)</b>
Engineering:	\$ 3,500.00	\$ 3,500.00
Construction:	<u>\$ 44,097.78</u>	<u>\$ 22,048.89</u>
<b>Total Construction:</b>	<b>\$ 47,597.78</b>	<b>\$ 25,548.89</b>

Estimated total cost for the CY 2011 double-chip seal projects is \$66,146.67, not including the engineering for the project. Funding for the work will come from the Public Works Operations Road Maintenance that is proposed to be funded at \$75,000.00. Funding for the engineering will come from the Public Works Operations Contract Engineering Line Item, which is routinely funded at \$75,000.00.

The Board will be authorizing only the engineering and bid preparation documents for the projects at its August 4, 2010, meeting. The project cost estimates will be used in the preparation of the Town’s CY 2011 Budget document. The projects will be bid in January of CY 2011 and awarded by the Board based upon budgeted funds. Funding for the project will come from the Town’s CY 2010 Public Works, Engineering Budget Line Item.

**MOTION:** (Klingenberger, Geise) Approve the engineering for the Town’s CY 2011 capital construction projects per Administrator’s July 29<sup>th</sup>, 2010, memo.  
CARRIED by unanimous voice vote.

- F. **Discussion/Recommendation** – Town Board direction to staff relative to removal of the trees in front of 2847 Larsen Road, Neenah, WI 54956, property owned by Jason Ehrmentraut, and specifically identified as Tax ID#006-0645-01, in the Town of Clayton

Residents Commented on item:

Jason Ehrmentraut (2847 Larsen Road), Warren Griffith (3487 Knox Lane), Dan Ehrmentraut (8085 Tribute Drive), Paul Kellberg (8033 Cavendish Road), Beni Westgor (133½ W. Wisconsin Ave), Krista Klanderma (3575 Dekalb Lane)

The Administration was directed to place this item on the Board’s Agenda for review and recommendation. Staff has asked the Town’s Engineer to provide some option for removal of the tree in question. The photo from the County’s Geographic Information System (GIS) shows with some degree of confidence that the trees in questions are in the Town’s road Right-Of-Way (ROW). However, the only way to guarantee the location of the trees is to locate the ROW by means of a survey.

Based upon the understanding that the Trail was approved by the Board, the Town has two options. The first is to place the Trail between the existing house and the tree. This would require an easement granted by the property owner to the Town for the construction of the Trail. The second is to place the Trail between the tree and the road. This would likely require that the Town extend the curb from the corner of STH “76” and Larsen Road and install storm sewer in front of Mr. Ehrmentraut’s house. The cost of both the curb and storm sewer are estimated in the engineer’s report at \$7,808.75.

The Administration’s only comment on this issue is that had Mr. Ehrmentraut talked to the Town during the process as the other property owners in the area did, the problem could have been resolved without the media circus and the vitriolic commentary.

**MOTION:** (Geise, Lettau) Direct staff to take the engineering cost of \$7,808.75 to re-route Larsen Road with the stormwater and the gutter and curb to save the trees, along with recouping the costs from the contractor that he would have charged us to remove the trees, and any other costs would come from the Park fees

CARRIED by 4-1 roll call vote.

(Schmidt = Yes, Lettau = Yes, Geise = Yes, Klingenberger = No, Luebke = Yes)

- G. **Discussion/Recommendation** – Town Board direction to staff relative to filling the vacant Town Treasurer position

The Administration would like to advise the Board that Kim will not be returning to work at the Town. Kim has chosen to be a full-time mother and we will miss both her and her skills in the office.

To start the recruitment process, the Administration has contacted CADRE, the same firm used to find Kim, to assist with the process. The Administration is requesting Board authorization to replace the Town Treasurer in the same manner as we did in the past. This would allow the potential employee to work for CADRE while they learn the job and staff becomes comfortable with a potential long-term employee. Following the employment with CADRE, the Town has the option of hiring the individual as a full-time Municipal Employee.

**MOTION:** (Geise, Schmidt) Direct staff to fill the vacant Town Treasurer position.

CARRIED by unanimous voice vote.

- H. **Discussion/Recommendation** – Town Board direction to staff relative to the installation of security and surveillance equipment in Trail Head Park and the Municipal facilities adjacent to Trail Head Park

Project: The Town’s Green Space Committee has recommended to the Board that it look at installing security/surveillance equipment in Trail Head Park and the Town Public Works / Town Office area.

Purpose: To reduce potential drug trafficking and vandalism in the park / public works / office area.

The Administration has asked the Town’s Information Technology (IT) supplier for a recommendation and cost estimate for the project. The supplier has two security equipment systems available – one provides a video link to the Town’s computer system and the other provides static pictures of triggering events. However, both have the common element of product review.

The Administration would like direction from the Board relative to the following:

1. Type of system to implement
2. Process the Board would like to use to trigger a review of the video or still images
3. Implementation of the project

The Administration's recommendation is to fund the project in the Town's CY 2011 Budget with an implementation policy to be approved by the Board in Fall of CY 2010.

Direction to staff: Place the installation of security and surveillance equipment in Trail Head Park and the Municipal facilities adjacent to Trail Head Park in budget discussions.

**VII. Upcoming Meeting Attendance**

- WTA Engaging topics
- October 2010 – WTA Annual Conference (LaCrosse)
- August 18, 2010 (9:00am) – Outagamie County Airport Overlay Ad Hoc Committee Meeting (Location: Outagamie County Courthouse, Appleton)
- August 24, 2010 (7:00pm) – Farmland Preservation Regional Meeting (Location: Town of Clayton)
- October 11, 2010 (7:00pm) – Joint Fire Board (Location: Town of Clayton)

**IX. Board Member Requests for Future Agenda Items – none**

**X. Approval of Disbursements**

**MOTION:** (Unanimous consent) Approve disbursements as presented.  
CARRIED.

**XI. Adjournment – 10:27p**

**MOTION:** (Unanimous consent) Adjourn.  
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*