

TOWN OF CLAYTON  
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:51 P.M. on Wednesday, August 3, 2011

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

1. Town Board Chair Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted.
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 Pamentner	PRESENT
Town Engineer Madsen	PRESENT

II. Public Hearing:

A. Public Hearing before the Town Board on Resolution #2011-015: A Resolution Amending the Town's Ordinance setting speed limits on certain specified Town Roads (Hickory Avenue from CTH "II" to Fairview Road).

1. Terry Klingenberger (3637 Larsen Road, Neenah)
  - a. Comments: Establish a policy across the town as to what the speed limits should be; concerned with citizens getting together and arbitrarily wanting speed limits changed; concerned that Larsen Road speed limit (east of STH 76) was reduced to 45 mph because of no turn lanes, etc., and that has not been changed back now that there are turn lanes on the road; would like speed limit changed back to 55 mph on Larsen Road east of STH 76
2. Chair Luebke asked if there were any other comments three times – there were no additional comments.
3. Chair Luebke closed the Public Hearing at 7:03 P.M.

III. Approval of Minutes:

A. Regular Town Board Meeting – July 20<sup>th</sup>, 2011

**MOTION:** (Unanimous consent) Approve the Regular Town Board Meeting minutes of July 20<sup>th</sup>, 2011, as written.  
CARRIED.

- IV. Open Forum – Non-Agendized Town-related Matters:
- A. No open forum items
- V. Correspondence:
- A. Winnebago County Zoning Department – Nothing for Town of Clayton August review
- VI. Discussion Items (No action will be taken.):
- A. County Supervisor Report
    - 1. County Supervisor Joanne Sievert present, approved \$10million for new narrow band radios for fire department in CY 2012; CY 2013 budget will need to include maintenance on the radios; reports regarding the radios are available; County will not have to build two (2) new pods until consideration in CY 2015 taken a lot out of jail with the bracelet program; if Winnebago and Outagamie Counties go in together it may eliminate 1 position (=5 people)
  - B. Winnebago County Sheriff's Department – Public Concerns and Issues
    - 1. Two (2) deputies present (Rollo, McCormick); parked cars on the roadway are allowed as long as they are not interfering with traffic but at night they are towed; speed limit observations, proactive patrols with the speed trailer can be requested, speeding on CTH II, speeding on Hickory Avenue, speeding on Larsen Road; five (5) areas that deputies are assigned to within the County.
  - C. Clayton-Winchester Fire Department
    - 1. No CWFD member present
    - 2. Update: 54 calls year-to-date; the CWFD Grant Application did not receive an award, Winnebago County will be purchasing mobile and portable radios for the Fire Department by CY 2013.
  - D. Administration Comments
    - 1. Administrator: no report
    - 2. Clerk: Mailed out the Airport Overlay Notice postcard; mailed out a Farmland Preservation postcard
    - 3. Public Works Foreman: no report
    - 4. Engineer: Asphalt paving program finished, all subdivisions have been paved, Oakwood Ave./Golf Wood intersection stream crossing to be done within a week, soft spots on Larsen Road cut out and patched
    - 5. Chair Luebke: MCC to begin night operation under same conditions as CY 2010
    - 6. Supervisor Lettau: no report
    - 7. Supervisor Grundman Erdmann: no report
    - 8. Supervisor Schmidt: no report
    - 9. Supervisor Geise: no report
- VII. Licenses and Permits:
- A. Discussion/Action – Consideration and approval of Operator Licenses:
    - 1. Renewal – Keith L. Eake (Not present)
    - 2. Renewal – Gail E. Schwerin (Not present)
    - 3. New – Joseph F. Selwitschka, Jr. (Not present)
    - 4. New – Lacy J. Maertz (Not present)
    - 5. New – Andrea J. Jacobson (Not present)
    - 6. New – Charlotte A. Johnson (Present)

**MOTION:** (Unanimous consent) Approve the Operator Licenses for Keith L. Eake, Joseph F. Selwitschka, Jr., Lacy J. Maertz, Andrea J. Jacobson, and Charlotte A. Johnson.  
CARRIED.

**MOTION:** (Unanimous consent) Refer the Operator License application for Gail E. Schwerin to the next Town Board meeting and require Gail to appear.  
CARRIED.

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

A. There are no Plan Commission Referrals.

IX. Business:

A. Discussion/Action: First Reading of Resolution # 2011-015: A Resolution Amending the Town’s Ordinance setting speed limits on certain specified Town Roads (Hickory Avenue from CTH ”II” to Fairview Road).

1. The Town Board members each received a copy of the Petition from the residents of Hickory Avenue between CTH “II” and Fairview Road and a copy of Draft Resolution # 2011-015.
2. The Board held a Public Hearing and the First Reading of the Resolution at its Wednesday, August 3<sup>rd</sup>, 2011, meeting.
3. The Second Reading and final passage of the Resolution amending the Town’s Speed Limit Ordinance will occur at the Board’s Wednesday, August 17<sup>th</sup>, 2011, meeting.
4. The Resolution was drafted based upon the staff report to the Board and State Statutes relative to setting Speed Limits on Town Roads under the Town Board’s jurisdiction.
5. A motion to forward the Resolution #2011-015 to a Second Reading would be in order.
6. Plan Commission recommended that we do a thoroughfare study and road classification study within the Town as part of updating the towns access ordinance in CY 2012; as part of doing that study it is not unusual to classify the roads and to include standard speed limit ranges for the classified roads – Arterial, Collector, and Neighborhood roads
7. Board unanimously waived the first reading of Resolution #2011-015 and referred the second reading to the next Town Board meeting.

**MOTION:** (Unanimous consent) Waive the first reading of Resolution #2011-015 and refer the second reading of Resolution #2011-015 to the next Town Board meeting.  
CARRIED.

B. Discussion/Action: Town Board review and consideration of Resolution # 2011-014: A Resolution Approving the Town of Clayton's Ward Divisions, within the Winnebago County Supervisory Districts, Following the CY 2010 Decennial Census.

1. The Town Board members each received a draft copy of Resolution #2011-104: A Resolution Approving the Town of Clayton's Ward Divisions, within the Winnebago County Supervisory Districts, Following the CY 2010 Decennial Census.
2. Following each Decennial Census all units of government must re-apportion their voting districts to represent changing population demographics.
3. Staff has developed the attached material based on the State Statute requirements and the County's revisions to its voting districts.
4. Staff has also consulted with the County relative to the County's requirements.
5. The County has required that the Town's Voting Districts fit wholly within the County Districts, and the State Statutes require that, to the extent possible, the Town's Voting Districts be of equal population.
6. The Town Clerk will be available to answer any specific questions the Board may have relative to the issue.
7. However, as a point of reference, in creating the voting district and the associated map, staff was trying to keep the population roughly equal and the constituency similar within the Districts.
8. These two (2) features would be of greater significance if the Town elected its representatives by Voting District.
9. If the Board is comfortable with the proposed Voting Districts and the associated map, a motion would be in order to approve Resolution # 2011-014 and to direct the Town Clerk to forward the information to the County.
10. Chair Luebke asked if anyone in attendance wanted the Resolution read aloud, there was no response indicating anyone wanted the Resolution read aloud.
11. Commented on item: Joanne Sievert, Terry Klingenberger

**MOTION:** (Unanimous consent) Approve Resolution #2011-014: A Resolution Approving the Town of Clayton's Ward Divisions, within the Winnebago County Supervisory Districts, Following the CY 2010 Decennial Census as presented.  
CARRIED.

C. Discussion/Action: Town Board review and consideration of Resolution # 2011-016: A Resolution authorizing the pre-tax deduction of Town employee's contribution to the State Employee Trust Fund.

1. The Town Board members each received a copy of Resolution 2011-016, along with the supporting documentation relative to the issue.
2. When the Governor signed Wisconsin ACT 10 and the State's most recent Biannual Budget into law, the State mandated that Public Sector employees had to make the employee's contribution to the Wisconsin Retirement System (WRS).
3. Wisconsin ACT 10 and the State's most recent Biannual Budget also required that municipal employers make the employee contribution to the WRS as "pre-tax" for State and Federal Income Taxes.

4. In order to meet this requirement, Public Sector employers are compelled to pass a Resolution that meets IRS Code.
5. The Administration believes that the attached Resolution meets the IRS requirement; however, in order to attain a greater level of confidence, the Town’s Labor Attorney and the Town’s Auditors have been asked to review the Draft Resolution.
6. The Town Board has relatively little choice on approving the Resolution; therefore, a motion would be in order to approve Resolution # 2011-016 and direct the Town’s Treasurer to implement the mandated process.

**MOTION:** (Unanimous consent) Approve Resolution # 2011-016: A Resolution authorizing the pre-tax deduction of Town employee’s contribution to the State Employee Trust Fund as presented.

CARRIED by unanimous voice vote.

D. Discussion/Action: Town Board review and consideration of engineering costs for and a series of ditching and storm water management projects in the Plat of Oak Openings, the Plat of Oak Crest Manor, the Plat of Sunburst Estates, the Plat of Strawberry Fields, and the Plat of Hidden Park South.

1. The Town Board members each received a copy of the Town Engineer’s recommendations relative to the above-referenced projects.
2. Also, they each received a copy of a spreadsheet that identifies the funding that should be available for the Board to authorize.
3. Based on staff’s best estimates, there should be \$105,463.76 available from the Town’s CY 2011 Capital Project Funding.
4. The only bills not received from MCC for the paving projects are the cost for the shouldering and the cost for the change orders approved by the Board.
5. MCC has finished its work on the paving projects and submitted the bill to the Town Engineer.
6. The final review should be finished on Monday and the final payment should be made following the Board’s Wednesday, August 3<sup>rd</sup>, 2011, meeting.
  - a. Staff will have a finalized calculation on the funds available for the Board’s meeting.
7. Staff has tried to refine the calculations for the amount of roadside storm water management ditching that can be done in an hour.
8. Based on the work done on the Larsen Road ditches the Town Engineer’s calculations are reasonably accurate.
9. Based on this information, the Administration would continue to use the numbers in the Engineer’s proposals for estimating the costs of the proposed work.
10. As indicated by the Town Engineer, the Board is going to need to prioritize any work based on the availability of funds.
11. The Administration would prioritize the work as follows:
 

PRIORITY	REASON
a. The Plat of Strawberry Fields:	This work will minimize the long-term need for maintenance by Town staff.
b. The Plat of Hidden Park South:	This work will minimize the long-term need for maintenance by Town staff.

- c. The Plat of Sunburst Estates: This work will alleviate an existing drainage problem and the scope of the work is readily identifiable.
  - d. The Plat of Oak Crest Manor: The work in the Plat of Oak Crest Manor must be completed first because the water from the Plat of Oak Openings goes through the Plat of Oak Crest Manor.
  - e. The Plat of Oak Openings: This work needs to be completed but must come after the work in the Plat of Oak Crest Manor.
12. All the proposed work carries a significant priority and any ranking is going to upset residents in the area; however, the Board does not have an endless supply of money.
  13. The Administration's priorities are based on staff time and the best use of the funds available.
  14. One (1) other issue that needs to be considered is the timeline for doing the work.
  15. If the restoration work on the projects is to be reasonably successful, the work needs to start as soon as possible.
  16. A motion to outline the Board's direction to staff relative to authorizing the projects and the Board's priorities for the work would be in order.
  17. Commented on item: John Jolin (7325 Darrow Road, Neenah), Bill Weber (7455 Sunwood Drive, Neenah)

**MOTION:** (Grundman Erdmann, Schmidt) Direct staff to move forward with the five (5) projects as presented and the engineering as presented, and have staff bring back to the Board updates as to where we are, what we have done, and how much money we have spent on a regular basis.

CARRIED by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of a report on the Town's Fund Balance Reserve Accounts and staff's proposal for changing banking services provider for the Town's financial needs.
1. The Administration has placed this item on the Board's agenda to inform the Board of staff's plans for the Town's banking services.
  2. All staff's activities fall under the Board-approved Policy related to the investment of Public Funds.
  3. The Town Board members each received copies of materials identifying the Town's account balances and plans for the manner in which those funds would be allocated.
  4. Currently, the Town is holding funds in different accounts at a number of local depository institutions.
  5. Staff would like to consolidate the Town's funds into five (5) accounts to be held at one (1) financial institution.
  6. The five (5) accounts would consist of the following:
    - a. Savings – Fund Balance
    - b. Savings – General Fund Operating
    - c. Checking – General Fund Operating

- d. Checking – Payroll
  - e. Checking – Tax Collection
7. The Town Board members each received a copy of documentation that identifies the Town's account balances as of Thursday, July 7<sup>th</sup>, 2011.
  8. Conceptually, the Town's "Savings – Fund Balance" would hold all of the Town's long-term reserves, the "Savings – General Fund Operating" would hold all of the Town's short-term operating reserves, the "Checking – General Fund Operating" would be used to pay the Town's operating expenses, the "Checking – Payroll" would be used as a clearing account for its payroll function, and the "Checking – Tax Collection" would be used as a clearing account for tax collections.
  9. All of these accounts would hold a minimum balance in order to avoid any fees associated with the banking process.
  10. Additionally, all of the Town's funds in excess of the Federal depository protection would be collateralized by pledged, third-party-held bank assets at a rate of 105%.
  11. The consolidation of the Town's accounts would allow staff to transfer funds by telephone, e-mail, or online.
  12. The one (1) item that staff will need to work on is a courier service for picking up our deposits; this service is usually provided by the Bank.
  13. This process would also allow staff to use the Town's accounting software to reflect the reality of the manner in which the Town's funds are held and the reality of how the Town's Funds are allocated.
  14. The Administration would like to advise the Board that it started working on this project when Julie was the Town Treasurer, continued with Kim, and is finally finishing the project with Tori, who will be in attendance at the meeting, to answer any questions the Board may have relative to the process.
  15. If the Board is satisfied with the Administration's proposal a motion would be in order to authorize staff to proceed and to notify the Board of the final results of the project.

**MOTION:** (Luebke, Lettau) Authorize staff to proceed and to notify the Board of the final results of the project.

CARRIED by unanimous voice vote.

F. Discussion/Action: Town Board review and consideration of a revised Town of Clayton Purchasing Policy and an Accounts Payable Policy and Procedures Policy.

1. The Town Board members, at the Board's request, each received a copy of a revised Purchasing Policy as well as a Purchasing and Accounts Payable and Procedures Policy.
2. The Board has asked the Administration to revise its Policies to facilitate the day-to-day operations of the Town without limiting the Board's supervisory authority.
3. These Policy Documents should allow staff to minimize the Board's need to review payments for routine operating purchases.
4. The revised Purchasing Policy more clearly defines under what circumstances bills can be paid and who must authorize the payments.
5. The Administration has tried to keep the requirement for Board authorization of payments in excess of \$1,000.00.

6. The change in the Policy involves authorizing the Administration to approve routine and recurring budgeted expenditures and expenditures that have time constraints on the approval.
7. Town Board approval will still be required to approve the Town's Budget, Departmental Budgets, and expenditures over \$1,000.00 that are not time-sensitive.
8. The Policy authorizes the Administration to approve routine and budgeted expenditures with the requirement that a report be presented to the Board at all scheduled Board meetings.
9. The Accounts Payable Policy and Procedures Policy allows the Town's Treasurer to adopt a bill-paying process that maximizes the efficiency of the payroll and accounts payable process.
10. The Treasurer will routinely pay the Town's bill on weeks alternate to the payroll function.
11. Bills that are received during the week of payroll will routinely be paid on the following Friday.
12. This process allows the Treasurer the option of scheduling the routine work and special projects so they can be completed in a timely fashion.
13. If the Board is comfortable with the Policy Documents as presented, a motion to approve the revised Purchasing Policy and an Accounts Payable and Procedures Policy would be in order.

**MOTION:** (Unanimous consent) Approve the revised Purchasing Policy and an Accounts Payable and Procedures Policy.

CARRIED.

G. Discussion/Recommendation: Town Board review and consideration of a proposal for replacing two (2) of the Town's utility trucks with funding to come from the Town's Capital Replacement Reserve Accounts.

1. The Administration has been planning for the replacement of the Town's Chevy 3500 HD utility truck.
2. To date, the Board has placed \$45,000.00 in the Town's Capital Equipment Replacement Account for the truck.
3. The Administration originally wanted to replace both the Town's 2000 Chevy 3500 HD and the 2005 GMC 5500.
  - a. The decision to replace the Town's 2000 Chevy 3500 HD is based on age, mileage, and maintenance costs.
  - b. The decision to replace the Town's 2005 GMC 5500 is based on the utility of the vehicle.
4. Specifically, the vehicle is too small to be used for serious plowing and too large to serve as a working utility vehicle (staff cannot reasonably retrieve material from the truck without having to climb in and out of the dump box).
5. Staff wanted to purchase a 2011 Ford F450 with a plow and dump box and a 2011 Ford F250 extended cab (the specific vehicles are based on price comparisons).
  - a. It has come to the Administration's attention that the gas F250 is no longer available on the State Bid.
  - b. The purchase of a gas Ford F250 is premised on the best possible resale value over the 3-year life cycle.

6. Therefore, the Administration would like to replace the 2005 GMC 5500 in CY 2011 and the Chevy 3500 HD in CY 2012.
7. Specifically, the Administration is recommending that the Board authorize the replacement of the 2005 GMC 5500 with a Ford F450 with a plow and dump box using the trade-in value of the GMC 5500 and a portion of the \$45,000 in the vehicle replacement account.
8. The Administration will budget the replacement of the Chevy 3500 HD in the Town's CY 2012 budget using the balance of the funds available in the vehicle replacement account.
9. The CY 2012 purchase would consist of a Ford F250 purchased on the State Bid.
10. Once replaced, the F450 utility vehicle will be placed on a 5-year life cycle schedule, and the F250 will be placed on a 3-year life cycle schedule.
11. The proposed life cycle schedules are premised on maximizing the resale value of the vehicles and minimizing the maintenance cost of the vehicles over the life cycle.
12. The Administration would respectfully ask the Board to approve or disapprove of the project, and, if approved, authorize the purchase of a 2011 Ford F450 with a plow and dump box.
13. As an alternative, the Board could direct staff to negotiate a specific trade-in value for the Town's 2005 GMC 5500 and a price for the purchase of the proposed Ford F450 utility vehicle.
14. These prices would then be brought to the Board's Wednesday, August 17<sup>th</sup>, 2011, meeting for review and consideration.

**MOTION:** (Geise, Schmidt) Direct staff to negotiate a specific trade-in value for the Town's 2005 GMC 5500 and a price for the purchase of the proposed Ford F450 utility vehicle with the plow and dump box and bring back the numbers to the Town Board.

CARRIED by unanimous voice vote.

H. Discussion/Recommendation: Town Board review and consideration of a proposal from the Town's Engineer for engineering services related to the Town's CY 2012 Capital Projects.

- Ridgeway Drive Area Reconstruction
  - Braun Court Reconstruction
1. The Town Board members each received copies of the Engineering proposals for the Town's CY 2012 Capital Projects.
  2. The proposals submitted by the Town's Engineer are for research and design only, bidding and construction supervision services would be part of the CY 2012 Engineering Budget.
  3. The Board is aware of the pending funding discussions relative to the Town's Capital construction work.
  4. The Administration has advised the Board that present funding levels will not cover the costs of the projects outlined in the Town's 5-year Capital Plan.
    - a. These issues should be resolved with the CY 2012 Budgeting Sessions.
  5. It is the Administration's position that no matter the funding solutions, the planned Capital Projects will be scheduled; the question is "what is the schedule?"

6. Based on that position, the Administration would like to recommend approval of the Town Engineer's proposals as presented with the funding to come from the Town's CY 2011 Public Works, Engineering Services, Budget Line item.
7. However, in order to balance the Town's CY 2011 Budget, the Engineering Line Item was cut from \$75,000.00 to \$50,000.00 and given the Board's approved expenditures, the balance in that Line Item is approximately \$15,000.00.
8. The Administration has asked the Town Engineer to identify the projects costs that are weather- and condition-sensitive, and are as follows:
  - a. Approximately \$10,000.00 for the Ridgeway Drive Project.
  - b. Approximately \$5,000.00 for the Braun Court Project.
  - c. These costs are specifically identified for survey and geotechnical work.
9. The Administration would like the Board to approve a not-to-exceed amount of \$15,000.00 from the Town's Public Works, Engineering Line item for the identified work.
10. The balance of the engineering work will be scheduled for approval at the Board's first meeting in January of CY 2012.
11. Please be advised that the Town will exceed its Budgeted Engineering Item funding.
12. A substantial amount of the Budget overrun can be attributed to the Engineering and Architectural work for the remodeling/reconstruction of the Town's Municipal Building and could be shifted to the project.
13. The most significant impact of the proposed process is on the timeline for completion of the project and the quality of the restoration work if there are any delays in completing the work.
14. If the design work is done during the winter of CY 2012, the bids will not be awarded until late May or early June of CY 2012.
15. The road reconstruction project start-date is not likely to be before July of CY 2012, and that will impact the project timeline.
16. If there are any delays, the quality of the restoration on the project will be impacted.

**MOTION:** (Lettau, Schmidt) Proceed with the Town's engineering for engineering services related to the CY 2012 Capital Projects of Ridgeway Drive area reconstruction and Braun Court reconstruction by doing the soil borings and topo work now and not to exceed \$15,000.00.

CARRIED by unanimous voice vote.

- I. Discussion/Recommendation: Town Board review and direction to staff relative to maintenance issues with housing units that are in foreclosure.
  1. The Administration has received numerous complaints relative to the maintenance of housing units that are in foreclosure.
  2. The complaints involve flooded basements, failing septic/holding systems, and the lack of yard maintenance.
  3. The yard maintenance issues are relatively easy to deal with under the Town's current Policies; it is the other issues that are a problem.
  4. Once the basement of a house is flooded it is reasonable to believe that the water is contaminated with waste and would need to be pumped by a waste hauler and treated.

5. Failing septic and holding systems represent the same problem.
6. Even if the Town were to pump the flooded basements and to pump and repair failing septic/holding systems, these systems need power to continue to work.
7. The only way the Administration can continue power to a housing unit is to agree to pay the utility bill and to assess those costs on the tax bill for the housing unit.
8. Based on a preliminary conversation with the Town's Attorney, the Administration believes that the Town could obtain a Circuit Court Order allowing the Town to enter the premises and correct the problems.
9. Additionally, the Town could agree to pay the utility bill and assess those costs on the Tax Bill.
10. The Administration is looking for direction from the Board relative to this process.
11. The Administration's concern is the devaluation of the Town's housing stock and the impact of the devaluation on the Town's Assessment Rolls.
12. Commented on item: John Jolin, Terry Klingenberger
13. Board Direction: The Board feels comfortable doing any of these activities.

No motion on this item.

- X. Upcoming Meeting Attendance
  - A. October 23<sup>rd</sup>, 2011, through October 26, 2011 – WTA Annual Convention (Green Bay, WI)
- XI. Board Member Requests for Future Agenda Items
  - A. Schmidt – Concealed Carry Law sign prohibiting guns
- XII. Approval of Disbursements

**MOTION:** (Unanimous consent) Approve disbursements as presented.  
CARRIED.
- XIII. Adjournment – 8:51 P.M.

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

Respectfully submitted,  
Susan Nester-Huebner, Town Clerk