

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:16 P.M. on Wednesday, August 17, 2011

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

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 Pamentor	ABSENT (Excused)
Town Engineer Madsen	PRESENT

II. Public Hearing:

A. No Public Hearings

III. Approval of Minutes:

A. Regular Town Board Meeting – August 3<sup>rd</sup>, 2011

**MOTION:** (Unanimous consent) Approve the Regular Town Board Meeting minutes of August 3<sup>rd</sup>, 2011, as written.

CARRIED.

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

A. Dan Kilgas (3431 Voyager Dr., Neenah) – Paving High Point Estates

V. Correspondence:

A. Winnebago County Solid Waste Management Board – July Recycling Tonnage Report

B. WI Department of Administration – Preliminary Estimate of January 1, 2011 Population

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

A. County Supervisor Report

1. County Supervisors Joanne Sievert (District 29) and Lawrence Kriescher (District 36) present

- B. Winnebago County Sheriff's Department – Public Concerns and Issues
  - 1. No Deputy present
  - 2. Topics: none
- C. Clayton-Winchester Fire Department
  - 1. No CWFD member present
  - 2. Topics: 59 calls year-to-date
- D. Administration Comments
  - 1. Administrator: Received several phone calls from groups willing to financially support a portion of the future construction of the Larsen Road Trail extension
  - 2. Clerk: Fall Water Testing program
  - 3. Public Works Foreman: no report
  - 4. Engineer: Completing Larsen Road restoration this week; working on ditch enclosure in front of Jim Salm residence; working on the drainage improvement project in Strawberry Fields; Oak Crest surveying to be completed on Friday
  - 5. Chair Luebke: Larsen Road Trail is being used; would like to see a seating area/park area on southeast corner of the intersection of Larsen Road and STH 76
  - 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. New – Gail E. Schwerin (Postponed from August 3<sup>rd</sup>, 2011) (Present)

**MOTION:** (Geise, Schmidt) Approve the operator license for Gail E. Schwerin.  
CARRIED by 4-1 voice vote. (Grundman Erdmann = no)

- 2. New – Nicole J. Hoover-Berzill (Not present)

**MOTION:** (Schmidt, Lettau) Postpone the consideration of the operator license for Nicole J. Hoover-Berzill to the next meeting.  
CARRIED by unanimous voice vote.

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

Plan Commission Chair, Dick Knapinski, presented the Plan Commission Referrals.

A. Plan Commission update on a landscaping in a temporary Right-Of-Way (ROW) plan, authorized by the Administration, for 3096 Rosa Moon Way in the Plat of Strawberry Estates (Tax ID # 006-1728).

- 1. Plan Commission discussed this item but no motion on this item.
- 2. No Town Board motion on this item.

- B. Plan Commission update on the County’s developing Farmland Preservation Ordinance.
  - 1. Plan Commission discussed this item but no motion on this item.
  - 2. No Town Board motion on this item.
  
- C. Plan Commission review and recommendation on the additional information for the Staff Report prepared for the Plan Commission on a request by Dennis Lehrer and Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed Lehrer Lane and the Public Improvements to the Town.
  - 1. Plan Commission recommends to proceed with the project with the following conditions:
    - a. There is no cost to the Town for the engineering and the installation of the road.
    - b. Mr. Cocherl is compensated for his loss of property.

**MOTION:** (Geise, Lettau) Postpone this item to the second meeting in September.  
CARRIED by unanimous voice vote.

- D. Plan Commission review and direction to staff relative to using area Stormwater Utility Ordinances as a basis for creating a draft Stormwater Utility Ordinance for the Town of Clayton.
  - 1. Plan Commission recommends approval by the Town Board for acceptance of this document as written.

**MOTION:** (Lettau, Grundman Erdmann) Direct staff to put this on the Town Board agenda, the information relative to using the stormwater utility ordinances as a basis for creating a draft stormwater utility ordinance for the Town of Clayton, in September.  
CARRIED by unanimous voice vote.

- E. Plan Commission review of proposed changes to the Town’s Sub-division Ordinances and Policies (Conservation by Design Subdivision Plat Options).
  - 1. Plan Commission recommends approval of the draft for the Conservation by Design Subdivision Plat Options to be added to the Town’s current Subdivision Ordinance and to direct staff to move forward in creating a Site Plan Ordinance for Residential Zones with a rural residential development checklist.

No motion on this item.

IX. Business:

- A. Discussion/Action: Second reading and Town Board consideration 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 Town Board held a Public Hearing and the First Reading of the Resolution at its Wednesday, August 3<sup>rd</sup>, 2011, meeting.
3. The Town Board will hold the Second Reading and final passage of the Resolution amending the Town's Speed Limit Ordinance at its Board's Wednesday, August 17<sup>th</sup>, 2011, meeting.
4. The Resolution was drafted based on 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 approve Resolution #2011-015 would be in order.
6. Additionally, The Board should direct the Town Clerk to Publish the revised Town Ordinance and notify the appropriate office of the State Department of Transportation of the changes to the Speed Limit on Hickory Avenue from CTH "II" to Fairview Road.
7. Those present waived the 2<sup>nd</sup> reading of Resolution #2011-015.
8. Commented on item: Terry Klingenberger (3637 Larsen Road, Neenah)

**MOTION:** (Geise, Schmidt) Approve 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), with the change being that the speed limit shall be set at 35 mph on Hickory Avenue from CTH "II" to West Fairview Road.  
CARRIED by unanimous voice vote.

B. Discussion/Action: Town Board review and direction to staff on correspondence received from the Town of Neenah Chair relative to the Larsen Road reconstruction project.

1. The Town Board members each received a copy of correspondence from Bob Schmeichel, Town of Neenah Chair.
2. The correspondence relates to the Larsen Road reconstruction project and the claim of an associated drainage issue in the Town of Neenah.
3. Specifically, Aaron Madsen, the Town's Engineer was asked to prepare a report on options for the drainage at the intersection of Larsen Road and Clayton Avenue.
4. A copy of that report was given to the Town of Neenah, the Town of Neenah's Engineer, and the Town of Clayton.
5. Mr. Schmeichel appears to be saying that any comments on the Report would be premature since the project is not completed.
6. The Administration feels obligated to remind the Board that once the project is completed it will not recommend any changes to the project.
7. Specifically, if there are to be changes to the project to improve the storm water management system, they should be completed prior to finishing the project and not after finishing the project, since that would cause more work and a greater expense.
8. The Administration recommends that the Board acknowledge the receipt of the report and proceed with completing the project as designed.

**MOTION:** (Geise, Lettau) Direct staff and the Town Chair to draft an appropriate letter in response to the letter from Mr. Schmeichel in the Town of Neenah in response to their letter.

CARRIED by unanimous voice vote.

C. Discussion/Action: Town Board review and consideration of a Draft, Town Board Policy strictly prohibiting Town employees and all other persons from bringing, storing, concealing, or possessing any weapon including, but not limited to, firearms, handguns, hunting knives, and explosive devices on Town property.

1. The State Legislature recently passed, and the Governor signed, a conceal carry law for the State.
2. The Town's Labor Counsel has recommended that the Town adopt an Ordinance prohibiting the carrying of concealed weapons on Town property.
3. The Town Board members each received a copy of an Ordinance prohibiting Town employees and all other persons from bringing, storing, concealing, or possessing any weapon including, but not limited to, firearms, handguns, hunting knives, and explosive devices on Town property that was provided by the Town's Labor Counsel.
4. The Town Board members each received a copy of the requisite postings that would be required to be placed on Town property.
5. It is the Administration's belief that the Draft Ordinance, as presented, would limit the carrying of any weapons in Town Parks and Trails in addition to Town Buildings.
6. The Administration strongly agrees with the restrictions and recommends that the Board forward the Draft Ordinance to a Public Hearing and subsequent readings.
7. A motion would be in order to forward the Draft Ordinance to a Public Hearing and First and Second Readings.
8. Commented on item: Terry Klingenberger, Joanne Sievert (7383 Murray Rd., Neenah), Dan Kilgas

**MOTION:** (Geise, Grundman Erdmann) Take and have staff rewrite the policy to eliminate anything but the Municipal Building itself, to prohibit the concealed carry on the Municipal Building site itself, and any municipal buildings, excluding the parks and trails, along with mandating that Town Employees cannot have guns or weapons on the premises.

CARRIED by 4-1 voice vote. (Luebke = no)

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

1. The Board has directed the Administration to research a trade-in value of the Town's CY 2005 GMC 5500 and purchase costs for a Utility truck to replace the GMC 5500.
2. The Administration has recommended purchasing a Ford F450 utility truck as the replacement.

3. Staff has found two suitably-optioned Ford F450's in the area.
  - a. The first is at Kayser Automotive Group in Madison.
  - b. The second is at L&S Truck Center in Appleton.
4. In order to make the two vehicles essentially the same, the Administration has asked Kayser Automotive Group to make the following adjustments, or to confirm the following questions about their unit:
  - a. Confirm that the F450 dump box has drop sides.
  - b. Install a gimbaled roof light on the truck.
  - c. Install the rubber deflectors on the top of the plow blade.
  - d. Install molded fenders over the rear wheels.
5. L&S Truck Center in Appleton was asked to make the following adjustments, or to confirm the following questions about their unit:
  - a. Install molded fenders over the rear wheels.
  - b. Install 6-inch molded running boards.
  - c. Confirm that the unit has power windows and heated mirrors.
6. Based on the Administration's requests the delivered price for the unit without license fees would be:

Kayser Automotive Group CY 2011 F450 Utility Truck:	This material will be available at the Board meeting. Due to a scheduling conflict the sales person will not be able to view the Town's GMC 5500 until Monday, August 15 <sup>th</sup> , 2011.
L&S Truck Center CY 2011 F450 Utility Truck:	\$53,080.00
Additions for comparable equipment:	\$ 1,204.00
Total Cost:	\$54,284.00
Trading Value of the GMC 5500:	<u>\$31,500.00</u>
Net Discounted Cost:	\$22,784.00
License Fees:	\$ 20.00

7. The safety benefit of the power windows and heated mirrors is related to rear view visibility in the truck and the propensity of the drivers to not adjust the mirrors if they have to exit the vehicle to do so.
8. The Administration realizes that this appears to be a frivolous issue but experience says it is often an important issue with accidents in municipal vehicles, especially during the winter months.
9. The Administration recommends 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.
10. 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.
11. The CY 2012 purchase would consist of a Ford F250 purchased on the State Bid.

12. Once the GMC 5500 is replaced by the F450 utility vehicle, the F450 will be placed on a 5-year life cycle schedule.
13. When the Chevy 3500 HD is replaced with an F250, the F250 will be placed on a 3-year life cycle schedule.
14. The proposed life cycle schedules are premised on maximizing the resale values and minimizing the maintenance costs of the vehicles over their life cycles.
15. The Administration will provide the Board with the documentation for the vehicle life cycles as part of the CY 2012 budgeting process.
16. The Administration requests the Board indulgence with this process since it was not able to complete the research on the life cycle issue and the trucks are in need of replacing.
17. Additionally, should the Board not agree with the Administration's life cycle recommendations, the life cycles can be adjusted by the Board at any time.
18. If the Board agrees with the proposed vehicle replacement project, a Motion would be in order to authorize replacing the Town's existing GMC 5500 utility vehicle with a Ford F450 utility vehicle at a cost of \$XX,XXX.XX using the Town's GMC 5500 as a trade-in for the purchase.
19. Funding for the project is to be from the Town's Vehicle Capital Replacement Account.
20. Russ Geise recused himself from voting on this motion – he did not vote.

**MOTION:** (Grundman Erdmann, Schmidt) Table this item until the next Town Board meeting.

CARRIED by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of two Change Orders to the Town's Engineering and Architectural Contract with M&E, Inc. The Change Orders were submitted at the Town's request to facilitate a Community Development Block Grant – Public Facilities (CDBG-FP) Grant Application with the State.

1. The Town Board members each received a copy of the above referenced Change Order to the Town's Engineering and Architectural Contract with M&E Inc.
2. The Administration is asking for the Change Order to facilitate a CDBG-FP Application.
3. The Application will be made to the State Department of Commerce and will be for Public Facilities improvements for low- and moderate-income residents of the Community.
4. In order to prepare the pre-application for the grant, the costs related to the Americans with Disabilities Act (ADA) access and the Red Cross emergency shelter program must be identified.
5. These are the costs that the Administration will include in the Town's Grant Application.
6. The Town's costs for the structure will be used as the matching costs for the Grant Application.
7. Once the costs are determined, the Administration will start the pre-application process with the State.
8. As more information becomes available it will be forwarded to the Town Board.

9. In addition to the CDBG-PF application, the Administration is also looking at a Department of Homeland Security (DHS), Federal Emergency Management Administration (FEMA) Fire Station Construction Grant Application.
10. The costs associated with the Change Order are \$612.50 dollars and will be used in both of the Town's Grant Applications.
11. As a point of reference the Administration has been placing the Engineering and Architectural costs relative to the Town Hall/Fire Station renovation in the Town's CY 2011 Budget under the Planning Line Item.
12. Before the end of the year, the Administration will prepare a Resolution authorizing the use of the Town's Capital Reserve Fund for the Fire Station to pay for the Engineering and Architectural work performed by the Town's Engineering Firm.
13. If the Board agrees with the Administration's process, a motion to approve the Change Order at a cost of \$612.50 with funding from the Town's CY 2011 Budget, Planning Line Item would be in order.
14. Commented on item: Joanne Sievert

**MOTION:** (Lettau, Schmidt) Approve the two change orders to the Town's Engineering and Architectural Contract with M&E, the change orders to request to facilitate a Community Development Block Grant, public facilities grant application, with the State in the amount of \$612.50.  
CARRIED by unanimous voice vote.

F. Discussion/Action: Town Board review and consideration of a staff update on the Board approved storm water management project in the following areas:

- The Plat of Oak Openings
  - The Plat of Oak Crest Manor
  - The Plat of Sunburst Estates
  - The Plat of Hidden Park South
  - The Plat of Strawberry Fields
1. The Administration would like to advise the Board that staff has started the engineering work for these projects.
  2. The physical work should start as soon as the engineering work is finished.
  3. Staff intends to use the priorities established at the Board's meeting.
  4. However, we may move the projects needing restoration up in the list of priorities.
  5. Unfortunately, all of the proposed projects need restoration of some type.

No motion on this item.

- X. Upcoming Meeting Attendance
  - A. TOC Budget Workshops (7:00 P.M. – 9:00 P.M.) – Tuesdays: August 30<sup>th</sup>, September 6<sup>th</sup>, September 13<sup>th</sup>, September 20<sup>th</sup>, and October 4<sup>th</sup>
  - B. WTA Fall Budget and Finance Workshops (8:00 A.M. – 3:30 P.M.) – Various locations
  - C. 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. No requests.

XII. Approval of Disbursements

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

XIII. Adjournment – 8:16 P.M.

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

Respectfully submitted,  
Susan Nester-Huebner, Town Clerk