

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:04 P.M. on Wednesday, August 3<sup>rd</sup>, 2016

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

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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 (EXCUSED)	ABSENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT
Town Attorney – Richard Carlson	PRESENT

II. **Town Board Consideration of a Closed Session of the Town Board Meeting pursuant to Wisconsin Statutes 19.85 (1)(g).**

**Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.**

**Provision of Municipal Sanitary Sewer and Municipal Water to the Town of Clayton Sanitary District #1.**

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion to adjourn to a Closed Session pursuant to Wisconsin Statutes 19.85 (1) (g) to include the representative from Cedar Corporation.

Vote: Motion carried by Roll Call vote.

Chair requested roll call vote:

Chair Geise: Aye.

Supervisor Lettau: Aye.

Supervisor Grundman: Aye.

Supervisor Reif: Aye.

Supervisor Schmidt: Absent.

Vote: Motion carried 4 to 1 with Supervisor Schmidt being absent.

A Motion was made by roll call vote to adjourn to open session.

III. Public Hearing(s) and/or Public Information Meeting(s):

A. No Public Hearings and/or Public Information Meetings.

IV. Approval of Minutes:

A. Approval of the minutes of the Town Board Meeting of Wednesday July 20<sup>th</sup>, 2016.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of Town Board Meeting of Wednesday, July 20<sup>th</sup>, 2016.

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

A. None.

VI. Correspondence:

A. July Building Inspector's Report.

B. Urban Towns Committee Legislative Listening Session Announcement.

C. Clayton Fire Rescue Department (First Meeting of the Month).

- Chief Rieckmann reported and discussed the Clayton Fire Rescue newsletter as well as the department receiving more calls and that the make-up of the calls are changing.
- Commented on other departments working together.
- Reviewed the use of the jaws.

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

A. County Supervisor Report.

- Chuck Farrey (Winnebago County Supervisor) present.
- Discussed Farmland Preservation vs. Agricultural Enterprise Areas.
- Super Lettau commented on Zoning relative to Agricultural Enterprise Areas.
- Supervisor Grundman inquired on the number of farmers who attend meetings.
- Supervisor Farrey discussed meetings attended by Town Board appointees at this time. He also discussed County Chapter 13 livestock ordinance updates.

B. Winnebago County Sheriff's Department: – Public Concerns and Issues.

- Deputy Darren Putzer appeared. Nothing to report at this time.

C. Clayton Fire Rescue Department (First Meeting of the Month).

- a. Clayton Fire Rescue First Responder Unit Report (First Meeting of the Month).
- See VI(C) as referenced above.

D. Larsen-Winchester Sanitary District. No report.

E. Administration Comments.

- Engineer Miller reviewed/updated the Town Board on the current roadway projects in the Town of Clayton.
- Administrator Johnston discussed working with the engineer on the roadways projects.

- Working with Chief Rieckmann on installing dry fire hydrants in the Town of Clayton.
- Working in Strawberry Estates.
- Supervisor Geise reported that the most recent house bought on Clayton Avenue has now been rented out.

VIII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Katrina Konetzke
  - ii. Kyle Williams
- B. Renewal:
  - i. None.

IX. 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.

X. 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.

XI. Business:

- A. Discussion/Action: Second reading of Ordinance 2016-004 and Town Board review and consideration of Ordinance 2016-004 an Ordinance creating a Special Assessment Policy for the Town of Clayton.

The Administration provided the Board with a Draft copy of the Town’s Special Assessment Policy for its Wednesday, July 20<sup>th</sup>, 2016 Town Board Meeting. Attached please find a Draft copy of Ordinance 2016-004 An Ordinance Creating A Special Assessment Policy for the Town of Clayton. The Public Hearing and the First Reading of the Draft Ordinance 2016-004 were held at the Board’s Wednesday, July 20<sup>th</sup>, 2016 Meeting. The Administration is recommending that the Board hold the second reading of the draft Ordinance and consider approval of the Document. If the Board agrees with the Administration’s recommendation, a motion would be in order to approve Ordinance 2016-004 an Ordinance Creating a Special Assessment Policy for the Town of Clayton. Additionally, the Board should direct staff to publish the Ordinance and make the associated Policy available to the Public.

- Chair Geise read Ordinance 2016-004 an Ordinance creating a Special Assessment Policy for the Town of Clayton.
- This has been posted on the Town of Clayton website for review (Ordinance and Policy)

**MOTION:**

Motion by: Supervisor Reif

Seconded by: Supervisor Grundman

Motion: To approve Ordinance 2016-004 an Ordinance Creating a Special Assessment Policy for the Town of Clayton. Additionally, the Board should direct staff to publish the Ordinance and make the associated Policy available to the Public.

Vote: Motion carried by Roll Call vote.

**Chair requested roll call vote:**

Supervisor Grundman: Aye.

Supervisor Reif: Aye.

Supervisor Lettau: Aye.

Chair Geise: Aye.

Supervisor Schmidt: Absent.

Vote: Motion carried 4 to 1 with Supervisor Schmidt being absent.

- B. Discussion/Action: Town Board Review and Consideration of Resolution 2016-005  
A Resolution of the Town of Clayton in Support of Alterations to the Intersection of C.T.H. “CB” and Oakridge Road in the Town of Neenah.

Attached please find a copy of Town of Neenah Resolution 2016-03 a Resolution in Support of Alterations to the Intersection of C.T.H. “CB” and Oakridge Road in the Town of Neenah. As the Board knows there have been a number of accidents at that intersection including a recent fatality accident. Based on a citizen petition and a request by the Town of Neenah Board the County Highway Commissioner has conducted a traffic study of the intersection. The results of that study have been presented to the County Board, the Town of Neenah Board, and area residents. The results of that study include recommendations for traffic lights or a roundabout. The Town of Neenah Resolution asks the County Board and the Highway Commission to appropriate funding to implement the recommendations of the Highway Commissioner’s Study. The Administration has been directed to draft a Resolution in support of the request made by the Town of Neenah. Attached is the Draft copy of the Town of Clayton Resolution 2016-005 A Resolution of the Town of Clayton in Support of Alterations to the Intersection of C.T.H. “CB” and Oakridge Road in the Town of Neenah. The Town Board has been asked to support the request by the Town of Neenah based on the volume of traffic on the specified intersection that originates in the Town of Clayton. Should the Board agree with supporting the Town of Neenah’s request, a motion would be in order to approve Resolution 2016-005 A Resolution of the Town of Clayton in Support of Alterations to the Intersection of C.T.H. “CB” and Oakridge Road in the Town of Neenah. Additionally, the Board should direct staff to forward copies of the Resolution to the County Board Chair, the County Executive, the County Highway Commissioner, and the Chair of the Town of Neenah Board.

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Reif

Motion: To approve Resolution 2016-005 A Resolution of the Town of Clayton in Support of Alterations to the Intersection of C.T.H. “CB” and Oakridge Road in the Town of Neenah. Additionally, the Board should direct staff to forward copies of the Resolution to the County Board Chair, the County Executive, the County Highway Commissioner, and the Chair of the Town of Neenah Board

Vote: Motion carried by Roll Call vote.

**Chair requested roll call vote:**

Supervisor Reif: Aye.

Supervisor Grundman: Aye.

Chair Geise: Aye.

Supervisor Lettau: Aye.

Supervisor Schmidt: Absent.

Vote: Motion carried 4 to 1 with Supervisor Schmidt being absent.

- C. Discussion/Action: Town Board review, consideration of, and direction to staff relative to having the Town Engineer (Cedar Corp.) proceed with the permitting and development of a Municipal Sanitary System in the Town of Clayton Sanitary District #1.

The Administration would like to advise the Board that the Town’s Engineer for this project (Cedar Corp) is at a critical point in the process. Specifically, the Engineer needs to make formal applications to the overlying governing bodies for approval of the Sanitary Sewer Service Area, design standards, and construction authorization. Before proceeding with these activities staff is confirming that the Board understands the process and the implications of the proposed applications. Specifically, there will be costs associated with the project that if not completed will be lost. There will be significant additional costs related to final design, bidding, construction supervision, and construction. The Administration is not wavering in its recommendation to proceed with the project only making the Board aware of the implications of proceeding. Representatives from Cedar Corp will be in attendance at the Board’s meeting to answer any questions relative to the project and the application process. Should the Board wish to proceed with the project, a motion would be in order to authorize submission of the needed applications and to proceed with the contracted engineering.

**MOTION:**

Motion by: Supervisor Reif

Seconded by: Supervisor Grundman

Motion: Motion to authorize Cedar Corporation to proceed with the permitting and developing of a Municipal Sanitary System in the Town of Clayton Sanitary District #1.

**Chair requested roll call vote:**

Supervisor Lettau: Aye.

Supervisor Schmidt: Absent.

Chair Geise: Aye.

Supervisor Reif: Aye.

Supervisor Grundman: Aye.

Vote: Motion carried 4 to 1 with Supervisor Schmidt being absent.

- D. Discussion/Action: Town Board review, consideration of, and direction to staff relative to having the Town Engineer (Cedar Corp.) proceed with the permitting and development of a Municipal Water System and Utility in the Town of Clayton Sanitary District #1.

As with the Sanitary Sewer Utility, the Administration would like to advise the Board that the Town’s Engineer for this project (Cedar Corp) is at a critical point in the process. Specifically, the Engineer needs to make formal applications to the overlying governing bodies for approval of the Municipal Water System and Utility, design standards, and construction authorization. Before

proceeding with these activities staff is confirming that the Board understands the process and the implications of the proposed applications. Specifically, there will be costs associated with the project that if not completed will be lost. There will be significant additional costs related to final design, bidding, construction supervision, and construction. The Administration is not wavering on its recommendation to proceed with the project, only making the Board aware of the implications of proceeding. Representatives from Cedar Corp will be in attendance at the Board's meeting to answer any questions relative to the project and the application process. Should the Board wish to proceed with the project, a motion would be in order to authorize submission of the needed applications and to proceed with the contracted engineering.

Vote: Approved by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of a Software Maintenance Agreement with Transcendent Technologies for the Town's Tax Collection and Dog Licensing activities.

Attached please find a Software Maintenance Agreement with Transcendent Technologies for the Town's tax collection and dog licensing activities. The annual cost of the maintenance agreement is \$700.00 for the tax collection and \$150.00 for dog licensing. Please be advised that these costs are higher than in the past and the Town has little recourse because the County has chosen to change software providers and the Town is responsible for any maintenance and upgrades the County requires. A motion would be in order to approve the \$850.00 annual payment for the tax collection and dog licensing software maintenance agreements.

Vote: Approved by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of Pay Request No. 3 and a reduction in the project retainage from 10% to 5% 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 # 3 in the amount of \$47,095.05, 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 third 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. Additionally, the Contractor has asked the Town to reduce the retainage for the project from 10% to 5%. The Administration would not normally recommend the reduction in the retainage before substantial completion of the project. In this case the Administration is going to recommend the reduction based on the fact that the delay in completing the road to substantial completion (asphalt paving) is caused by the Town. Specifically, staff is delaying laying the binder course of asphalt until Fall of CY 2016. Staff is taking this action to allow the road base to compact for a longer period of time before laying the binder course of asphalt. If the Board is comfortable with staff's recommendation, a motion would be in order to approve the pay request submitted by R and R Wash Materials, Inc, 1110 Dartford Road, Ripon, WI 54971 in the amount of \$47,095.05 and to authorize the reduction of

the retainage for the project from 10% to 5%. Additionally, the Board should direct staff to add these costs to the Special Assessment process for the project with the intent of placing the debt on the CY 2016 taxes payable in CY 2016/17.

- Supervisor Lettau asked if it was a common practice to wait.
- Discussed tile being closed on the north side of County Road II.
- Normally the paving happens immediately.
- Discussed the status of the project.
- Mark Luebke, 3929 County Road II, Larsen, WI. Discussed the completion date of the project.
- Bruce Bondow, 3918 County Road II, Larsen, WI. Mr. Bondow discussed the project retention and the farmer's tile.
- Discussed retention fee.

Vote: Approved by unanimous consent.

XII. Review of Disbursements:

XIII. Review of General Fund Budget Update (Second Town Board meeting of the month):

XIV. Upcoming Meeting Attendance:

XV. Board Member Requests for Future Agenda Items:  
Chair Geise discussed looking into a second legal opinion.

XVI. Adjournment:

**MOTION:**

Motion made by unanimous consent to Adjourn at 7:50 p.m.

Respectfully submitted,  
Laurie Goffard, Deputy Clerk