

TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

September 1, 2010
7:00 p.m. – 11:00 p.m.

8358 County Road T Larsen, WI 54947

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 – August 4, 2010

MOTION: (Klingenberger, Lettau) Approve Town Board Meeting Minutes of August 4, 2010, with the addition of the final vote for Business Item D.
CARRIED by unanimous voice vote.

- Regular Town Board Meeting – August 18, 2010

MOTION: (Unanimous consent) Approve Town Board Meeting Minutes of August 18, 2010, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters – none

IV. Correspondence

- A. Public Service Commission of Wisconsin (rec'd 8/27/2010) – Information regarding Wisconsin Electric Power Company's Electricity/Steam generation project in Rothschild, Wisconsin
- B. Wisconsin Department of Transportation (rec'd 8/27/2010) – Upcoming Local Public Agency Real Estate Seminar(s) regarding Right-of-Way Issues for Local Highway and Street Projects

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

- A. County Supervisor Report – Supervisor Joanne Sievert, District 29, present: attended Farmland Preservation meeting
- B. Winnebago County Sheriff's Dept. – Sheriff Deputy Putzer present, Burt Drews (3113 County Road II) – topic: round-a-bouts and use of signal lights; DOT site gives an animation of how to negotiate one
- C. Clayton-Winchester Fire Chief Report – Fire Chief not present, 57 calls Year-To-Date
- D. Administration Comments –

Town Administrator: PASER program Department of Transportation now requires report to be completed annually (bi-annually in the past), crack-sealing today on various roads (contractor to go back and fix the material pulled out of cracks today)

Clerk: Fall newsletter mailed, Fall Primary Election on Tuesday, September 14, 2010, polls open 7:00am-8:00pm

Town Engineer: Larsen Road project progressing, may be paving in approximately three weeks, currently installing storm sewer on south side, lots of mush/sloppy material (silt, organic material, and wood) was found in the base of the road when digging up the road

Public Works Foreman: Cassy Lane project completed, neighbors happy with it, and it is working

Chair Luebke: Town resident driving on 76 coming up to Hwy 10 saw a person on the trail and called 911, saving the person's life

Supervisor Lettau: Farmland Preservation meeting notice – some farmers received a letter from the UW-Extension office about the meeting that was held in late August

VI. Business

A. **Discussion / Action** – Operator Licenses

- New – Kimberly J. Herman (present)
- New – Anthony R. Boegh
- New – Danielle L. Wheeler
- New – Rebecca K. Bresser Romenesko
- New – Joseph T. Lehocky

MOTION: (Klingenberg, Geise) Approve operator license for Kimberly J. Herman.
CARRIED by 4-1 voice vote. (Luebke = no)

MOTION: (Klingenberg, Lettau) Deny operator license for Anthony R. Boegh due to not being truthful on the application.
CARRIED by 3-2 voice vote. (Luebke = no, Geise = no)

MOTION: (Geise, Klingenberg) Approve operator license for Danielle L. Wheeler.
FAILED by 2-3 voice vote. (Schmidt Lettau Luebke = no)

MOTION: (Geise, Schmidt) Approve operator license for Rebecca K. Bresser Romenesko.
CARRIED by unanimous voice vote.
Sheriff Deputy Putzer arrived at 7:26pm

MOTION: (Klingenberg, Geise) Deny operator license for Joseph T. Lehocky.
CARRIED by unanimous voice vote.

B. **Discussion / Action** – Town Board action on a change order request by Richard Breaker 2615 West Larsen Road, Neenah, Wisconsin (Tax ID #006-0638-01). The proposed change order is for some additional ditch enclosure on the south side of West Larsen Road, in the area east of Coleman Ridge.

Mr. Breaker has asked the Town Board to consider some additional enclosed ditching to extend the storm sewer coming off of Coleman Ridge to the east property line of the Bombinski property at 2595 West Larsen Road (Tax ID #006-0637-01). The cost of the change order is \$15,238.90. The cost of adding just storm sewer to the property in front of the Bombinski property would be \$5,850.00.

Approving the change order would make the transition from storm sewer to open ditching at a single location on the east end of the Bombinski property. Aesthetically, a property line would be the best place to transition from the storm sewer to open ditching. The enclosed storm sewer in front of Mr. Breaker's property was needed to save the trees. The multiple transition points were used to save money.

Should the Board approve the proposed work, the cost would be added to the cost of the Larsen Road project. The finished project would be more appealing and provide considerable less long-term maintenance costs to the Town.

Residents commented on item: Richard Breaker (2615 West Larsen Road), Hugh Davies (2604 West Larsen Road), Ben Hamblin (2986 West Shady Lane)

MOTION: (Geise, Lettau) Enclose 163 feet and authorize a change order for additional storm sewer up to the east property line of the property located at 2595 West Larsen Road (to include 30 feet in front of Breaker property at 2615 West Larsen Road and 133 feet in front of Bombinski property at 2595 West Larsen Road) at a cost not to exceed \$7,450.00.
FAILED by 2-3 roll call vote.
(Klingenberg = no, Schmidt = no, Lettau = yes, Geise = yes, Luebke = no)

- C. **Discussion / Action** – Town Board authorization to hire, as recommended by the interview committee, a Town Treasurer through Cadre Staffing Services, and within the existing wage rate established by the Town Board.

The Board’s personnel panel and Town staff interviewed four (4) candidates from CADRE on Monday, August 30, 2010.

Any person hired would have a trial period (400 hours) through CADRE and then be subject to a probationary period through the Town.

MOTION: (Klingenberger, Lettau) Accept interview committee’s recommendation and offer position to Ms. Tori L. Bowen through Cadre Staffing Services at a rate of \$14.00 per hour for the vacant Treasurer position.

CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board direction to staff relative to Board approval of a Developer’s Agreement with Ms. Holly Galassi for the extension of Darrow Road approximately 180 feet to the north in the existing road right-of-way.

Ms. Holly Galassi sent an email that indicates a key discussion point for the Board should be the discrepancy between the length of the developed portion of Darrow Road, the Town’s Road Aids Report to the State, and the State’s Annual General Transportation Aids (GTA) payment to the Town.

Staff has researched this issue. Listed below, please find a break-out of the Town’s Calendar Year 2010 General Transportation Aids payment from the State.

1. CY 2010 GTA payment	\$ 150,795.90
2. PACER total miles	73.18
3. Aids per mile	\$ 2,060.61
4. Aids per foot	\$ 0.39
5. Variance (feet)	44.40
6. Variance value for CY 2010	\$ 17.31
7. Variance value for 47 years (in today’s \$\$)	\$ 813.57

The Administration’s logic with the above-stated calculation is as follows:

The road frontage was calculated based upon the lot frontages on the plat, including two (2) 60-foot rights-of-way. The actual distance reported to the State was taken from the bi-annual PACER reports. Based upon a review of the Town’s reporting over the last decade, that number appears to consistently be 0.23 miles (1,214.40 feet). The variance between the report and the lot frontage is 44.40 feet. It appears that the Town has routinely calculated access to lot 36 across the entire frontage, despite the fact that the improved road does not extend that far.

The Administration has some issues with this methodology for computing the length of improved roads; however, it is defensible. A more accurate way of reporting would be to physically measure the actual paved surface. This might increase the variance to approximately 80 feet. However, this became a moot point when Ms. Galassi’s survey reconfigured the lots with a new Certified Survey Map. The Board may wish to consider crediting Ms. Galassi’s project with the variance value times the 47 years from the time that the plat was created. However, the correct action would be to refund the money to the State, since the taxpayers of Wisconsin are the ones that overpaid the Town.

Relative to the Developer’s Agreement, the Administration’s position is that it should stand as presented. However, because of the time lapsed, the project should be rebid. Any costs of the re-bidding should be added to the Developer’s Agreement.

Commented on item: Holly Galassi (29 Weatherston Drive, Appleton), Joanne Sievert (7383 Murray Road), Jan DeKeyser (1655 County Road A), Ben Hamblin

Ms. Galassi presented a handout outlining her position.

MOTION: (Geise, Schmidt) Direct staff to bring back to the Board, at its next meeting, the credit for 47 years of road aid for Ms Galassi’s project.

CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board recommendation to staff relative to an offer to carry the bid price over to CY 2011 from the low bidder on the Pioneer Road chip-sealing project.

Bill Glatz, Jr., Branch Manager for Fahrner Asphalt Sealers, has offered to honor the bid price for the Pioneer Road chip-sealing project in CY 2011, if the Board were to award the project in CY 2010. The Administration believes that this would be a good deal for the Town because of the uncertainty of the price of oil on the open market. However, procedurally the Town would likely benefit from re-bidding the project in CY 2011. This would allow the Board more flexibility in its Budgeting process and not tie its hands when it is looking at cost. The Administration's recommendation is to not award the bid and re-bid the project in CY 2011 if it is included in the Town's CY 2011 Budget.

MOTION: (Schmidt, Lettau) Recommend to staff to not carry over low bid price from Farnier Asphalt Sealers to CY 2011 for the chipseal project on Pioneer Road.

CARRIED by unanimous voice vote.

- F. **Discussion/Recommendation:** – Town Board direction to staff relative to a petition by area residents to reduce the speed limit on Shady Lane, from STH "76" to approximately 2,500 feet west of the intersection of Shady Lane and STH "76".

The Town received a petition, circulated by area residents, to reduce the speed limit on Shady Lane in the area west of STH "76". Should the Board wish to consider the petition, it should refer the document to staff for a written report and recommendation. The report would be prepared using Wisconsin Department of Transportation warrants relating to traffic and access points on the piece of road in question. Additionally, staff will prepare a Resolution amending the Town's Ordinance relating to speed limits on Town Roads.

MOTION: (Klingenberger, Geise) Accept petition to reduce the speed limit on Shady Lane, from STH "76" to approximately 2,500 feet west of the intersection of Shady Lane and STH "76" and refer back to staff for further review.

CARRIED by unanimous voice vote.

- G. **Discussion/Recommendation:** – Town Board direction to staff relative to a Winnebago County offer, pursuant to Wis Stats 75.69(4), to sell Outlot 3 (Tax ID #006-1480) and Outlot 4 (Tax ID #006-1481) in the Plat of Hidden Park, to the Town.

Pursuant to State Statutes, the County must offer properties taken for tax deed to units of government before they can sell them to the public. The County Treasurer sent a document offering the Town the opportunity to purchase the above-referenced properties. Both lots could be used to provide additional access points to Clayton Park.

Should the Board wish to purchase the outlots in question it will need to refer the question to the Town's Electors at their next meeting. Administration respectfully requests the Board's direction relative to this issue.

MOTION: (Geise, Klingenberger) Direct staff to take this to the residents and accept Winnebago County offer, pursuant to Wis Stats 75.69(4), to sell Outlot 3 (Tax ID #006-1480) and Outlot 4 (Tax ID #006-1481) in the Plat of Hidden Park, to the Town.

CARRIED by unanimous voice vote.

- H. **Discussion/Recommendation:** – Town Board direction to staff relative to repairing or replacing the Town's rubber-tired backhoe.

While in use on the Cassy Lane project, the Town's rubber-tired backhoe appears to have spun a main bearing in the engine. The backhoe unit is a 1986 Ford that the Town purchased used several years ago.

The Administration has researched the cost of repairing the engine and expects that the estimate will be approximately \$10,000.00 to \$15,000.00. This would include replacing a number of auxiliary parts that are integral to the engine unit. These parts include hydraulic pumps, the clutch, the fuel injection system, etc.

The retail value of the unit is estimated at approximately \$5,000.00. A replacement unit would cost approximately \$80,000.00. The Town has \$12,000.00 +/- in its replacement account for the unit (refer to the equipment replacement schedule).

The Board should consider the Town's inventory and look for duplication in what are known as power units (i.e., the basic machine) that can utilize different attachments. The Administration is of the opinion that the Town's skid steer is a duplication of the rubber-tired backhoe. The Board needs to first determine if the duplication exists and then decide what equipment is proper. The Administration is taking the position that, for municipal purposes, the rubber-tired backhoe is more useful to staff. Both pieces of equipment can perform essentially the same type of work; however, the skid steer is better in confined areas (i.e., landscaping yards and working on construction sites).

The Administration's recommendation is to replace the Town's rubber-tired backhoe with a new unit. The Board will need to give staff direction on keeping the skid steer.

Funding for the project can be accomplished in two ways. The first is to borrow funds from the Town's Undesignated Reserve Account and repay the account by funding the purchase of the replacement rubber-tired backhoe in the Town's CY 2011 budget. The second would be to wait until CY 2011 to replace the unit with funding from the CY 2011 Budget. The Board could reduce the funding shortfall by selling or trading in the Town's skid steer. A third alternative is to repair the Town's existing unit; however the Administration would not recommend this choice. The Administration will prepare the documentation needed to implement the Board's direction for its September 15, 2010, meeting.

Commented on this item: Sandy Eckstein (2878 Fairview Road)

MOTION: (Klingenberger, Geise) Discuss this item at budget time.
CARRIED by unanimous voice vote.

- I. **Discussion/Recommendation:** – Town Board direction to staff on a proposal for a Flood Study for the area west of STH '76", south of Winnegamie Drive, north of Shady Lane to the Rat River Preserve area.

The Administration has had several conversations with the Board relative to some significant stormwater drainage issues on the north side of Town; more specifically in the area bounded by STH "76", south of Winnegamie Drive, and north of Shady Lane to the Rat River Preserve area. This problem came to a head when the Kesler family experienced significant flooding of their barn and riding arena after the recent rain events. Additionally, several residents of the Lind Lane are experienced minor flooding and water over-topping the road at the culverts.

Staff has traced some of the stormwater management problems to what we believe are undersized road culverts and poorly-maintained regional drainage ditches. In order to qualify the problem and generate a plan to solve the issues, the Administration would like to conduct a flood study of the above-reference area. To that end, the Town Engineer has provided a flood Study proposal at a cost of \$12,430.00. This study will identify the existing problems, any potential problems, and allow staff to incorporate some solutions in the Town's Capital Road Reconstruction Plans and Annual Road Maintenance plans. Funding for the project would come from the Town's CY 2010 and 2011 Public Works Engineering Budget line item.

Commented on this item: Denice Laehn (2984 Braun Ct.), Tim Kesler (9480 N. Oakwood Ave.), Nancy Kesler (9480 N. Oakwood Ave.), Sandy Eckstein, Ruth Holden (2989 Braun Ct.)

No motion.

- J. **Discussion/Recommendation:** – Scheduling of CY 2011 Budget Workshops

Tuesdays, 7:00pm – September 14, 21, 28

Tuesdays, 7:00pm – October 5, 12

Wednesday, October 20 – Electors' Meeting for Levy and Transportation Budget approval

VII. Upcoming Meeting Attendance

- October 11, 2010 – 7:00pm, Joint Fire Board (Location: Town of Clayton)
- October 19, 2010 – 7:00pm, ClaytonFest 2011 Kick-Off Meeting
- October 22, 2010 – 9:00am, WI Department of Transportation Local Public Agency (LPA) Real Estate Seminar 2010 (Right-of-Way Issues for Local Highway and Street Projects) (Location: Comfort Suites, 1951 Bond St., Green Bay, WI)

VIII. Board Member Requests for Future Agenda Items – none

IX. Approval of Disbursements

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

XI. Adjournment – 11:00p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*