

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:14 P.M. on Wednesday, January 16th, 2013

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

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Supervisor 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 Luebke	ABSENT (EXCUSED)
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	PRESENT

II. Public Informational Hearing:

A. Town Board, Public Informational Meeting to receive citizen input, questions, and comments on the Town's Draft Zoning Code of Ordinances.

Attached please find a copy of a Public Notice announcing the Board's Public Informational Meeting on the Draft Zoning Code of Ordinances for the Town. The Notice was published as a separate posting at all three Posting Sites in the Town. The Informational Meeting is schedule as the first agenda item of the Board's regular meeting at 7:00 P.M. on Wednesday, January 16th, 2013. Additionally, the Draft Zoning Code was published on the Town's Home Page for ease of access by the public.

- Engineer Jonathon Bartz (M&E Inc.) reporting
- Presented a general overview of Town of Clayton Zoning Code of Ordinances and reviewed the Articles
- Discussed the steps required to adapt the Zoning Ordinance in Town of Clayton
- Ken Zastrow (Headliners Bar & Grill, 2788 Towne Court, Neenah WI 54956) questioned the power of Winnebago County Zoning Code of Ordinances vs Town of Clayton Zoning Code of Ordinances.

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, January 2nd, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting Minutes for Wednesday, January 2nd, 2013

- IV. Open Forum – Non-Agendized Town-related Matters:
 - A. No Referrals

- V. Correspondence:
 - A. Winnebago County, Solid Waste Management Board, Waste Codes and Rates Effective December 1st, 2012

- VI. Discussion Items (No action will be taken.):
 - A. County Supervisor Report
 - 1. No Report
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - 1. No Report
 - C. Clayton-Winchester Fire Department
 - 1. No Report
 - D. Larsen Winchester Sanitary District
 - 1. No Report
 - E. Administration Comments
 - 1. Engineer:
 - a. Engineer Miller discussed the engineering status report
 - b. Discussed projects for 2013
 - c. Discussed Fox Valley Asphalt project
 - Mr. Johnston discussed the cost factor and importance of high quality construction
 - Discussed utility relocations
 - d. Discussed possible Storm Water Management Utility projects for 2013
 - 2. Administrator/Clerk
 - a. Mr. Johnston discussed moving to the new office
 - b. Time Warner Cable issues are close to being finalized
 - 3. Public Works Foreman:
 - a. No Report
 - 4. Treasurer/Deputy Clerk:
 - a. Discussed December Tax Collection disbursements
 - b. Discussed the move to the new office
 - c. Administrative Assistant Jenna has been constructing Meeting Minute books to lessen the large amount of paperwork kept in the current files, thus saving time and space
 - d. Fund Accounting Software training will be done 1/28/2012
 - e. Shelving in the new office will be fixed next week
 - 5. Town Board:
 - a. Supervisor Geise discussed the Chairmanship of the Town’s Association Meetings

- VII. Licenses and Permits:
 - A. New:
 - i. No New Licenses Issued:
 - B. Renewal:
 - i. No Renewed Licenses Issued:

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

A. Commission review of a Draft schedule for implementation of the proposed Town of Clayton Zoning Code of Ordinances.

The Commission reviewed a copy of a memorandum from Jon Bartz, the Town’s Planning Consultant (Jon). The memorandum outlined the schedule for implementing the Zoning Code of Ordinances. Additionally, staff recommended that Commissioners attend the Public Hearing before the Board on the Town’s Draft Zoning Code of Ordinances. The Public Hearing is scheduled for Wednesday, March 6th, 2013.

- Plan Commission Chairman Dick Knapinski presented the recommendations

B. Commission recommendation to the Board on a Sign Application for MAG Properties LLC, 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill and Winncrest Banquet Hall, 2788 Towne Court, Neenah WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton.

The Plan Commission recommends approval of the Sign Application for MAG Properties LLC, 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill and Winncrest Banquet Hall, 2788 Towne Court, Neenah WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton with the following conditions and Application Revision:

1. That the applicant pay all fees relating to the proposed Sign Application and obtain any required Building Permits prior to starting the proposed project.
2. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.

The Applicant has requested that the Plan Commission and the Board note that the sign on the north façade of the building is to be moved to the west façade of the building but will remain the same in all other respects.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to approve the Plan Commission recommendation to the Board on a Sign Application for MAG Properties LLC, 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill and Winncrest Banquet Hall, 2788 Towne Court, Neenah WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton with the conditions outlined by the Plan Commission and Administration

Motion carried by unanimous voice vote

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

- A. No Referrals.

X. Business:

- A. Discussion/Action: Town Board review and consideration of a Contract with the Neenah Animal Shelter for animal control and rescue services for CY 2013.

Attached please find a copy of a proposed Contract with the Neenah Animal Shelter for CY 2013 (January 1st, 2013 through December 31st, 2013). The Administration has reviewed the draft contract and recommends its approval. Please be advised that the fees charged to the Town are \$60.00 for a single animal and \$100.00 for a litter. The Contract also charges the boarding fees to residents who claim their animals; this will eliminate the need for the Town to charge the fee to residents as a third party. Funding for the Contract was included in the Town's CY 2013 General Fund Budget. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the Contract with the Neenah Animal Shelter as presented.

MOTION:

Motion made by unanimous consent to approve the Contract with the Neenah Animal Shelter for animal control and rescue services for CY 2013.

- B. Discussion/Action: Town Board review and consideration of a request by Best Friends of Neenah/Menasha to discount the rental cost of the Clayton Park Shelter for the Organization's annual Bike Tour scheduled for Sunday, July 28th, 2013.

Best Friends of Neenah/Menasha has made a request of the Board to reduce the rental fee for Clayton Park to \$60.00 for the organization's Annual Best Friend Gourmet Bike Tour. The Town's current fee for renting Clayton Park is \$80.00. Over the past few years the organization has made this request and the Board has routinely denied the request, however, a resident has made a donation to cover the rental fee for the Organization. The Administration recommends that the Board reject the request for consideration by Best Friends of Neenah/Menasha. The recommendation is based on the uncertainty of what criteria the Board would use to agree to the consideration. Barring a Board Policy that defines the conditions that would merit consideration of the rental fee reduction, staff would recommend not reducing the fee for anybody. Staff is comfortable that a donation will be made to cover the cost of renting Clayton Park by Best Friends of Neenah/Menasha. A Motion to deny the request of Best Friends of Neenah/Menasha for consideration would be in order.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion made to to deny the request of Best Friends of Neenah/Menasha to reduce the fee to \$60.

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of a Change Order to the Scope of Services agreement with the Town's Engineer for developing a Zoning Code of Ordinances.

Attached please find a copy of a Change Order to the Scope of Services agreement for developing a Zoning Code of Ordinances. As the Board knows, the Plan Commission held a number of Special Meetings to complete the Draft Zoning Code of Ordinances in a timely manner. The Plan Commission's Special Meetings were neither planned for nor included in the original Scope of Services for the project. At the Administration's request, the Town's Engineer has submitted a Change Order to cover the costs of the preparation time for the additional meetings; the added fees total \$1,430.00 (see the areas highlighted in yellow on the attached documents). The Administration believes that the additional fees are reasonable and should be paid. If the Board agrees with the Administration's

recommendation, a motion would be in order to authorize the additional payments with the funding to come from the Town’s CY 2013, General Fund Budget, Planning Line Item.

MOTION:

Motion made by unanimous consent to approve the Change Order for the Scope of Services agreement with the Town’s Engineer for developing a Zoning Code of Ordinances.

- D. Discussion/Action: Town Board review and consideration of a Change Order for the Town/Fire Hall project to seal and epoxy coat the fire truck bay, the hose tower floor, and the utility room floor.

Attached please find a copy of a Change Order to the Town/Fire Hall Contract. The Change Order is for coating the raw concrete floors in the building, specifically: the fire truck bays, the hose tower, the two utility rooms, the training room, the halls, and the showers. The Administration was going to coat these floors as the funding became available, however the Town Chair correctly believes that the most efficient time to complete the process is before the floors are used and soiled. The cost of the project is \$13,324.00 with funding for the project to come from the Capital Reconstruction Budget for the project. The cost of the project is driven by the high quality coatings needed to withstand both the heavy vehicles and heavy use the areas are subjected to. If the Board agrees with the recommended Change Order, a motion would be in order to authorize the floor coating project with the funding to come from the Town/Fire Hall Capital reconstruction reserves.

- Discussed warranties relative to labor and product

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to authorize the floor coating project with funding to come from the Town/Fire Hall Capital reconstruction reserves at a cost not to exceed \$13,324.00 with warranties included

Motion carried by unanimous voice vote.

- E. Discussion/Recommendation: Town Board review and direction to staff relative to the review of the Town’s Final Budget Analysis for CY 2012.

Attached please find a copy of the Town’s CY 2012 Budget Report that has been reconciled as of December 31st, 2012. Also attached is a Memorandum from the Town’s Treasurer explaining the variances that staff considers items of interest (highlighted in yellow). The explanations of the variances are intended to provide the Board with an estimated fund balance carryover from the CY 2012 Budget and information that explains how the variances occurred. Should the Board have any other questions relative to this information, staff will be prepared to research and answer those questions.

- Discussed election wage line item: Workers are all trained and materials are up to date
- Discussed street maintenance in relation to Storm Water Management Utility Fee
- Discussed Fire Number Sign Fee

NO MOTION

- F. Discussion/Recommendation: Town Board review of the estimated plowing cost for the period of December 21st, 2012 through December 24th, 2012.

Attached please find a copy of a spreadsheet that itemizes the costs of plowing for the snow event that occurred between December 21st, 2012 and December 24th, 2012. The State of Wisconsin has asked the County and its municipalities to provide the costs of plowing for the event as documentation for a Federal cost recovery program. The Town Chair thought the Board might find the information interesting. Staff used the full burden costs for Town employees and the State Department of Transportation Rate Sheets for the cost of the equipment used to do the work. The grand total cost for the snow event was \$23,895.77. The Administration believes that this figure may be useful to Board members when talking to residents about the costs of Town plowing services.

NO MOTION

- G. Discussion/Recommendation: Town Board review and consideration of variances from the Town's Minimum Road Standards Ordinance for the CY 2013 Capital Reconstruction Projects.

The Town Engineer (Mary Jo) has asked that this item be placed on the Board's agenda for review and direction to staff. Based on the Administration's conversations with Mary Jo it appears that there are elements in the Town's CY 2013 Capital Projects that do not easily meet the Town's Minimum Road Standards Ordinance. Mary Jo will be able to explain her issues to the Board as part of her presentation on the agenda item. The Administration's position relative to not meeting the Town's Minimum Road Standards is simple. The Town's Minimum Road Standards Ordinance was recently updated by the Plan Commission and the Board. The update was prompted by a desire to adjust the Ordinance to compensate for public infrastructure development issues over the past few years. The updating process took the Town's existing Minimum Road Standards Policy, with updates since the early 2000's, and adjusted the Policy to mitigate the public infrastructure issues created by lax standards. During my tenure with the Town, past and current Board members have asked the Administration why there are public infrastructure failures and if the Town's Engineer had any responsibility for those failures. The Administration has routinely defended the Town's Engineer by advising the Board that the Engineer designed and built what we (the Town) approved and the ultimate liability rests with the Governing Body. This request would change that answer since the changes are potentially being approved at the Engineer's request. Additionally, these are minimum standards and if staff requires that residents and developers meet the standards how do we justify not meeting them ourselves? The Administration understands that the standards impact project costs and that the Town has financial and budgetary constraints as do residents and developers. If we vary from the standards and allow ourselves to pass the potential financial burden onto future residents how are we being any better than the developer that takes the shortcut on a project and passes that burden onto the Town? Rather than vary from its standards the Board should consider alternatives to the project that meet the Minimum Road Standards Ordinance. The Board may wish to consider the volume of work and/or segmenting the project into two or three years. Additionally, the Board could direct staff to phase the projects based on independent stages of work: i.e. stormwater management work, road base reconstruction work, and paving work. The Administration is respectfully asking the Board for direction relative to this issue so that staff can proceed with the bidding of the projects. The Board may wish to direct staff to place this item on the Board's Agenda for formal action at its first meeting in February.

- Discussed the concern with meeting minimum road standards

- Discussed drainage issues and possibility of adding drain tiles to the Minimum Road Standards Ordinance
- Engineer Miller requested further directions in relation to the proposal presented
- Discussed economic consideration for 100 year storm event versus 25 year storm event

NO MOTION: Tabled for next Town Board Meeting on 2/6/2013

- XI. Upcoming Meeting Attendance
 - A. No Meetings listed
- XII. Board Member Requests for Future Agenda Items
 - A. No Requests
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 8:14 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Tori Bowen, Treasurer/Deputy Clerk