

TOWN OF CLAYTON  
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:14 P.M. on Wednesday, February 6th, 2013

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

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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	PRESENT
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	PRESENT
Town Engineer Miller	PRESENT

II. Public Informational Hearing:

- No Public Hearings Scheduled

III. Approval of Minutes:

- A. Regular Town Board Meeting – Wednesday, January 16th, 2013.

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Meeting Minutes for Wednesday, January 16th, 2013

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

- A. No Referrals

V. Correspondence:

- A. Winnebago County, Solid Waste Management Board, December 2012 Scale Tickets and Tonnage Report.
- Supervisor Lettau commented that Town of Clayton is ranked 4th
- B. Winnebago County Parks Department, County Five-Year (2013-2017) Comprehensive Outdoor Recreation Plan, Public Input Meeting Schedule.
- C. A copy of an E-mail sent by County Park Commissioner Rob Way relative to North East Asphalt running trucks across the WIOWASH Trail in the Larsen area.

- 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. 2 Officers Present
    - 2. Nothing to report
    - 3. Drive safely
    - 4. Camper break-in suspects have been apprehended
  - C. Clayton-Winchester Fire Department
    - 1. Alan Kuenzi present
    - 2. 1 auto aids with Town of Vinland
    - 3. 1 fuel spill
    - 4. 1 vehicle fire
    - 5. 1 smoke detector check
    - 6. 2 CO<sup>2</sup> checks
    - 7. 1 roll-over
    - 8. Banquet proceeds to Salvation Army totaled approximately \$960
  - D. Larsen Winchester Sanitary District
    - 1. Supervisor Lettau reporting
    - 2. Don't flush anything down the toilets except toilet paper; they are discussing having to replace motors in the sanitary lift stations because they are unable to grind everything up
    - 3. Fines will be issued in the future for flushing anything besides toilet paper
    - 4. Notification has been printed on bills for the past full year
  - E. Administration Comments
    - 1. Engineer:
      - a. Engineer Miller reporting
      - b. Provided the Engineer Status Report
        - Included road projects for 2013, 2013 Storm Water Improvement projects and working with the local utilities for the next construction season
      - c. Discussed current utility projects on Oakwood Avenue
    - 2. Administrator/Clerk
      - a. Administrator Johnston reporting
      - b. In the process of moving to the new building
      - c. Getting ready for the Spring Primary Election
    - 3. Public Works Foreman:
      - a. No Report
    - 4. Treasurer/Deputy Clerk:
      - a. Treasurer Bowen reporting
      - b. Bill from County has been received for grading Breezewood in December. \$233 for 1.5hrs of work
      - c. Worker's Comp claim for Scott's injury from Summer 2012 is going to be covered
        - Discussed that he should have reported immediately
        - No disciplinary action is being taken against Scott for not reporting

- Arden Schroeder (9458 State Rd 76, Neenah, WI) commented that Town could be fined for not reporting immediately
- d. In the process of moving to the new building
- e. Trying to coordinate with Fund Accounting Software company for training
- f. Trying to wrap up year end for the Auditor
- g. Tax Settlement is due to the County by 2/20/2013
- 5. Town Board:
  - a. No Report
- 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. No Referrals
- IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:
  - A. Green Space Committee and ClaytonFest Committee recommendations to the Town Board on the CY 2013 ClaytonFest Event and possible activities.
    - Discussed sharing the cost for installation of power for ClaytonFest
    - Drifters will be having a meeting on 2/7/2013 and will come back to the Town Board afterward with decision
    - Arden Schroeder discussed the Town sponsoring ClaytonFest because of the liability insurance and holding an Open House for the new building during ClaytonFest
    - Discussed replacing the parade with an Open House and keeping it open for a few hours in the afternoon but still taking Clayton Elders photos
    - Discussed if Haze/Southern Gypsy will be used again for the main event
- X. Business:
  - A. Discussion/Action: Town Board review and consideration of a staff request to run waterlines in the Public Works Garage to improve the operations of the Public Works Department.
 

Attached please find two proposals for extending water to the Public Works Department's brine tanks and to a new hose reel that is to be installed just inside the first door (west end of the building) in the Public Works Garage. The first proposal is from Jeff's Water Conditioning, Inc. at \$2,500.00 and the second from Kampo Plumbing and Heating at \$2,980.00. The 100-foot hose reel will allow staff to reach the shop, the heated portion of the parking bays, and the outside of the building with a single reel that is self contained and acts as a storage station for the hose. The hose reel will replace the 50-foot hose that is located in the rear of the shop area and stored on an old truck rim. The extension of the water service to the areas will allow staff to set up a more functional work environment and eliminate the cluttered work environment. Additionally, staff will be able to establish permanent washing and brine production facilities that will allow for more efficient operations. For example, at this time, water to the brine production facility comes from a hose extended through a hole in the wall and a faucet at the far end of the hose, the pump

for transferring the brine to the trucks is sitting on the floor and needs to be primed every time it is used. Staff intends to permanently mount the pump on the brine tanks and set it up so that it is self priming. All of these little changes will make the Department more efficient and functional. If the Board agrees with staff's recommendation to install the proposed facilities using Jeff's Water Conditioning, Inc. at \$2,500.00, a motion would be in order. Funding for the project will come from the CY 2013 General Fund Public Budget, Equipment Purchase Lime Item.

- Supervisor Lettau questioned the cost and if it was really a necessity
- Administrator Johnston advised that it is based more on efficiency than convenience
- Eric Linsmeier (4502 Grandview, Larsen, WI) agreed that the safety issue alone is enough of a reason to go forward with the waterlines

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion made to run the waterlines in the Public Works Garage facility using Jeff's Water Condition, Inc. at \$2,500.00 with the funds to come from the CY 2013 General Fund Public Budget, Equipment Purchase Line Item

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of a staff project update to the Board and pay request # 6 for the Town's Town/Fire Hall reconstruction project.

Attached, please find a copy of the 6<sup>th</sup> pay request for the Town/Fire Hall renovation project. The Administration has placed this item on the Board's agenda so that it can answer any questions the Board or the public may have relative to the project and the moving process for the Town Hall Office and Town staff. The Administration expects to move into the building during the first week of February 2013, please be advised that the Board's Wednesday, February 6<sup>th</sup>, 2013 meeting will be held in the Board's new meeting room. This timeline continues to be driven by access to the Time Warner Cable system. As a result of the long and convoluted process to get internet service, Time Warner has agreed to waive any and all installation fees. Relative to the Contractor's 6<sup>th</sup> pay request, if the Board is comfortable with the Administration's recommendation to make the payment, a motion would be in order to approve the 6<sup>th</sup> pay request to Cardinal Construction as presented.

- Administrator Johnston advised this is not the last payment. The project is very close to being finished
- Discussed finishing the roof

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion made to approve the 6<sup>th</sup> pay request to Cardinal Construction at a cost of \$67,666.87

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of Change Order #6 for the Town/Fire Hall remodeling project.

Attached, please find a copy of Change Order #6 from Cardinal Construction. Also attached is a copy of the detail for the electrical portion of the Change Order provided by Solar Technologies, LLC. Based on a detailed review of the Change Order, the Administration believes that it includes some items already approved by the Board and some duplicated or unnecessary items. Specifically, Cardinal's Change Order includes the work in the break room which has already been approved and a baseboard heater which is not needed. The Administration has some minor questions on the electrical detail sheet, but for the most part the work is needed. Rather than delay the work process the Administration is recommending that the Board authorize the Change Order as presented subject to the Town Chair's approval of the individual work items. Funding for the work will come from the Town's Capital Construction Budget. If the Board agrees with the Administration's recommendation, a motion would be in order to authorize the Town Chair to approve the individual items on Change Order # 6 as well as those items on the electrical detail sheet provided by Solar Technologies, LLC.

- Administrator Johnston went over a few items on the change order
- Discussed a change in the way the IT items will be working

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to authorize the Town Chair to approve the individual items on Change Order # 6 as well as those items on the electrical detail sheet provided by Solar Technologies, LLC.

Motion carried by unanimous voice vote.

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

Attached please find a copy of a memorandum from the Town's Engineer, Mary Jo Miller (Mary Jo). Town staff would like to vary from the Town's Minimum Road Standards Ordinance in the following area:

Ditch Grades: The Town's Minimum Road Standards Ordinance requires a minimum of a 1% grade on all roadside ditches. The design of the road includes ditches that are a 0.5% grade. In order to compensate for the less than required grade, staff has asked the Engineer to include an alternate in the Bid Specifications that will allow the Board to have the option of placing drain tile in the bottom of the project ditches. The Administration has asked the Town's Engineer to place the drain tile under all ditches in the project. This recommendation is based on the difficulty in transitioning from tile ditches to open ditches and then back to tile. Specifically, the difficulties come from water collecting at the transition points.

Additionally, staff would like to review the following items with the Board:

Culvert Apron End Walls: Mary Jo would like to not pave any of the apron end walls in the project area. When the Administration has asked this question in the past the Board has indicated that if the apron end walls were paved staff should return them to a like condition.

Minimum Storm Event Standard: The Town's Engineer has used the 25-year event standard to design the storm water management system for the project, The Administration has recommend the Town use a 100-year event as the standard.

Temporary Landscape Easements: Staff has discussed the need for temporary landscape easements for the projects and vegetation in the rights-of-way. The temporary easement will allow the Town to blend the transitions on the back slope of the ditches. The Board will also need to give staff direction relative to removal of vegetation in the rights of way.

The Town's Engineer will be able to explain the impact on the project of the proposed changes and the cost estimates for the same.

- Administrator Johnston asked for direction on driveway culverts being paved due to Town Standards. Asked if an 18 inch culvert is really necessary.
- Discussed that standards can stay the same and exceptions will be brought to the board on a case by case basis.
- Supervisor Lettau questioned where the under-grade would be placed and the 25, 50, or 100 year event being used.
- Town will need to work with Ridgeway Golf Course to improve their drainage system in order to improve the Town's Storm Water drainage
- Engineer Miller discussed the bidding process and the projects being divided into 4 base bids
- Town will only replace asphalt. Any other material is not deemed appropriate per Minimum Road Standard Ordinance
- Eric Linsmeier discussed what is fair for everyone
- Advised there should be no vegetation in any Town Right of Way

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to install culverts and end walls based on Town's Access and Culvert ordinance.

Motion approved by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of approving and issuing the bidding specifications for the Town's CY 2013 Capital Construction Projects.

Subject to Board approval, staff is ready to issue the request for bids on the Town's CY 2013 Capital projects. The Administration has recommended several alternates for the Town's projects: these alternates have been reviewed with the Board and the Board will need to decide if it wants to approve the alternates at the time the Bid is awarded. The main issue the Board will need to consider at the time of the bid award is the availability of funding for the projects. The Board will have the following options at the time of the bid award:

1. Postponing one of the two municipally funded projects.
2. Phasing the larger project into several smaller projects completed over a 2-year timeframe.

3. Borrowing funds from the State Trust Fund to complete all of the Town's CY 2013 projects with the debt service paid over several years.

If the Board opts to borrow money from the State Trust Fund, the difficulty will be funding the debt service in the CY 2014 Budget and beyond. A motion would be in order to authorize the Administration to issue the proposal with the bid to be awarded by the Board at a regularly scheduled Town Board Meeting.

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

### **MOTION**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion to authorize the Administration to issue the proposal with the bid to be awarded by the Board at a regularly scheduled Town Board Meeting.

Motion carried by unanimous voice vote.

- F. Discussion/Recommendation: Town Board review and direction to staff relative to the Town's options for disposing of the Elmer Properties.

Attached please find the options and supporting documentation relative to the disposition of the Elmer properties by the Town. The Administration expects to have a signed option for each of the properties by the Board's Wednesday, February 6<sup>th</sup>, 2013 meeting. Once the options have been signed the Administration will proceed with the approval of the Certified Survey Map creating the properties in question and any rezoning required by the process. While the Certified Survey Map and rezoning are being completed the Administration will ask the Town's Attorney to draft the sale documentation for the Board and the property owners to sign. Please be advised that these properties will go back on the Town's tax roll on January 1<sup>st</sup>, 2014. If the Board is comfortable with the process as outlined, direction to staff to proceed with the project would be in order.

- Administrator Johnston discussed his meeting with Chris Clauson
- Mr. Clauson would like to speak with his attorney and therefore the issue would need to be tabled until the next meeting
- Chairman Luebke discussed not being at the next meeting and tabling the issue until the first March meeting
- Arden Schroeder expressed his opinions regarding the issue with Mr. Clauson
- Chairman Luebke expressed his frustrations with the issue dragging on for months and the Town just wanting to get the area cleaned up
- A meeting is going to be scheduled with Mr. Clauson, Chairman Luebke, Supervisor Geise, and Administrator Johnston. Mr. Clauson will have the option of having his attorney present.
- Eric Lensmeier discussed his concerns with the Town making an agreement with Mr. Clauson and being able to enforce it.

### **MOTION**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion for the Board to give the Town Chair, Town Administrator, and Town Vice-Chair the approval to sit down, come to an agreement, and bring a decision to the next meeting.

Motion carried by unanimous voice vote.

- G. Discussion/Recommendation: Town Board review and direction to staff relative to the possibility of a cooperative Stewardship Grant Application with the City of Neenah and the Department of Natural Resources for the Noffke land donation.

On Wednesday, January 30<sup>th</sup>, 2013 the Administration attended a Department of Natural Resources (DNR), Green Team Meeting to discuss the Noffke Park Land donation and the lead removal from the site (see attached material). As the Board is aware, the obligation to remove the lead from the site rests with the City of Neenah. The Administration has been thinking about ways to leverage the City's obligation to the Town's advantage. As part of that process, a DNR, Park Development, Stewardship Grant Application has come up as an option. The Administration made the Stewardship Grant Application suggestion to the Green Team Group subject to Board approval. The Application would be to construct a paved parking lot on the site, this would allow the City to contract for the lead removal and then encapsulate the soil spoils under the paved parking surface. The project would benefit the City in the sense that it would not have to pay to remove and dispose of the spoils from the site; and the Town in the sense that it would have a paved parking lot in the Park at no cost. The proposed CY 2014 Grant Application would be made by the Town using the City's expenses as funding for the required Grant Matching Funds. The Administration is respectfully asking the Board for authorization to proceed with the planning of the Grant Application with the understanding that the final approval for the Application will come from the Board in late CY 2013. Additionally, staff will keep the Green Space Committee, the Plan Commission and the Board apprised of the application process over the course of the year.

- Discussed the process of putting spoils under the parking lot and having it meet DNR Standards

## **MOTION**

Motion made by unanimous consent to authorize the Administration to proceed with the planning of the Grant Application with the understanding that the final approval for the Application will come from the Board in late CY 2013

- H. Discussion/Recommendation: Town Board review and direction to staff relative to the creation of a Fire Protection and First Responder Fee to replace the Town's Budgeted Levy for Fire Protection and First Responder services.

This item was placed on the Agenda at the Town Chair's (Chair) request. As a result of a conversation at the Joint Fire Board Meeting the Chair participated in a conversation relative to shifting the cost of fire protection in the Town to a Fee rather than the Levy. The Administration has had some experience with this process. Based on that experience the Administration strongly recommends that any new Fee be offset by a commensurate reduction in the Town's Levy. If this process is followed it becomes relatively easy to demonstrate that any Fee increase is tied directly to the operations of the Joint Fire Department and approved by both the Joint Fire Board and the Town Board. Additionally, the Administration has recommended that the Chair may wish to ask the Electors at the Town's Annual Meeting if they would support the process. If the Board would like to consider this issue, direction to staff to proceed with the research on this process would be

in order. Once the research is complete and presented to the Board it can make the determination whether the item should be placed on the Agenda for the CY 2013 Annual Meeting

- Discussed the Fire Department/First Responders having the same budget for the past 3 or 4 years
- Discussed removing them from the budget and imposing a Fire Fee
- Issue was brought up regarding how a fee would be distributed on different types of properties (i.e. Improved Property vs. Commercial Property)
- Arden Schroeder advised the Town can charge a fee for every fire and insurance would pay the fee
- Eric Linsmeier questioned why the Town needs to raise the levy if they can collect a fee from insurance and why they are requesting more money if they had to look for ways to spend it at the end of CY 2012
- Discussed the Fire Department’s spending versus the amount laid out in the budget for them
- Arden Schroeder recommended going to the State Legislators and requesting to raise the Town’s Levy
- The issue has been tabled until March

I. Discussion/Recommendation: Town Board review and direction to staff relative to a Winnebago County, Planning and Zoning Department, County Zoning Ordinance one-year deadline notice.

Attached please find material relative to the creation of a Town’s Zoning Code of Ordinances provided by the County’s Planning and Zoning Department. Staff has been using the following schedule to complete the process:

1. January 16<sup>th</sup>, Town Board Meeting: Public Informational Meeting.
2. February 13<sup>th</sup>, Plan Commission Meeting: Commission consideration of possible changes based on comments made at the Public Informational Meeting.
3. February 13<sup>th</sup>, Plan Commission Meeting: The Plan Commission acts on a Resolution recommending adoption of a Zoning Code of Ordinances to the Town Board.
4. March 6<sup>th</sup>, Town Board Meeting: The Town Board holds a Public Hearing (Class 2 notice) and First Reading of the Draft Ordinance.
5. March 20<sup>th</sup>, Town Board Meeting: The Town Board has the Second Reading of the Draft Zoning Code of Ordinances and considers Adoption of the Ordinance.
6. Apr 1<sup>st</sup>, The Ordinance is referred to the Winnebago County Planning and Zoning Committee.
7. Apr 16<sup>th</sup>, The Winnebago County Board considers approval of the Town’s Zoning Code of Ordinances.
8. Apr 28<sup>th</sup>, The Town Zoning Ordinance becomes effective.
9. Apr 29<sup>th</sup>, The County Zoning Ordinance (new) becomes effective.

In order to simplify the process, staff will be using the model Resolutions provided by the County to complete the process of adopting a Zoning Code of Ordinances for the Town.

**NO MOTION: Tabled for 1st Town Board Meeting in March**

- XI. Upcoming Meeting Attendance
  - A. Meeting with Chris Clauson next Wednesday afternoon between 1:00PM & 3:30PM
  - B. Board of Review training is going to be required for at least 2 Supervisors
- XII. Board Member Requests for Future Agenda Items
  - A. No Requests
- XIII. Review of Disbursements
  - A. Disbursements
- XIV. Adjournment – 9:37 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,  
Tori Bowen, Treasurer/Deputy Clerk