

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 8:32 P.M. on Wednesday, May 02, 2012

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 Chairman Luebke 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 Erdmann	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	PRESENT
Public Works Foreman Pamentner	PRESENT
Town Engineer Miller	PRESENT

II. Public Hearing:

A. No Public Hearing.

III. Approval of Minutes:

A. Town Board Re-organizational Meeting – Wednesday, April 18th, 2012

MOTION:

Motion carried by unanimous consent to approve the minutes of the Town Board Re-organizational Meeting of April 18th, 2012 with no corrections.

B. Regular Town Board Meeting – Wednesday, April 18th, 2012

MOTION:

Motion carried by unanimous consent to approve the minutes of the Regular Town Board Meeting of April 18th, 2012 with the following correction: On page 6, under Business – Letter C – Town Board review and direction to staff relative to the proposed creation of a Town wide Storm Management Utility District, the motion should read – “Motion carried by unanimous consent to direct the Administrator to update the Engineer’s Storm Water Utility Management Study and to schedule the

consideration of the study for the Town Board’s Wednesday, June 6th, 2012 meeting.”

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

- A. Linda Driscoll, 2694 Murray Road, Neenah, WI 54956
 - Discussed the flooding of her home in the Oak Openings Subdivision
 - Flooded 4 times in 10 years
 - Cracks in the concrete
 - Administrator Johnston would like to have a meeting with the neighbors to inform them of the Town’s intention to prioritize the drainage issues in the Town
- B. John Hacker, 2698 Murray Road, Neenah, WI 54956
 - Discussed the flooding and the loss of the water damage coverage of his home owner’s insurance because of the drainage issues
 - Damage to the holding tanks and damage to the pipes due to water in the neighborhood
 - Cracks due to the water
 - Administrator Johnston discussed the initial proposal of the Town’s approach to the subdivision’s drainage issues.
 - Chair Luebke stated that the May 10th meeting will give everyone the opportunity to discuss in further detail the drainage issues in the subdivision.

V. Correspondence:

- A. Posting Notice for the Town Open Book of Assessment Rolls scheduled to be held at the Town Office from 5:00 P.M. to 7:00 P.M. on Thursday May 10th, 2012.
- B. Town of Menasha Fire Department Firefighters in the Park 3rd Annual Safety Scavenger Hunt on Saturday, May 5th, 2012 from 10:00 A.M. to 2:00 P.M.
- C. The Fire Line Monthly Newsletter for May 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. Officer Olig present
 - 2. Addressed juveniles in the park
 - 3. Discussed the procedure for enforcing the dirt bike issues - place signs citing the County Ordinance “No unauthorized vehicles in the park”
 - 4. Need to address these issues before there is an accident
 - 5. No drug problems so far
- C. Clayton-Winchester Fire Department
 - 1. Chief Mathison present
 - 2. Calls 1 Natural gas leak, 3 controlled burns, 1 Carbon Monoxide check, 1 assist to First responder to gain access to a home for a medical call, and 1 vehicle accident, with a total of 39 calls for the year
 - 3. Total 39 calls for year so far
 - 4. New truck in service by the end of the month
 - 5. Chair Luebke questioned the 13 firefighters responding to a campfire and Chief Mathison explained the situation.
 - 6. The pay policy was also explained

7. Standard Operating Guidelines changing to Best Practices Policy

D. Larsen Winchester Sanitary District

1. Supervisor Lettau reported that the solar aerator is waiting for permitting, may be the fall before installation is complete

E. Administration Comments

1. Administrator/Clerk

- a. Working on finalizing documents for the Grant Application
- b. Discussed the material for the Office/Warehouse on American Drive
- c. Elections
- d. Made all deadlines so far

2. Public Works Foreman:

- a. Mowing is going o.k.
- b. Tractor should be here next week – rental tractor with our mower – our tractor is in the process of being put back together – some problems from the manufacturer
- c. Chair Luebke complimented on Clayton Cemetery and good job
- d. Mowing ditches starting tomorrow

3. Treasurer/Deputy Clerk:

- a. April 3, 2012 Presidential primary election – the reports to be done and election closed tomorrow, May 3rd, 2012
- b. Primary Recall Election May 8th, 2012. Will be accepting requests for absentee ballots through the mail until May 3rd, 2012 and will be accepting walk-in requests for absentee ballots until 5:00 p.m. on Friday, May 4th, 2012.
- c. Continuing to learn the SVRS system and will have the label printer up and running by the time the June 5th, 2012 ballots are required to be sent.
- d. Working on schedule to balance all the daily duties of the Town Office.

4. Engineer:

- a. Working with Scott and Richard on drainage projects and the reconstruction projects – preparing options and exhibits for the May 10, 2012 meeting

VII. Licenses and Permits:

A. Discussion/Action: Consideration and approval of Operator Licenses:

1. No New Licenses.

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: CHECK CD

- A. Green Space Committee recommendation relative to the proposed donation of land for a Park located on the north side of CTH JJ east of STH 76 by the Noffke Family.
- B. Green Space Committee recommendation relative to a pending donation for an installed bench on the Friendship Trail.
- C. Green Space Committee recommendation on meeting times for the regularly scheduled Committee meetings.

- D. Green Space Committee recommendation to the Town Board relative to the Elector Approval of a Town Constable position.
 - E. Green Space Committee/ClaytonFest Committee discussion on CY 2012 ClaytonFest activities.
 - County Health Department permit for the Drifters, snack shack and pie barn for ClaytonFest
 - Try to get one permit for the entire event
- NO ACTION TAKEN**

X. Business:

- A. Discussion/Action: Town Board action on the Closed Session Meeting held pursuant to Wisconsin Statutes 19.85 (1) (e) on Wednesday, May 2nd, 2012 to discuss the purchase of the Elmer properties located at:
 - a. 8328 CTR T in Larsen Wisconsin
 - b. 8326 CTR T in Larsen Wisconsin19.85 (1) (e): (Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session).

This agenda item is intended to allow the Board to take action on the Closed Session held on the above captioned issue. If the Board is not ready to take any action on the issue a motion to table the agenda item by Roll Call Vote would be in order. If the Board would like to take an action on the issue a motion to do so by Roll Call Vote would be in order.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion to table the discussion and action on the closed session meeting pertaining to the purchase of the Elmer property.

Carried by unanimous voice vote

- B. Discussion/Action: Town Board review and consideration of Drafting Resolution 2012-007 A Resolution Creating Up To Two New Reserve Liquor Licenses for the Town of Clayton Based on Town Population as Determined by the CY 2010 Federal Census.

As a result of the CY 2012 Federal Census and the growth in the Town's population as evidenced by recent State population estimates, the Board can create two additional reserve liquor licenses. The Administration has placed this item on the Board's Agenda because of recent activities relating to the Westridge Golf Course Liquor License. It appears that the golf course manager is having some issues with the holder of the Liquor License as identified on the Town's most recent Liquor License Application. Creation of the two Reserve Liquor Licenses would allow the Westridge Golf Course to apply for a reserve license if they wish to. The Administration is ambivalent about the creation of the two additional Reserve Licenses. If the Licenses were issued they would generate an additional \$20,000.00 of one time revenue to the Town. However, that revenue would come at the

cost of two new drinking establishments in the Town and the related issues those establishments create. Should the Board wish to create the two additional Reserve Liquor Licenses a motion to approve Resolution 2012-007 would be in order.

- Brought about by activities at Westridge Golf Course
- Town Board needs to approve before someone makes an application for a liquor license
- Town Board does not need to approve creating the liquor licenses
- Administrator recommends putting the funds into the undesignated reserve account due to the rating the Town recently obtained through the process of the bond issue.
- Discussed pros and cons to the approving of the liquor licenses

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion to approve the Drafting Resolution 2012-007 A Resolution Creating Up To Two New Reserve Liquor Licenses for the Town of Clayton Based on Town Population as Determined by the CY 2010 Federal Census.

Carried by a 3-2 vote with Chairperson Luebke and Supervisor Lettau voting no.

- C. Discussion/Action: Town Board review and consideration of the Town's Rating as issued by Standard & Poor's and the rating call process.

Attached please find copies of the Standard & Poor's documentation relating to the rating process and the ultimate Rating of the Town. The Town's rating is an A+ which is marginally lower than staff had hoped for; however, it is a good first rating for the Town. Based on a review of the document, the Administration believes that the less than hoped for rating is based on a lack of Board approved Policies that formalize the Town's borrowing and Fund Balance Reserves. Specifically, the Town's unencumbered fund balance reserves are approximately \$250,000.00. Based on the rating documents, this is the lower end of the recommended reserves. The Administration has advised the Board that this number should be 50% of the Town's Annual Levy or 24% of the Town's Annual Budget. Both methods would result in a reserve of approximately \$500,000.00. The dearth of Financial Policies can be corrected over the next year or so. In conclusion, the A+ rating will benefit the Town in the form of lower interest rates on the proposed debt issue. Additionally, as the Town moves forward it could seek to raise its rating once the Financial Policies and increased reserves are in place. A motion to place the rating documents on file would be in order.

- Mike Hallman presented the report of the Town's Rating as issued by Standard & Poor's and the rating call process
- The Town received an investment grade rating (A+) from Standard & Poor's
- Discussed surrounding communities ratings

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to place the rating documents on file.

Carried by unanimous voice vote

- D. Discussion/Action: Town Board review and consideration of Resolution 2012-008 A Resolution Authorizing the Issuance and Sale of \$1,200,000 General Obligation Promissory Notes.

Attached please find a copy of Resolution 2012-008 A Resolution Authorizing the Issuance and Sale of \$1,200,000 General Obligation Promissory Notes. These Notes are backed by the Town’s ability to levy General Fund Taxes. Michael Hallmann of Lantern Associates, LLC, the Town’s Bond Advisor, will bring the finalized document to the Board’s May 2nd, 2012 meeting. Board approval of the Resolution will trigger the sale of the notes and the satisfaction of the Town’s existing State Loans. The debt service obligation for the Town is expected and planned to be consistent with the CY 2012 Debt Services Payment of \$137,689.43. Any reduction in the Town’s Annual Debt Service Payment will result in a reduction in the Town’s Tax Levy. Approval of this Resolution will be the step in the borrowing process that obligates the Town to the costs of issuing the Notes and obtaining the rating from Standard & Poor’s. Staff will clarify where it will be holding the surplus funds and how the payments for the Town/Fire Hall construction project will be handled at the Board’s Wednesday, May 16th, 2012 meeting. At the Board’s discretion, a motion to approve of Resolution 2012-008 A Resolution Authorizing the Issuance and Sale of \$1,200,000 General Obligation Promissory Notes would be in order. Additionally, the Board should direct staff to clarify the holding account for the funds and the process for paying the Town/Fire Hall construction project costs at the Board’s Wednesday, May, 16th, 2012 meeting.

- Mike Hallman presented the Report on Sale of \$1,200,000 General Obligation Promissory Note and Preliminary Official Statement
- Discussed the option of paying the debt early
- Discussed the Debt Service Schedule and Pricing Summary

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve Resolution 2012-008 A Resolution Authorizing the Issuance and Sale of \$1,200,000 General Obligation Promissory Notes.

ROLL CALL VOTE:

Supervisor Grundman-Erdmann	Aye
Supervisor Schmidt	Aye
Chair Luebke	Aye
Supervisor Geise	Aye
Supervisor Lettau	Aye

Motion carried by unanimous vote

Administrator Johnston suggested Chair Luebke signed the appropriate forms required to formalize the notes.

- E. Discussion/Action: Town Board review and consideration of the following 3-year appointment to the Town’s Green Space Committee:
- a. Joan Brown – May 1st, 2012 to April 30th, 2015

The Administration would like to advise the Board that Mrs. Joan Brown (Joan) has expressed a desire to serve on the Town's Green Space Committee. The Committee has several openings that need to be filled. The Administration is recommending that Joan be appointed to the Green Space Committee for the following term:

May 1st, 2012 to April 30th, 2015

Should the Board wish to make the appointment, a motion would be in order to appoint Joan Brown to the Town's Green Space Committee for a term starting on May 1st, 2012 and ending on April 30th, 2015.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion to approve the 3-year appointment to the Town's Green Space Committee of Joan Brown.

Carried by unanimous voice vote

- F. Discussion/Action: Town Board review and consideration of the Town Administrator's Performance Evaluation and Employment Agreement.

A copy of the Town Administrator's Employment Agreement will be available for the Board to review at its Reorganizational Meeting.

MOTION:

Motion carried by unanimous consent to table.

- G. Discussion/Action: Town Board review and consideration of the updates to the Town's 5-Year Capital Reconstruction Plan.

Town Board review and consideration of the distribution of the Town's CY 2011 Fund Balance Surplus funds to the Town's Capital Replacement Accounts and the Town's CY 2012 Budget

1. The Administration has routinely presented the listed 5-Year Capital Reconstruction and Capital Replacement Account updates on the Board's Agenda in March of the calendar year.
2. Because of some tracking differences between the Town's CY 2011 Audit and the Town's Quick Books Accounting software staff needs to complete a reconciling process to determine the CY 2011 Fund Balance surplus.
3. Additionally, staff needs to review the costs and prepare an update of the 5-Year Capital Reconstruction plan in light of the expected funding restrictions.
4. The Administration would like to advise the Board that staff will complete the reconciling and review process in late summer and present its 5-Year Capital Reconstruction Plan update and Fund Balance surplus distribution recommendations to the Board as part of the Town's CY 2013 Budget Development process.
5. This delay is caused primarily by the need for the reconciliation and reviews and the additional elections that are scheduled to be held in CY 2012.

NO MOTION

- H. Discussion/Action: Town Board review and consideration of the distribution of the Town's CY 2011 Fund Balance Surplus funds to the Town's Capital Replacement Accounts and the Town's CY 2012 Budget.

Table until Budget time

- I. Discussion/Recommendation: Town Board update on the settlement of the William Ernst case.

- It is settled

- J. Discussion/Recommendation: Town Board review, consideration and direction to staff relative to developing a Public Works Mutual Assistance Agreement program between area communities.

- Staff is asking for direction from the Board
- Discussed the possibilities of a program

NO MOTION

- K. Discussion/Recommendation: Town Board review, consideration and direction to staff relative to holding Public Forums on the following proposed Town Projects:

- Braun Court CY 2013 Capital Reconstruction Project.
- Ridgeway Heights – CY 2013 Capital Reconstruction Project.
- Ridgeway Heights 1st, Addition – CY 2013 Capital Reconstruction Project.
- East Ridge Place – CY 2013 Capital Reconstruction Project.
- Oakcrest Manors – Storm Water Management Project.
- Oak Openings – Storm Water Management Project.
- Sunburst Estates – Storm Water Management Project.

- Deer Trail Estates per Mary Jo Miller will be added
- May 10th at 5 p.m.
- Will be posted

XI. Upcoming Meeting Attendance

- Clayton-Winchester Joint Fire Board Meeting on Monday, April 23, 2012 at 7:00 p.m. at the Town of Clayton Town Hall.
- Plan Commission Networking Meeting at Coughlin Center April 25, 2012, 6:30 p.m. – 8:00 p.m.

XII. Board Member Requests for Future Agenda Items

- No Requests

XIII. Review of Disbursements

- Town Board Reviewed disbursements
- Payroll disbursements

XIV. Adjournment – 8:32 P.M.

MOTION:

Motion carried by unanimous consent to Adjourn

Respectfully submitted,
Tori Bowen, Treasurer