

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 8:28 P.M. on Wednesday, June 6th, 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 Pamerter	ABSENT
Town Engineer Miller	PRESENT

II. Public Hearing:

A. No Public Hearing.

III. Approval of Minutes:

- A. Special Town Board Meeting – Wednesday, May 2nd, 2012.
- B. Special Town Board Meeting – Wednesday, May 16th, 2012.
- C. Regular Town Board Meeting – Wednesday, May 16th, 2012.

MOTION:

Motion carried by unanimous consent to approve the minutes of the Special Town Board Meeting of May 2nd, 2012 with no corrections.

MOTION:

Motion carried by unanimous consent to approve the minutes of the Special Town Board Meeting of May 16th, 2012 with no corrections.

MOTION:

Motion carried by unanimous consent to approve the minutes of the Regular Town Board Meeting of May 16th, 2012 with no corrections.

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

A. No Open Forum

V. Correspondence:

- A. Winnebago County, Zoning Department notice relating to Erosion Control and Storm Water Permits.
- B. Winnebago County, Solid Waste Management Board Report.
 - Supervisor Lettau reported that the Town of Clayton is in second place in Winnebago County for recycling.
- C. Wisconsin Department of Natural Resources Recycling Program Evaluation for the Town of Clayton.
 - Discussed the Recycling Program Evaluation letter
 - Discussed the use of burn barrels in the Town
- D. Winnebago County Well Report for the Clayton Park Well.
- E. Receipt of the Town's CY 2012 Department of Natural Resources Recycling Grant Award Payment.

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 Vinje present
 - 2. Discussed the shooting of firearms on property located in the Town
- C. Clayton-Winchester Fire Department
 - 1. Chief Mathison present
 - 2. 50 calls of service since the last meeting
 - 3. 2 possible structure fires that ended up being controlled burns
 - 4. 2 vehicle accident clean-ups
 - 5. 1 false alarm fire alarm
 - 6. 2 controlled burns
 - 7. 2 out-of-control controlled burns
 - 8. 1 manure pile fire
 - 9. 1 assisted first responders
 - 10. Engine 143 (the new truck) is now in service (as of May 21st)
 - 11. For ClaytonFest: Scott Mathison will be in charge of the parade, Nick Seelow is in charge of the demos, Todd Weber will be in charge of the Fireworks
 - 12. Discussed the Fire call protocol
- D. Larsen Winchester Sanitary District
 - 1. No Report
 - 2. June's meeting date was changed to 4 p.m. Tuesday, June 5th, 2012
- E. Administration Comments
 - 1. Administrator/Clerk
 - a. The June 5th election preparation and ClaytonFest preparation has been the primary focus for this week
 - b. June 15th is the date set to close on the Marshall Elmer properties
 - 2. Public Works Foreman:
 - a. No Report
 - 3. Treasurer/Deputy Clerk:
 - a. Discussed the Tallies for the June 5th, 2012 election for the Town

- b. Total votes cast: 2112; regular ballots cast: 2026; touch screen ballots cast: 86; approximately 200 new voter registration applications processed during the election
 - c. Discussed the lines at the polls
 - d. Discussed the average of voter turn-out for the election
 4. Engineer:
 - a. Presented the Engineer's Status Report
 - b. Discussed the proposed storm sewer pipe installation
 - c. Discussed Hidden Park drainage issues and the installation of storm sewer pipe
- 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:
- A. Green Space Committee/ClaytonFest Committee discussion on CY 2012 ClaytonFest activities.
 - Discussed the final preparations for ClaytonFest
 - Discussed modifying the mowing equipment to avoid bumping the headstones at the cemeteries
 - Discussed contacting ThedaStar for the demos at ClaytonFest
 - Discussed the change for Mrs. Christianson – no carriage this year, Chairperson Luebke volunteered his convertible
- NO ACTION TAKEN**
- X. Business:
- A. Discussion/Action: Town Board review and consideration of Resolution 2012-007 A Resolution creating two additional Reserve Liquor Licenses for the Town of Clayton based on the CY 2010 Federal Population Census. Attached please find a copy of Resolution 2012-007 A Resolution creating two additional Reserve Liquor Licenses for the Town of Clayton based on the CY 2010 Federal Population Census. The attached Resolution does authorize the Town to issue licenses up to the statutory limit on an ongoing basis. The Administration has drafted the Resolution in this manner in anticipation that following the issuance of the Town's CY 2012/13 Liquor Licenses in June, the Board will authorize the Administration to forward the Town's Liquor Licensing Ordinance to the Town's Attorney for review and updating. This activity will allow the Board to review and approve any changes recommended by staff and the Town's Attorney. Additionally, the Board will have the option of directing staff to create a license revocation process for both Bartenders' Licenses and Liquor Licenses as part of the Ordinance update. If the Board agrees with the Administration's process, a motion would be in order to approve Resolution 2012-007 A Resolution creating additional Reserve Liquor Licenses for the Town of Clayton based on the CY 2010 Federal Population Census. Additionally, the motion should direct the Administration to forward the Town's existing Ordinance to the Town's Attorney for review and updating.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion to approve Resolution 2012-007 A Resolution creating two additional Reserve Liquor Licenses for the Town of Clayton based on the CY 2010 Federal Population Census and direct the Town’s Administrator to forward the Town’s existing Ordinance to the Town’s attorney for review and updating.

Motion carried by unanimous voice vote

- B. Discussion/Action: Town Board review and consideration of Resolution 2012-008 Resolution Authorizing the Transferring of Funds from the Town’s Reserve Accounts to purchase the Following Elmer properties:
 1. 8328 CTR T in Larsen Wisconsin
 2. 8326 CTR T in Larsen Wisconsin

Attached please find a copy of Resolution 2012-008 A Resolution Authorizing the Transferring of Funds from the Town’s Reserve Accounts to purchase the subject Elmer properties. The Administration is recommending that the land purchase be funded by borrowing sufficient funds to pay for the purchase from the Town’s Long Term Reserve Accounts. These funds will be repaid over time from the Solid Waste and Recycling Utility (Utility) surplus revenues. The Utility generates approximately \$20,000.00 per year in surplus revenues. This dollar value will drop, over time, based on increases in the Utility’s Contract with Veolia for garbage and recycling collection and the fixed rate charged to the Town’s Residents. This activity should appear in the Town’s Annual Audit as a “due to/due from” note. Barring any drastic changes in State Laws and fees, the Utility should be able to repay the Town’s Reserve Accounts in three to four years. If the Board agrees with the Administration’s recommendation, a motion would be in order to approve Resolution 2012-008. Please be advised that the Resolution would have to be approved by a 4/5th majority of the Board

- Discussed the funding of the purchases.

MOTION:

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Schmidt

Motion to approve Resolution 2012-008 A Resolution Authorizing the Transferring of Funds from the Town’s Reserve Accounts to purchase the Following Elmer properties: 8328 CTR T in Larsen, Wisconsin and 8326 CTR T in Larsen, Wisconsin.

ROLL CALL VOTE:

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

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of Resolution 2012-009 A Resolution Authorizing and Awarding a Bid for the Reconstruction

and Expansion of the Town/Fire Hall to Low Bidder, Cardinal Construction Company.

Attached please find a copy of Resolution 2012-009 A Resolution Authorizing and Awarding a Bid for the Reconstruction and Expansion of the Town/Fire Hall to the low bidder, Cardinal Construction Company at a cost of \$932,443.00. Also attached are a letter from the Town's Engineer recommending award of the project to Cardinal Construction and a copy of the Bid Tabulation for the project. The Administration has placed this item on the Board's agenda for award pending a possible notice of a Community Development Block Grant – Public Facilities Grant Award (CDBG-PF) to the Town. Should staff not receive notice of a Grant Award by the Wednesday, June 6th, 2012 meeting date, the Administration is recommending that any action on the agenda item be tabled until the Board's Wednesday, June 20th, 2012 meeting. At that time, the Administration may recommend award of the project even if the Town has not received notice on its CDBG Application.

MOTION:

Motion by unanimous consent to table this item until the June 20th, 2012 Town Board Meeting

- D. Discussion/Action: Town Board review, consideration, and direction to staff relative to negotiating bargaining unit wages with the General Teamsters Union Local 662, Public Service Division.

Attached please find the notice from the General Teamsters Union Local 662, Public Service Division requesting that the Town start the Contract renewal process with the Union. The existing contract expires on December 31st, 2012. This is the start of a routine process with employees covered by a Union Contract. The Administration would like to remind the Board that the Town does receive its Employee Health Insurance Benefits from the Union's Health and Welfare Fund. If the Board would like to proceed with this activity, a motion would be in order to direct the Town's Personnel Panel and any other individuals the Board believes would be beneficial to start the negotiations and periodically report to the Board on the negotiating process. Any detail reports should be conducted in Closed Session pursuant to the State Statutes.

- Discussed the effects of Act 10 relative to the bargaining rights of the Union Contract for CY2013 – CY2015.

MOTION:

Motion by unanimous consent to direct the Town's Personnel Panel and any other individuals the Board believes would be beneficial to start the Contract renewal process with the Union.

- E. Discussion/Action: Town Board review and consideration of a request for a letter of support from the Outagamie County Airport for its Small Community Air Service Development Grant Application.

Attached please find copies of a draft Letter of Support for a Department of Transportation Grant Application, a notice of intent from the Airport, and an e-mail from both Shannon Meyer of the Fox Cities Chamber Office and Marty Lenss Airport Director. The grant application is for a Department of Transportation, Small Community Air Service

Development Grant. The draft Letter of Support was personalized by Town staff, specifically the fourth paragraph. The Grant Application is intended to facilitate and fund the process of attracting new services for the Airport facility. If the Board agrees, a motion would be in order to approve the Letter of Support for the Grant Application and direct staff to forward the document to Airport Director, Marty Lenss.

MOTION:

Motion by unanimous consent to approve the Letter of Support for the Grant Application and direct staff to forward the document to Airport Director, Marty Lenss.

- F. Discussion/Action: Town Board review and consideration of a request by the Chief Poll Worker, Judy Quadracci to add the following names to the Board Approved Poll Worker List:
1. Joyce Mayer, 2828 Fairview Road, Neenah WI.
 2. Patti Seeger, 3317 Larsen Road, Neenah WI.

Attached please find the revised Registered Poll Worker List for the Town of Clayton. The two names highlighted in yellow are the additional individuals who have offered to work at the Polls for the Town. Given the long days and the limited number of Poll workers, Chief Poll Worker, Judy Quadracci (Judy) has recommended that the Town solicit additional individuals to work the Polls. The Administration agrees with Judy that additional staffing will allow her to schedule rotating shifts so that a limited number of individuals will be required to work the entire day. The availability of additional Poll Workers will also allow Judy to schedule breaks in a more organized fashion so that they will not interfere with the Election process. If the Board agrees with the recommendation, a motion would be in order to approve the revised Poll Worker List for the Town of Clayton and to direct staff to place the list on file with the Town's Chief Poll Worker.

MOTION:

Motion by unanimous consent to approve a request by the Chief Poll Worker, Judy Quadracci to add the following names to the Board Approved Poll Worker List: Joyce Mayer, 2828 Fairview Road, Neenah WI and Patti Seeger, 3317 Larsen Road, Neenah WI.

- G. Discussion/Action: Town Board review and consideration of a staff recommendation to have a Poll Worker available during the Early Vote Period of Time for each election.

The Administration has observed an unanticipated by-product of the recent elections in the Town. Based on both the Recall Primary Election and the Recall General Election the Town's Electors are tending to take greater advantage of the early voting options offered by the State's Election Laws. Specifically, Electors are becoming more aware of their option to vote in the Town Office before the specified Election Day. In the case of the Recall General Election, staff has received in excess of two hundred absentee ballots. In the case of the last Presidential Election (it is the Administration's understanding) the Town received over seven hundred absentee ballots. The Administration has reviewed this issue with Judy Quadracci, the Town's Chief Poll Worker (Judy). Both Judy and I have come to the conclusion that there would be substantial benefit to having a Poll Worker in the Office during the two to three week early voting period. From staff's perspective it would allow staff to complete their routine work without the constant interruptions by individuals wishing to vote early. This process consumes a significant amount of time during a limited day. From the Poll worker's perspective it would allow for the

preparation of the absentee ballots and early voting ballots. Additionally, it would allow the Poll workers to complete the preparatory work with the absentee ballots as they are received. This would simplify and expedite the process of voting and recording the absentee ballots during Election Day. In order to facilitate the election process the Administration is respectfully requesting that the Board authorize using a Poll Worker for the early voting process. If the Board agrees with this request, a motion would be in order to direct the Administration to create a program using a Poll worker to staff the absentee and early voting period for the Fall Primary Election and the Fall General Election and report to the Board on the effectiveness of the program before the end of CY 2012.

- Discussed the issues with absentee and early voting
- Discussed the option of extended hours for early voting
- Discussed the budget relative to the election worker's wages

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to direct the Town's Administrator to create a program using a poll worker to staff the absentee and early voting period for the fall primary election and the fall general election and report to the Board on the effectiveness of the program before the end of the CY 2012.

Motion carried by unanimous consent.

H. Discussion/Action: Town Board review and consideration of approving a Storm Water Utility Study for the Town of Clayton.

Attached please find a copy of the Draft Storm Water Management Utility Ordinance recommended by the Town's Plan Commission as well as a revised proposal for a Storm Water Utility Study (Study) prepared by the Town's Engineer. The Study would cost the Town \$22,000.00 and would provide the Town with the basis for implementing the Storm Water Utility Management Ordinance. If the Board is inclined to authorize the Study it will need to review and approve the Ordinance over the course of the next few months. Based on the advisory motion from the Town's Electors, the Storm Water Management Utility (Utility) would be implemented with the Elector's Approval of the Town's CY 2013 Budget. The proposed Utility would have its own budget with revenues and expenses. The Utility's expenses would be based on overhead and projects that are approved by the Town Board as part of the annual Budgeting Process. The Utility's revenues would be based on a Utility fee sufficient to complete the projects authorized by the Board. Funding for the Study was included in the Town's CY 2012 General Fund Budget, Planning Line Item. If the Board wishes to proceed with this project a motion would be in order to approve the Storm Water Management Utility Study at a cost not to exceed \$22,000.00 with the funding to come from the Town's CY 2012 General Fund Budget, Planning Line Item. Additionally, the Board should direct staff to proceed with scheduling the review of the Draft Utility Ordinance by the Board.

- Discussed the procedure relative to the Town Board's participation in creating/updating the Utility Ordinance

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion to approve the Storm Water Management Utility Study at a cost not to exceed \$22,000.00 with the funding to come from the Town's CY 2012 General Fund Budget, Planning Line Item and to direct staff to proceed with scheduling the review of the Draft Utility Ordinance by the Board.

Motion carried by unanimous consent

- I. Discussion/Action: Town Board review and re-consideration of lawn spraying process recommended by the Town's Green Space Committee and approved by the Town Board.

This item was placed on the Board's agenda at the request of a Board member and the direction of the Board Chair. The Board is being asked to re-consider its action authorizing staff to apply weed control and fertilizers to the Town's properties. Attached please find a copy of a recent Post Crescent article relating to the subject at hand. The Town has routinely undertaken this process with a contractor to control the weeds and fertilize the grass in the Town's Parks and Cemeteries. The only change proposed in the process for CY 2012 is that the work would be done with Town staff. Public Works Foreman, Scott Pamenter (Scott), has taken the test to be licensed to use bulk liquid fertilizer and weed control chemicals. As soon as Scott is licensed the Town can use existing equipment to complete the assigned task. Staff has planned to spray the Town's properties with weed control chemicals twice a year and a fertilizer three times a year. Scott's license would mandate that he follow all of the required protocols for the process. The benefit to the program is twofold, first is a more esthetically pleasing appearance to the Town's Parks and Cemeteries and second is recognition of the impact of the Town's Parks and Cemeteries on the adjoining private homes. Residents around the Town's Parks and Cemeteries spend a significant amount of money beautifying their properties; this is particularly true for Clayton Park. If the Town does not extend the same courtesy their expenses are to naught. Staff is aware of the repercussions of poorly applied weed control chemicals and fertilizers that is why Scott is getting a license to apply the products. Relative to costs, the products applied by Town staff would be significantly cheaper than those applied by a commercial supplier. The Administration respectfully request direction from the Board relative to this issue.

- Supervisor Lettau e-mailed Trevor Fink, the Superintendent of Parks and Forester for the City of Neenah to ask him questions regarding the City's policy for spraying
- Supervisor Lettau read Mr. Fink's response to her e-mail – he does not spray the parks for monetary and safety reasons
- Discussed the Town of Clayton's policy for spraying the parks and cemeteries

MOTION:

NO MOTION

- J. Discussion/Action: Town Board review and consideration of the Temporary Appointment of a Town Constable for the Saturday, June 9th, 2012 ClaytonFest Event.

At the part of the CY 2012 Town Electors Meeting the Electors authorized the Board to appoint a Constable for the Town. At this point the Chair has indicated that he is not inclined to ask the Board to appoint a full or part time Constable. However, the Chair has solicited Dennis Waddington, a retired police officer to serve as a volunteer Constable for the CY 2012 ClaytonFest event. The Chair is asking the Board to appoint Dennis Waddington as Town Constable for the duration of the CY 2012 ClaytonFest event. If the

Board agrees with the Chair's appointment, a motion would be in order to appoint to Dennis Waddington as Town Constable for the duration of the CY 2012 ClaytonFest event.

- Discussed the hours that Mr. Waddington would be present during ClaytonFest: 11:00 a.m. to 12:30 p.m.

MOTION:

Motion by unanimous consent to appoint to Dennis Waddington as Town Constable for the duration of the CY 2012 ClaytonFest event.

- K. Discussion/Recommendation: Town Board direction to staff relative to creating the following Financial Policies for the Town:
1. A Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations.
 2. A Debt Service Policy that sets rules for the Town's Use of its General Obligation Borrowing Capacity.

Attached please find a copy of a draft Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations that was recommended by Quarles & Brady LLP, the Town's Bond Counsel. Bond Counsel has advised the Administration that the Town would be well served by adopting such a Policy as it relates to its debt service revenue. The Administration would also like direction from the Board relative to drafting Debt Service Policy for the Town. Such a Policy would place restrictions on the Town relative to its statutory ability to borrow up to 5% of the Town's Equalized Value (see attached excerpt from the Town's CY 2012 Audit). The Administration's recommendation for a proposed Policy would set limits on how much of the available debt the Town would routinely use. If the Board agrees with the Policy concepts presented, direction to staff to create the draft documents for the Board to approve would be in order.

- Discussed the purpose for creating the Policies
- Discussed the concepts to be included in the Policies

MOTION:

Motion by unanimous consent to direct the Staff to create the draft documents for the Board to review and approve.

- L. Discussion/Recommendation: Town Board review and direction to staff relative to issuing a request for proposals for the Town's CY 2012 Chip Sealing Project and the Town's CY 2012 County Bridge Aids Project.

When the Board put together the Town's CY 2012 Budget it funded the chip sealing of the following streets:

- 1) Shady Lane from Center Road to Pioneer Road.
- 2) Pioneer Road from Medina Junction to Winnegamie Drive.
- 3) Medina Junction from North Loop Road to Pioneer Road.

Additionally, staff included the replacement of the large culvert in Pioneer Road north of Medina Junction. This project was included in the Town's Chip Sealing projects because of the County's new Policy requiring that County employees do the Bridge Aids work if it was not included in a larger project by the Town. This process will be more expensive than last year's Bridge Aids Culvert project because the contractor will do the assembly and installation of the structure. However, the 50/50 cost share with the County will still reduce the cost of the project to the Town.

The Administration is respectfully requesting that the Board authorize the issuance of a Request for Proposals (RFP) for the work. Staff will issue the RFP with a bid opening date at the end of June and a contract award by the Town Board at its July 4th, 2012 meeting.

This schedule should allow the project to be completed in late July or early August in order to maximize the time for the product to settle. If the Board agrees with the Administration's request, direction to staff to proceed with the process would be in order.

- Discussed the Town's chip sealing projects and the need to have the chip sealing completed by late July/early August.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve to proceed with the process including the basic engineering required to put together the bid specifications for the chip sealing and the minor survey work and bid specifications for the culvert work to be done.

Motion carried by unanimous consent

- XI. Upcoming Meeting Attendance
- A. Change the July 4th, 2012 meeting to Monday July 2nd, 2012 at 7:00 P.M.
 - B. Town's Association meeting in Omro on July 12th, 2012
- XII. Board Member Requests for Future Agenda Items
- A. June 20th, 2012 Town Board Meeting: Shannon from the Fox Cities Chamber will be here with information for up to 10 people
- XIII. Review of Disbursements
- A. Review the disbursements on May 25th, 2012
- XIV. Adjournment – 8:28 P.M.

MOTION:

Motion by unanimous consent to Adjourn

Respectfully submitted,
Tori Bowen, Treasurer