

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:28 P.M. on Monday, July 18<sup>th</sup>, 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. Regular Town Board Meeting – Wednesday, July 2<sup>nd</sup>, 2012.

**MOTION:**

Motion carried by unanimous consent to approve the minutes of the Regular Town Board Meeting of July 2<sup>nd</sup>, 2012 with no corrections.

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

A. Assembly Candidate Jerry Schroeder, 1295 N Lake Street, Neenah, WI 54956

- Addressed the Town Board with his platform and handed out flyers
- “8 and out” is his motto
- Running for 55<sup>th</sup> District State Assembly position
- Supervisor Geise commented that Representative Michelle Litjens supports Mr. Schroeder

V. Correspondence:

A. July 2012 edition of The Fire Line.

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. Administrator/Clerk

a. The construction has started on the Fire Station/Town Hall remodel

b. During the demolition asbestos was found in the community room, the kitchen area, the hall area and in the vermiculite loose fill insulation in the block wall

c. Cardinal Construction modified their schedule around the asbestos removal

d. An abandoned holding tank was found and pulled out from the parking area

e. A hard hat is required when at the construction site and Staff needs to accompany anyone wishing to observe the progress

f. Public Works Department is currently working on the Winnegamie Drive ditching project

g. Supervisor Grundman-Erdmann asked if the ditching work on Fondotto drive will be done this year – Administrator Johnston stated that it would be

h. The block work for the new Fire Truck Bay will be done prior to the Town Office being razed

i. The Town Newsletter is finished – not yet published

2. Public Works Foreman:

a. Shady and Center - curb returns will be in place 7/19/12 and the asphalt is scheduled for next week

b. The north corner of Shady and Oakwood - curb returns are scheduled to be put in on Friday, July 20, 2012

c. Oakwood and Fairview – plans are to replace the pavement over the culvert

d. Chairperson Luebke asked about the plans for mowing the ditches – no plan at this time

e. Discussed the process of ditch mowing

3. Treasurer/Deputy Clerk:

a. Sold the two used trailers – the car hauler for \$1500 and the small utility trailer for \$50

b. Wrapping up the Fund Accounting software research and will have a report for August 1<sup>st</sup> meeting

c. Will be taking a required course of study for my Accounting Degree this fall on Wednesday nights. The class will be held starting September 5, 2012 thru November 28, 2012. The Town Administrator will be recording the minutes of the Town Board Meetings during that period of time.

4. Engineer:

a. Provided the Town Board with an updated Status Report (7/13/12)

b. Materials for Hidden Park Swale project will be delivered 07/19/2012

## VII. Licenses and Permits:

## A. Operator Licenses Issued by the Town Clerk:

## New:

1. Rebecca A. Kersten
2. Peter Lupo
3. Amber Latimer
4. Audrey P. Bunnell
5. Jordan L. Tran
6. Abbie L. Rosendahl

## Renewal:

1. Kayla A. Bentle
2. Katie L. Manning

## 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. No Referrals.

## X. Business:

A. Discussion/Action: Town Board review and consideration of an Engineering proposal to provide Grade Staking and Construction Observation for the Town's CY 2012 Ditching Maintenance Projects.

Town staff has started a ditch maintenance program. The program was started with the Board approved maintenance of the drainage swale in the Sunburst Development and continued this year with the improvements to the road ditches on either side of Sunburst Lane. In addition to the Sunburst projects, staff is working on several other ditch improvement projects on the following streets:

1. Winnegamie Drive
2. Center Road
3. Fondotto Road
4. Breaker Trail
5. Oakridge Road
6. Emerald Crown Parkway

Staff has rented a wheeled excavator for doing the ditching work; in order to use the tool efficiently staff will need access to a surveyor to provide grade stakes for the projects as they move forward. The bulk of the proposed ditching work will be completed by Town staff with help from the surveyor. The Engineer's proposal is provided on a time and materials basis with an estimated expense. Staff will work diligently to use as little of the surveyor's services as possible, however, Scott has been advised to do it correctly and if he believes a surveyor is needed to accomplish the goal he is to call the Town's Engineering Firm. The Proposal has an estimated cost of \$4,500.00 that would be funded from the Engineering Line Item in the Town's CY 2012 Budget. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the CY 2012 Ditch Grading and Construction Observation Proposal as submitted, with the funding to come from the Engineering Line Item in the Town's CY 2012 Budget.

- Discussed the cost of the proposal relative to the Town's 2012 Budget

**MOTION:**

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Geise

Motion made to approve the CY 2012 Ditch Grading and Construction Observation Proposal as submitted, with the funding to come from the Engineering Line Item in the Town's CY 2012 Budget.

Motion carried by unanimous voice vote.

Supervisor Geise made an amendment to the motion to add that the cost not exceed \$4,500.

Supervisor Grundman-Erdmann seconded the amendment to the motion.

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of the Engineering Proposal for the Town's CY 2012 Chip Sealing and Bridge Aids Projects (see agenda item X, - C).

Staff will have a copy of the Engineering proposal for the Town's CY 2012 Capital Projects for the Board to review at its Wednesday, July 18<sup>th</sup>, 2012 meeting. Based on a tight construction schedule, the Board has authorized staff and the Town's Engineer to proceed with engineering and bidding the projects on a time and materials basis. The Engineer's Proposal will have estimates the project Fees. These Fees will be distributed on an 80/20 basis between the culvert replacement project (80%) and the chip sealing project (20%). The Fee split is based on the complexity of the relative projects; the culvert replacement requires the bulk of the engineering, the survey work, the permitting costs, and the bidding costs; the chip sealing project consists primarily of document preparation and bid review. Additionally, because the culvert replacement project is the Town's CY 2012 County Bridge Aids project, the County will repay the Town 50% of the project costs including construction and engineering costs. A motion would be in order to approve the Engineer's Time and Materials Fee proposal at a cost not to exceed \$XXXXX.

- C. Discussion/Action: Town Board review and consideration of the award of the following CY 2012 Town's Chip Sealing Projects and the CY 2012 Town's County Bridge Aids Project:

- a. Shady Lane from Center Road to Pioneer Road.
- b. Pioneer Road from Medina Junction to Winnegamie Drive.
- c. Medina Junction from North Loop Road to the CN railroad tracks west of Pioneer Road.
- d. Open bottom culvert in Pioneer Road north of Medina Junction.

Staff has scheduled the bid opening for the project in the Town Office at 10:00 A.M. on Monday, July 16<sup>th</sup>, 2012. Staff will prepare a bid tabulation and an Engineer's report and recommendation for the Board's meeting. The project was bid as four separate items so that the Board can award any portion, or all of the work, based on the available funding. The Town's CY 2012 Budget includes \$100,000 for Chip Sealing and \$30,000.00 for the Bridge Aids Project. The \$30,000.00 for the Bridge Aids Project includes both the County's and the Town's funding; however, it does not include Engineering. The Engineering would come from the Town's CY 2012, Engineering Budget Line Item. A motion would be in order to

approve all or any portion of the Town's CY 2012 Chip Sealing and Bridge Aids projects. Funding for the Board's project awards will come from the specified CY 2012 Budgetary Line Items.

- The Town accepted four bids
- The bid request was designed in a way where the company could bid on any or all the projects listed in the bid
- Discussed the cost and how to reduce the cost of the projects
- Discussed the Shady Lane and Medina Junction projects
- Discussed the time line for the Chip Sealing projects
- The Staff recommended approving the Pioneer Road project and postponing the others

**MOTION:**

Motion by: Chairperson Luebke

Seconded by: Supervisor Schmidt

Motion made to approve Scott Construction's bid base 2 for Pioneer Road double chip seal and to postpone any action on the other 3 bids until August 1<sup>st</sup>, 2012 meeting.

Motion carried by unanimous voice vote.

D. Discussion/Action: Town Board review and direction to staff relative to the plans for the storm water management improvements to Sunburst Lane and scheduling a Public Forum with the residents of Sunburst Lane.

Attached please find a design concept for the storm water management system on Sunburst Lane. Based on the input from the residents in the area, the Administration is recommending that the Board complete the drainage project as proposed and approved with one exception. The Administration is recommending that the Board consider approving a limited amount of storm sewer on the west side of Sunburst Lane. The Administration's recommendation is based on the depth of the ditch. The Town Engineer will be available at the Board's Meeting to review the project and the Administration's recommendation. Additionally, staff would like to schedule the Public Forum with area residents for Thursday, August 2<sup>nd</sup>, 2012. If the Board agrees with the proposed activities and schedule, a motion would be in order to approve the limited amount of storm sewer and direct staff to proceed with scheduling the Public Forum.

- Discussed the Sunburst Estates ditching project
- Discussed the reasons for holding a Public Forum
- Discussed the cost of ditching versus laying pipe
- Discussed the retention pond

**MOTION:**

Motion approved by unanimous consent to direct staff to proceed with scheduling the Public Forum with the residents involved.

E. Discussion/Action: Town Board review and direction to staff relative to the plans for the storm water management improvements to the Plat of Oak Openings, and scheduling a Public Forum with the residents of the Plat of Oak Openings.

Attached please find a design concept for the storm water management in the southern portion of the Plat of Oak Openings. Based on the input from the residents in the area, the Administration is recommending that the Board deal only with the problems within the public right-of-way (ROW). After many conversations with residents, there appears to be a lack of consensus between the residents and a lack of cooperation relative to granting and/or placing

drainage devices in easements on private property. Given the residents' positions, staff has developed an option for placing storm sewer in the ROW of Darrow Road and Murray Road south of Balfour Street. In addition to delivering storm water to the CTH JJ right-of-way, the proposed storm sewer would create a French drain that would, over time, lower the water table in the immediate area. This process should mitigate many of the water problems experienced by the area residents without having to access their properties. Additionally, the Administration would recommend that the residents be given a one time opportunity, at their cost, to connect a yard drain system to the Town's storm sewer pipe. Staff will need to estimate the cost of storm sewer when it is installed by Town staff. The cost of ditching using Town staff consists basically of the cost of equipment rental, erosion control, seeding, culvert replacement, and paving of the driveways. The wheeled excavator cost is \$6,900.00 per month, the costs of erosion control and seeding for the project would be approximately \$3,000.00 and the replacement culverts (18-inch with end walls) are \$581.10 plus paving costs. The Town has paid an average of \$1,500.00 to replace culverts that have a paved surface. Staff would like to meet with the neighbors to review the plans and arrive at a consensus. Based on that consensus, staff would generate a final cost for the project and an implementation schedule for the Board to approve. Staff would like to schedule the Public Forum for Thursday, August 9<sup>th</sup>, 2012.

Given the extensive changes to the scope of services for the proposed project over the past years the Town's Engineering Firm plans on submitting a Change Order to the Engineering Proposal for the project. The Administration believes that a Change Order is reasonable and would likely recommend that the Board approve the document. If the Board is agrees with the proposed activities and schedule, a motion would be in order to direct staff to proceed with scheduling the Public Forum.

- Discussed the plan for correcting the drainage issues
- Discussed the cost of the project
- Discussed the special assessment to offset the cost of the project relative to the creation of a Storm Water Management district
- Discussed the need for Public Forums and the residents' input for the projects in their area

**MOTION:**

Motion approved by unanimous consent to direct staff to proceed with scheduling the Public Forum with the residents involved.

F. Discussion/Action: Town Board review and consideration of an asbestos remediation proposal for the Town/Fire Hall Community Room.

Staff has been advised that there are several areas in the Community Room/Fire Hall that are believed to have asbestos products in them. Most of the suspect areas are under or in products that have been added to the building over time. The most significant area is under the carpeting in the Community Room; the carpet was laid over the tiles that are believed to have asbestos in them as well as in the adhesive used to affix the tiles to the floor. The Administration has contracted with Eagle Environmental Testing of Greenville Wisconsin to test the suspect areas and products for the potential carcinogen. The testing is intended to confirm the presence of the asbestos product. If the presence of asbestos is confirmed, the Administration expects to have a remediation proposal ready for the Board to review at its Wednesday, July 18<sup>th</sup>, 2012 meeting. The proposal will cover removal and disposition of the contaminated products. In order to not delay the renovation process staff is working with the contractor to keep the project moving forward around the asbestos issues. If a remediation

contract is required the costs of the service will need to come from the project funding. In order to cover the potential unanticipated costs, staff has been working to find ways of saving money on the demolition of the building. If needed, the Board will need to make a motion approving a remediation contract with funding to come from potential savings in the project costs.

- Discussed where the asbestos is located in the Municipal Building
- Discussed the potential cost of removing the asbestos

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion made to approve a remediation contract for asbestos removal with funding to come from potential savings in the project costs and approve the Town Chair to sign the lowest bid not to exceed \$20,000.

Motion carried by unanimous voice vote

G. Discussion/Recommendation: Town Board review and direction to staff relative to updating the Town's Ordinance relative to Prohibiting the Discharge of Dangerous Weapons in Residential Districts within the Town of Clayton, Winnebago County.

Attached please find a copy of a Draft Ordinance Prohibiting the Discharge of Dangerous Weapons. The Draft was generated by reviewing Ordinances within the State and selectively editing them into a single document. The Draft has not been reviewed by the Town's Attorney. If the Board is comfortable with the draft document it can be sent to the Town's Attorney for his review. If the Board would like to edit the document it can be changed prior to sending it to the Town's Attorney and/or Board consideration. The Administration respectfully requests that the Board give staff some direction relative to the process.

- Discussed the Draft Ordinance document presented to the Board by Administrator Johnston
- Supervisor Geise expressed his personal opinion on this subject

**MOTION**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion made to rescind the Town's existing Ordinance relative to Prohibiting the Discharge of Dangerous Weapons in Residential Districts within the Town of Clayton, Winnebago County and to have Staff prepare the required Resolution to rescind the Ordinance that is currently in place.

- Discussed the motion relative to the State and County Ordinances

Motion passed with a 4-1 voice vote. Chairperson Luebke voted no.

H. Discussion/Recommendation: Town Board review and direction to staff relative to the Town's draft Storm Water Management Utility Ordinance.

The Board has received a copy of the Town's Draft Storm Water Management Utility Ordinance. In broad terms the Draft Ordinance is similar to those of surrounding area communities. The Administration needs direction on the Board's specific parameters for the implementation of the Draft Ordinance. The following information and data are based on the Administration's research on how area communities apply their Storm Water Management Utility Ordinances. Specifically, following the last meeting the Board had some questions relative to the application of the ERU on residential properties.

**Storm Water Management Utility Property Classes:**

- 1) Residential, Single-Family (Based on property use not zoning).
- 2) Residential, Two- to-Four-Family (including duplexes, condominiums, and Manufactured Housing Parks).
- 3) Residential, Multi-Family (apartment complexes greater than four units).
- 4) Non-Residential (industrial and commercial properties).
- 5) Undeveloped Land.

**Storm Water Management Utility Fee Formulas:**

Storm Water Management Utility Fees are calculated using an Equivalent Residential Unit (ERU) and the costs of the projects as approved by the Board for the CY Budget. An ERU is a computed average of the impervious surface of a single-family home within the Municipality. Impervious surfaces include roofs, patios, and driveways. The Study currently being completed by the Town’s Engineer will determine the ERU for the Town of Clayton by using aerial photography to measure the impervious surface of a statistically significant number of homes, taking that average, and extrapolating it to an ERU for the Town. The ERU would usually be applied in the following manner:

- |  |                                       |
|--|---------------------------------------|
| 1) Residential, Single-Family:                             | 1.00 ERU Fee                          |
| 2) Residential, Two to Four Family Units and Condominiums: | 0.66 ERU per unit                     |
| 3) Residential, Multi-Family:                              | 0.50 ERU per unit                     |
| 4) Non-Residential:  | 1.00 ERU per<br>(Impervious area/ERU) |
| 5) Undeveloped Land:                                       | 0.25 ERU per<br>Tax ID Parcel         |

The Board asked staff to investigate the possibility of a variable application of the ERU based on the hard surface of each single family home. The Board’s question involves applying the ERU to housing that is larger than the average and smaller than the average. Even if staff were to assume a standard driveway for each home this would involve annually calculating the foot print of each home in the Town and applying the adjusted ERUs to each property based on relative size. The most difficult part of the project would be the first year; subsequent years would involve a review of building permits and adding hard surface generated by remodeling, additions, and new homes. Much of this information can be given to staff by the Assessor’s Office; however, it would have to be confirmed on a house by house basis. The Administration believes that this would be the most equitable way of applying the fee, however, it becomes extremely cumbersome and time consuming given the Town’s relatively small staff.

- Discussed the fact there will be no number representing an ERU until projects have been established
- Discussed the possibility of the Town assuming the liability for the Clayton area of the Larsen-Winchester Drainage District
- Discussed the application of ERU’s for the Town
- Discussed the “buffer zones” on area farmland next to the ditches

**NO MOTION**

**XI. Upcoming Meeting Attendance**

- A. July 24 – Coughlin center @ 6:30 p.m. for County Zoning opting out

- B. July 12 – Town’s Association Meeting in Omro @ 6:30 – Staff directed to post this meeting.
- C. July 9 - Joint Fire Board meeting in Winchester
- XII. Board Member Requests for Future Agenda Items
  - A.
- XIII. Review of Disbursements
  - A. Reviewed disbursements
- XIV. Adjournment – 8:28 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn

Respectfully submitted,  
Tori Bowen, Treasurer/Deputy Clerk