

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:07 P.M. – 8:39 P.M. on Wednesday, September 4th, 2013

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

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke called the meeting to order at 7:07 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	EXCUSED
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Planner – Jon Bartz	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Regular Town Board Meeting – August 21st, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting for Wednesday, August 21st, 2013.

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

A. Jeff Foat (2750 Fairview Road, Neenah) – shoulder washout residue left in ditch

- Quite a bit of the shoulder washed out this spring
- Man-made blockage in the ditch on the south side of the road
- Wants update on ditches being dug out on Fairview Road in July
- Administrator Johnston advised the project has become larger than they originally thought. Described the plan to fix the problem and what issues would be corrected this year.

V. Correspondence:

A. Larsen Drainage District Newsletter

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. Deputy Nicla reporting
2. Nothing new on their end
3. Administrator Johnston discussed flaming shots being done at local bars and if there was anything that could be done about it
4. Deputy Nicla will look into it

C. Clayton-Winchester Fire Department

1. Chair Luebke advised the Joint Fire Board met last week and on Thursday August 29, Scott Reickmann was appointed Fire Chief beginning January 1, 2014

D. Larsen Winchester Sanitary District

1. Will recommend Mike Pfankuch at the next meeting

E. Administration Comments

1. Engineer

- a. Engineer Miller provided a status report
- b. FVA Development project is pending on the signing of the public improvement agreement
- c. Public Works department has been working on the Oakcrest Subdivision project
- d. Oak Openings will be discussed later in the evening

2. Administrator/Clerk

- a. Administrator Johnston advised they are working on the budget

3. Public Works Foreman:

- a. No Report

4. Treasurer/Deputy Clerk:

- a. Treasurer Bowen advised she will address items later in the meeting

5. Town Board:

- a. No Reports

VII. Licenses and Permits:

A. New:

- i. No New Licenses Issued

B. Renewal:

- i. No Renewal Licenses Issued

VIII. Business referred by the Plan Commission:

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 review of staff's estimated costs for the proposed CY 2014 improvements to the Clayton Park Pavilion and restroom facilities.

Attached, please find a Draft copy of the Meeting Minutes for the Green Space Committee Meeting of Thursday, June 20th, 2013. Staff advised the Committee that the estimate for

the pavilion renovation project was approximately \$45,000 and that subject to confirmation with the Town’s Attorney the funding would likely come from the Town’s Park Impact Fee. Additionally, staff indicated to the Committee that the statutory threshold for retuning the Park Impact fee is rapidly approaching and the funds would be returned to the property owner of record if they were not allocated to the pavilion renovation project in time. The estimates developed by staff are based on market research for the appliances and fixtures that would need to be replaced and the construction cost estimates were based on the bid costs for the Town/Fire Hall renovation project. Following some discussion on how the project would be organized and how final costs would be arrived at by soliciting construction proposals from area contractors the Commission made the following motion:

MOTION:

Motion by: Committee Member Dorow

Second by: Committee Member Brown

Motion: To recommend that the Town Board consider funding the proposed project at a cost not to exceed \$45,000 in the Town’s CY 2014 Clayton Park Capital Improvements Budget, with funding to come from the Town’s Park Impact Fee.

Vote: Carried by unanimous voice vote

- Administrator Johnston discussed the history of the pavilion and plans for improvement
- Still working on getting information from the Town’s Attorney about the Park Impact fees

MOTION

Motion made by unanimous consent to move forward with adding the funding for the proposed project at a cost not to exceed \$45,000 to the Town’s CY 2014 Clayton Park Capital Improvements Budget pending confirmation from the Town’s Attorney regarding the Town’s Park Impact Fee.

X. Business:

- A. Discussion/Action: Town Board review and consideration of possible changes to the Town’s CY 2013 Phase 1and/or CY 2014 Phase 2 Capital Reconstruction of the Ridgeway Drive Subdivision Project.

The Town Chair has scheduled a special Meeting of the Town Board at 6:00 P.M. on Wednesday, September 4th, 2013 to review the following agenda item:

Agenda Item:

- A. Town Board review of issues relating to the Town’s CY 2013 Phase 1 Capital Reconstruction of the Ridgeway Drive Subdivision Project, direction to staff, and referral to the Board’s 7:00 P.M., Wednesday, September 4th, 2013 Meeting.

Agenda Item X – A of the Board’s regular September 4th, 2013 meeting gives the Board an opportunity to take formal action on any recommendations forwarded from the Special Town Board meeting. Should the Board wish to make any changes in the design or the plans for the Ridgeway Drive Subdivision Project, a motion would be in order to direct staff to make the desired changes.

- Administrator Johnston advised to stop the paving project until a decision is made

- Discussed storm sewers and storm water management ponds, including cost
- Advised of the option to direct the Town to mow the grass in the subdivisions
- Corey Voigt (8256 Quail Point, Neenah) requested to stay focused on the project and not the details
- Discussed enclosing ditches
- John Tiedt (3075 Ridgeway Drive, Neenah) suggested taking money from Phase 2 and putting it toward Phase 1 to keep residents happy. Put Phase 2 on hold
- Discussed finding the extra money in the budget
- Joy Bauman (3086 Westfield Ridge) requested the Board put the other intersection into the agenda for Phase 2 of the project

MOTION

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to accept the change order request from MCC for a total cost of \$20,714.15 to move forward with the Ridgeway Drive Subdivision Phase 1 project with the applications put forth with the ditching and the culverts on the corners for health and safety reasons and for Phase 2 to continue as planned

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of staff's summary of the accounting for the Town/Fire Hall renovation project.

Tori Bowen, Town Treasurer will be present to review the summary of the accounting for the Town/Fire Hall renovation project. Town staff met with representatives from Cardinal Construction for several hours on Wednesday, August 28th, 2013. The end result of that meeting was to arrive at a final Change Order for the project that will adjust the payments to date in the Town's favor by less than \$1000.00. The finalized Change Order will be presented to the Town Board at its Wednesday, September 18th, 2013 meeting. The only additional bill staff expects to receive from the contracted work is for the installation of a gas service to the auxiliary generator for the facility. The Administration has directed the Treasurer to pay the bill directly rather than go through the Change Order process. Cardinal Construction would be entitled to a Change Order for the installation of the proposed gas service because it was an addition to the project. Originally the generator was intended to be serviced from the Town/Fire Hall building; however, a review of this process led to the conclusion that the existing gas main to the Town/Fire Hall building would marginally serve the generator. Since the generator is an emergency power source for the entire building, the Administration opted to run a separate gas service to the generator unit to eliminate any questions about the power source to the unit.

The Town's Treasurer has indicated that she is comfortable with the results of the summary accounting for the Town/Fire Hall project and is ready to review the document with the Board.

- Treasurer Bowen discussed discrepancies that she found.
- She will have a finalized cost by the next meeting
- Suggests not considering pay request #9 in the next agenda item

NO MOTION

- C. Discussion/Action: Town Board review and consideration of pay request number 008 and 009 from Cardinal Construction Company for the Town/Fire Hall renovation project.

Attached, please find copies of Contractor Application for Payment #008 and #009 from Cardinal Construction totaling \$82,339.87. Based on the completed review of the accounting for the project Town staff members, including the architect from the Town Engineer's Office, are comfortable with recommending that the Board approve the requested payments. Please be advised that the requested payments will reduce the retainage for the project to \$3,583.10. The Administration is comfortable that the retainage is sufficient to cover any outstanding work on the project. Please be advised that staff has billed the contractor for the Larsen/Winchester Sanitary District water meter lost during the demolition for the project. Should the Board agree with staff's recommendation, a motion would be in order to authorize payment of \$82,339.87 as requested and to reduce the project retainage to \$3,583.10.

MOTION

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion to approve payment #008 for \$50,092.27 and table payment #009 until the next meeting on September 18, 2013

Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services with the Town's Engineer for Railroad Quiet Zone Documentation.

Attached, please find a copy of an Agreement for Professional Services with the Town's Engineer for completing the required Railroad Quiet Zone Application Documentation. Additionally, the scope of services of the project includes preparing conceptual plans for any additional railroad crossing improvements in the Town required by the regulatory authorities to qualify for a Railroad Quiet Zone. Both Town staff and the Town Chair have received numerous requests by Town residents to reduce the whistle noise generated at railroad crossings. Because both the Town of Dale and the Town of Clayton use the same engineering firm, the opportunity to cooperatively share the project costs has presented itself. The Town of Clayton's share of the project costs is \$3,000.00. Funding for the Project will come from the Town's Public Works Department Budget. Should the Board wish to proceed with the process of making a Railroad Quiet Zone Application Documentation, a motion would be in order to approve the Agreement for Professional Services with the Town's Engineer for Railroad Quiet Zone Documentation.

- Discussed sharing the costs with Town of Dale

MOTION

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to approve the Agreement for Professional Services with the Town's Engineer for Railroad Quiet Zone Documentation at a cost not to exceed \$3,000.00

Motion carried by unanimous voice vote.

- E. Discussion/Action: Town Board review, consideration and direction to staff relative to the financing for a Storm Sewer, Storm Water Management Project in the Plat of Oak Openings.

The low bidder for the project is PTS Contractors Inc. at a project cost of \$105,828.75. Please be advised that the contractor is only responsible for final grading of the project, Town staff will do the final restoration the lawns and paving of the driveways in spring of CY 2014. The Town's CY 2013 Storm Water Management Utility Budget has a contract work line item that includes \$60,500, some of those funds were used to hire a contractor to clean the final leg of the storm water management swale in the Plat of Sunburst Estates. The Administration recommends committing the balance of the CY 2013 Budget Line Item and the required amount for the CY 2014 Budget Line Item to pay for the proposed project. The Administration is looking for direction from the Board relative to a source of funds for the payment process for the project, the Administration has two possible processes that include the following:

1. Borrowing the needed funds (approximately \$50,000.00) from the Board of Commissioners of Public Lands, State Trust Fund Loan at a 2% interest rate.
2. Borrowing the funds internally from the Town's Reserves at a loss of approximately .5% interest rate.

Both options will work, however, borrowing from the Board of Commissioners of Public Lands, State Trust Fund Loan program involves significantly more work for a loan that could be paid in full with the CY 2014 February Tax Settlement. Since it is not likely that the first request for payment will be submitted by the Contractor before mid-October with the final payment request by mid-November, the internal bridge loan financing mechanism would only last for a few months. Subject to a review and concurrence by the Town's Treasurer the Administration recommends that the Board approve the proposed internal funding mechanism. If the Board agrees with the Administration's recommendation, a motion would be in order to have the Treasurer review the Town's Fund Balance Reserves to confirm that the funding is available, to commit the Balance of the Storm Water Utility's CY 2013 Contract Work Funding Line Item funds and sufficient funds from the Storm Water Management Utility's CY 2014 Contract Work Line Item to repay the internal financing of the project.

- Discussed future retention ponds
- Objective of this is to avoid having to divert the storm sewer in Oakcrest Manor from going around the entire loop because of the cost to do so
- Supervisor Lettau voiced concerns about borrowing more funds

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion to direct staff to come back with more figures for borrowing the needed funds internally from the Town's reserves

- Eugene King (7322 Darrow Road, Neenah questioned if the project would be delayed if this item is put off until the next meeting
- Administrator Johnston advised "no" if the next item is approved

Motion carried by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of a Bid Award for the completion of a Storm Sewer, Storm Water Management Project in the Plat of Oak Openings.

Attached please find a copy of the Bid Tabulation for the proposed storm water utility management project. The apparent low bidder for the project is PTS Contractors Inc. at a project cost of \$105,828.75. Please be advised that the contractor is only responsible for the final grading of the project and that Town staff will do the final restoration the lawns and the paving of the driveways in spring of CY 2014. The Town Engineer will be at the Board's meeting to answer any questions the Board may have relative to the proposed project. Should the Board have arrived at a solution for the financing of the project and should the Board wish to proceed with the project, the following motion would be in order. A motion to award the bid for the Storm Sewer, Storm Water Management Project in the Plat of Oak Openings to PST Contractors, Inc. at a cost not to exceed \$105,828.75 with funding for the project, as agreed to, by the Board.

- Supervisor Lettau questioned how much is brought in each year with the current Storm Water Utility fee. Advised approximately \$167,000
- Discussed tabling the topic

MOTION

Motion by: Chair Luebke

Seconded by: Supervisor Schmidt

Motion to move forward with the Storm Sewer, Storm Water Management Project in the Plat of Oak Openings and award it to PST Contractors, Inc. at a cost not to exceed \$105,828.75 with funding for the project, as agreed to, by the Board

Motion carried by unanimous voice vote.

- G. Discussion/Action: Town Board review and consideration of a request by Judy Kolosso, 4320 Cedar Creek Road, Slinger, WI 53086 to waive the Town Access and Culvert Ordinance requirement for a farm access culvert at 3289 West Oakridge Road, Neenah, WI 54956, specifically known as Tax ID # 006-0869-01

Attached, please find the documentation and a copy of the request by Judy Kolosso, 4320 Cedar Creek Road, Slinger, WI 53086 to waive the Town Access and Culvert Ordinance requirement for a farm access culvert at 3289 West Oakridge Road, Neenah, WI 54956, specifically known as Tax ID # 006-0869-01. As indicated in the request for consideration, the proposed ditch crossing is "near the top of a hill". The Administration's question is how near? Please be advised that unless the crossing is at the top of the hill it will interfere with the flow of the water in the ditch. The question then becomes, how much will it interfere? The Administration's concern with the request is more with precedence than it is with water in the ditch. Recently, a resident in Breaker Ridge made the same argument when he enclosed the end walls of an existing culvert; staff still required that the culvert be opened. The Administration respectfully asks the Board for direction relative to this request and this process.

- Discussed between the Board

MOTION

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion to deny the request by Judy Kolosso to waive the Town’s Access and Culvert Ordinance requirement for a farm access culvert at 3289 West Oakridge Road, Neenah, WI 54956

Motion carried by unanimous voice vote.

H. Discussion/Action: Town Board review and consideration of the purchase of a tax delinquent property from the County, specifically identified as Outlot 1 of the Plat of Metzsig Hills II Tax ID. # 006-1611.

Attached please find a copy of an e-mail from Winnebago County Treasurer, Mary E. Krueger, relative to Outlot 1 of the Plat of Metzsig Hills II Tax ID. # 006-1611. The County is in the process of taking the property for nonpayment of taxes. This process requires that the County offer the property to any unit of government that may have an interest. In this case the unit of government is the Town of Clayton. Please be advised that the property has a storm water management pond on it. The cost of the purchase to the Town is approximately \$1,000.00. Additionally, the Town would have to maintain the site in a manner that is compliant with the Town’s Ordinances and repair the storm water management device as needed. The Administration believes that repairs to the storm water management system would be nominal, even over time, if the maintenance is conducted properly. The Administration is recommending that the Board authorize the purchase of Outlot 1 of the Plat of Metzsig Hills II, Tax ID. #006-1611 from the County for the price of the delinquent taxes on the property. The Administration would like to remind the Board that the Town’s Attorney has advised the Board that it does not need Elector approval for this type of purchase.

- Discussed mowing the Outlot and changing the ordinance to keep it exempt

MOTION

Motion by: Chair Luebke

Seconded by: Supervisor Lettau

Motion to move forward with purchasing the Outlot 1 of the Plat of Metzsig Hills II, Tax ID 006-1611 at a cost of \$1,000.00 per the understanding that the Town Attorney has confirmed it is legal to do so

- Supervisor Lettau advised the Plan Commission needs to revisit the ordinance for mowing to include exemptions

Motion carried by 3-1 voice vote. Supervisor Grundman voted “NO”

- XI. Upcoming Meeting Attendance
 - A. Annual Town’s Association Meeting
- XII. Board Member Requests for Future Agenda Items
 - A. Mowing standards for next year
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 8:39 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant