

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

6:00 P.M. on Wednesday, September 6, 2017

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

I. Call to Order:

A. Notice, Verification, Roll

- 1. Town Board Chairman Geise called the meeting to order at 6:00 p.m.
- 2. Pledge of Allegiance.
- 3. Verification of Notice
- 4. Roll

a. Board of Supervisors

Chair Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Assist. Admin/Treas. Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

II. Consideration of a motion to adjourn to a Closed Session of the Town Board Pursuant to WI Statute 19.85(1)(g).

MOTION:

Motion by Supervisor Schmidt
 Second by Supervisor Grundman
 Motion to adjourn to a Closed Session of the Town Board pursuant to WI Statute 19.85(1)(g).

ROLL CALL:

Supervisor Reif	Aye
Supervisor Lettau	Aye
Chair Geise	Aye
Supervisor Grundman	Aye
Supervisor Schmidt	Aye

Motion carried by unanimous voice vote

- A. Town Board Closed Session: The Town Board of the Town of Clayton will convene into closed session, specifically to deliberate the negotiation of terms, and/or confer with legal counsel, regarding the following:
 - i. A potential border agreement between the Village of Fox Crossing and the Town of Clayton.
 - Present in the closed session were Chair Geise, Supervisor Lettau, Supervisor Grundman, Supervisor Schmidt, Supervisor Reif, Town Attorney Lehocky, Administrator Johnston, Treasurer Straw
 - Attorney Benjamin D. LaFrombois, Esq. joined the closed session of the Town Board
- B. Pursuant to WI Statute 19.85(2), the Town Board will reconvene into open session to consider regular business of the Town of Clayton.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Lettau

Motion to reconvene into open session Pursuant to WI Statute 19.85(2) to consider regular business of the Town of Clayton.

ROLL CALL:

Supervisor Schmidt	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Chair Geise	Aye
Supervisor Grundman	Aye

Motion carried by unanimous voice vote

- C. Town Board review and consideration of actions coming from the Board’s Closed Session Meeting.

19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

19.85(2) No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Reif

Motion to direct the Chairman and Administrator to continue negotiations regarding a potential border agreement with the Village of Fox Crossing.

Motion carried by unanimous voice vote

III. Public Hearing(s) and/or Public Information Meeting(s): NONE

- IV. Approval of Minutes:
- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 p.m. on Wednesday, August 16th, 2017.
- MOTION:**
Motion carried by unanimous consent to approve the Minutes of the Regular Town Board Meeting held on Wednesday, August 16th, 2017.
- V. Open Forum – Town-related Matters not on the Agenda: NONE
- VI. Correspondence:
- A. August Building Inspector’s Report.
 - B. Distribution of a 2-week speed report for Breezewood Lane east of STR “76”
 - C. August Settlement of CY 2016 Taxes Payable in CY 2017
 - D. Wisconsin Department of Administration, Demographic Services Center’s preliminary estimate of the Town’s population as of January 1, 2017
 - E. Notice of a Grant Award to the Clayton Fire Rescue Department from the Wisconsin Public Service Foundation
 - F. Northeast Asphalt Inc. Notice of Blasting in the Community
 - G. Foxconn in Wisconsin Facts and Figures Sheet from WEDC
- VII. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - i. None
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - i. None
 - C. Clayton Fire Rescue Department (First Meeting of the Month)
 - i. Chief Rieckmann written report
 - o Reviewed the submitted report
 - o Discussed the number of calls to date
 - o Discussed a potential need for his water rescue services in the Louisiana area affected by recent hurricane
 - D. Larsen-Winchester Sanitary District
 - i. Mike Pfankuch reporting
 - o Discussed the operating permit for the district
 - o Discussed the on-going negotiations with Kwik Trip regarding sewer service
 - E. Administration Comments
 - i. Engineer Mary Jo Miller
 - o The Rosemoon Way bid will be ready to present to the Board at the September 20th meeting
 - o The application for dredging the navigable waterway had been sent into the DNR for approval
 - ii. Administrator Johnston
 - o The Staff is working on the CY 2018 Budget
 - o Preparing the Solid Waste & Recycling Grant Application
 - o Working on the PACER report road analysis
 - o Discussed the cistern issues
 - There appears to be a leak in the cistern pumping system

- Staff is working towards finding the leak and resolving the issue
- A full report will be available for September 20th meeting
- The cistern will be back in service with water by September 7th mid-morning.

- iii. Assistant Administrator/Treasurer Straw
 - Working on the CY 2018 Budget
 - Preparing to start working on 2017 special assessments for tax bills
- iv. Town Board
 - None

VIII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Jamie Lynn Pierrard
- ii. Jordyn M. Berendsen
- iii. Neo Suardini
- iv. Brittany Marie Sack
 - Discussed the application and background check for Ms. Suardini

MOTION:

Motion by unanimous consent to deny Ms. Suardini's Operator's License Application based on the background check, the Town's Alcohol License Ordinance 5.2 section 4, and Attorney Lehocky's recommendation.

B. Renewal:

- i. No Renewals

IX. Business referred by the Plan Commission:

Town Board receipt, review and consideration of Plan Commission Referrals (second Town Board meeting of the month):

- A. No Referrals

X. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):

- A. No Referrals

XI. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2017-007 A Resolution Authorizing a \$600,000.00 Loan from the Board of Commissioners of Public Lands for the purchase of property located on the southwest corner of Clayton Avenue and Shady Lane and specifically identified as Tax ID# 006-0327-03 in the Town of Clayton, County of Winnebago, State of Wisconsin.

The Board was provided with a draft copy of Resolution 2017-007 A Resolution Authorizing the Borrowing of up to \$600,000.00 from the Board of Commissioners of Public Lands (Commissioners) for the purchase of the above referenced property in the Town of Clayton. The Resolution follows the Commissioners format and was presented in

its entirety. The loan is scheduled with a ten-year amortization with an interest only payment in CY 2019.

- The resolution was presented to the Town Board

MOTION:

Motion by: Supervisor Schmidt

Second by: Supervisor Grundman

Motion made to direct staff to file the appropriate paperwork with the Board of Commissioners of Public Lands as needed, and to include funding for the debt service payment in the Town’s CY 2019 General Fund Budget.

ROLL CALL VOTE:

Chair Geise	Aye
Supervisor Grundman	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Schmidt	Aye

Motion carried with a 5-0 vote

- B. Discussion/Action: Town Board review and consideration of authorizing a Developer’s Agreement for the Engineering needed to develop the Schommer Property located on Larsen Road between STH “76” and Oakwood Avenue and specifically described as Tax ID# 006-0664 and Tax ID# 006-0669 being Part of the West ½ of the East ½ of the Northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board was provided with copies of the Certified Survey Map (CSM) for the Schommer property, the Engineering proposal for the Schommer Development and the Developer’s Agreement for the Schommer project. The Board was advised that the Town’s Legal Counsel has reviewed and approved the Draft Developer’s Agreement. Mr. Schommer has indicated that he would like to proceed with the Engineering and bidding for the project. The Administration is recommending that the Board authorize the approval of the Developer’s Agreement conditioned on the Town receiving an escrow payment for the Engineering work in the amount of \$8,930.00.

- No discussion

MOTION:

Motion made by unanimous consent to approve the Developer’s Agreement conditioned on the Town receiving an escrow payment for the Engineering work in the amount of \$8,930.00.

- C. Discussion/Action: Town Board review and consideration of a Removal Order for a concrete driveway apron installed in violation of the Town’s Minimum Road Standards Ordinance at 3320 Knox Lane, specifically identified as Tax ID# 006-1283 and owned by Stacey Hennessey and Edward Van Hoof.

The Board was provided with copies of staff's documentation relative to the enforcement on this issue including a sample removal order issued by the Board. When this issue came to staff's attention the Administration directed the Building Inspector to request that the property owner remove the concrete driveway apron by his own accord. The Inspector sent a letter dated May 5th, 2017. Ms. Hennessey and Mr. Van Hoof are making an argument that there are other concrete driveways in the area and that their concrete driveway apron should be grandfathered. However, following a review of the issue, the Board approved enforcing the Town's prohibition on concrete driveway aprons effective January 1st, 2014. During the intervening period, the Board has issued and enforced several removal orders for concrete driveway aprons. Relative to the existing grandfathered concrete aprons, if the Board allows this concrete apron to be considered grandfathered it should consider removing the prohibition from the Town's Ordinances. A new concrete driveway apron installed after the Board's active enforcement date should not be considered grandfathered simply because others installed before the Board's active enforcement date are considered grandfathered; this simply defies the definition of grandfathered

- No discussion

MOTION:

Motion made by unanimous consent to direct the Town's Attorney to issue the removal order with a date certain for completion of the removal.

- D. Discussion/Action: Town Board review and consideration of authorizing the disposal of additional surplus Public Works Department Equipment.

The Board reviewed several pictures of what staff is describing as surplus equipment. The surplus items include the following:

1. 58 metal framed chairs
2. An electrician's wire dispensing cart

Staff is respectfully asking the Board for authorization to dispose of this equipment. Staff does not have values for the equipment; therefore, the Administration is asking the Board to authorize the Town Chair to approve the sale price of any of these items before they are disposed of.

- No discussion

MOTION:

Motion made by unanimous consent to authorize the sale of the specified surplus equipment subject to the Town Chair approving the sale price and providing a report to the Board on any of the surplus items sold.

- E. Discussion/Action: Town Board review and consideration of authorizing the purchase of a radio antenna and the use time on a bucket truck for the Town's Public Works radio system.

Staff has been working on improving the communications between the Town Office and the Department of Public Works staff while it is working. The Town purchased radios from the Town of Neenah Fire Department late last year. Staff has added a repeater with a short antenna in the Town Office and both of these steps have improved the reach and

clarity of the radio system. The only real problem that remained was the STH “76” ridge that bisects the Town north to south. Staff was contemplating placing a full height antenna at the County’s radio site adjacent to Clayton School. However, before getting into a conversation with the County regarding the use of their facilities, staff decided to try the full height antenna on the Fire Department’s hose tower. This option has significantly improved the reception and clarity on the Town’s radios and mitigated the need to work with the County. In order to try either location the Town needed to purchase the antenna. In order to install the antenna off the hose tower, staff needed the use of a bucket truck. The cost of the antenna is \$1,185.00 and the cost of the bucket truck was approximately \$300.00 (\$100.00 per hour). The Administration is respectfully asking the Board to approve the project at a cost not to exceed \$1,500.00 with the funding to come from the Town’s CY 2017 Office Capital Equipment Budget. As a point of reference, staff’s agreement with Frank’s Radio Service, Inc. was that we could return the antenna if there was no improvement in the broadcasting and reception quality. The savings that accrue to the Town by not having to use the County’s tower is in the cost of the installation of the antenna. At the Town’s Office, the installation was \$300.00 +/- while at the County Tower the installation would have been \$2,000.00 +/-.

- Discussed the improvement of reception since installing the antenna relative to communications with the Public Works Department staff when they are working on the East side of the Town

MOTION:

Motion made by unanimous consent to approve the purchase and installation of the antenna at a cost not to exceed \$1,500.00 with the funding to come from the Town’s CY 2017 Office Capital Equipment Budget.

- F. Discussion/Action: Town Board review and consideration of authorizing the purchase of a used White tractor to power the Solid Waste and Recycling Special Revenue Fund tub grinder.

As the Board may have noticed staff has had to repair several PTO shafts that connected the tub grinder to the Town’s John Deere tractor. As staff looked at the issues with the PTO shaft it was offered the use of the White tractor as an alternative power source for the tub grinder. The White is significantly larger than the John Deere and has more power than the John Deere. Using the White to power the tub grinder has improved the quality of the shredded product and eliminated the problems with the PTO shaft. While using the White the owner has repaired the fuel pump and the PTO drive, these are the only two issues staff has had with the unit. While contemplating the purchase of the White, staff has looked at prices for similar units in the used farm implement market; the average price staff found was \$9,000.00 to \$10,000.00. The Administration is recommending that the Town purchase the White tractor from the Reddin family for \$6,000.00 with the funding to come from the Solid Waste and Recycling Special Revenue Fund.

- No discussion
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MOTION:

Motion made by unanimous consent to authorize the purchase of the White tractor from the Reddin family for \$6,000.00 with the funding to come from the Solid Waste and Recycling Special Revenue Fund.

- G. Discussion/Action: Town Board review and consideration of authorizing an Agreement with TreeO's for the crushing of concrete and the screening of top soil stored at the Town's Yard Waste Site.

The Board was provided with two proposals from TreeO's to process bulk material located at the Town's Yard Waste Site. The first proposal is to crush the concrete pile to 1.5" stone. The proposal for \$11,500.00 is a flat fee to process all of the material onsite, approximately 1000-1200 tons. Cost will not change if the material exceeds the estimated tonnage. The cost includes crushing, hauling the end product to the stock-pile location south of the municipal grounds, and all fuel and equipment to complete the work. Hauling of the material to the specified location is dependent upon the WI DNR's approval to fill the stock-pile site. The work would tentatively begin in 6-8 weeks pending Town Board and DNR approvals. The second proposal is to Trammel Screen the top-soil which is also stock-piled at the current yard waste site. The time to process the material is estimated at 1 week. This timeline is partially dependent upon the condition of the material (i.e. dry dirt processes faster and usually yields more final product; wet dirt processes more slowly and results in more clumping and "waste"). Cost for 1-week (approximately 40 hours) of screening is \$5,000.00 with each additional day (8-10 hours) at a rate of \$1,250.00. Alternately, the work may be contracted for the weekly rate of \$5,000.00 with each additional hour at \$125.00. Itemized fees for set-up and tear-down of equipment total \$400.00. And the cost of the excavator necessary to load the material into the trammel screen is \$175/hour (40 hours = \$7,000.00). Estimating the screening work to take 1 week, the total cost to screen the material would be \$12,400.00 plus fuel to operate both machines.

- Discussed the reason for not having more than one company's proposal for the work

MOTION:

Motion made by unanimous consent to approve the crushing of concrete for a cost not-to-exceed \$11,500.00 and to approve the trammel screening of the top soil for a cost not-to-exceed \$14,000.00.

- H. Discussion/Action: Town Board review and consideration of the Town's participation in the County's CY 2018-19 Trip Committee Process.

The Board was provided with a copy of a letter relating to the County's CY 2018-19 Transportation Roads Improvement Program (TRIP) Committee Process as well as a copy of the Local Roads Improvement Program (LRIP). The County Highway Commissioner is in the process of establishing the TRIP Committee. The TRIP Committee will allocate the County's LRIP funding based on the State's criteria. It has been the Administration's experience that this process is dominated by a close-knit group of Town Chairmen that allocate the County's funds in a somewhat arbitrary manner. However, if Chair Geise would like to participate, staff will advise the Highway Commissioner that he will be attending the 6:00 P.M. Wednesday, October 4th, 2017 meeting. Additionally, staff will work on a LRIP Application for the Town to submit and the Committee to review.

- Chair Geise volunteered to attend the meeting

NO MOTION

- XII. Review of Disbursements
- XIII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIV. Upcoming Meeting Attendance:
- Tuesday, September 12th from Noon to 2 p.m.
 - Tuesday, September 19th from Noon to 2 p.m.
 - Tuesday, September 26th from Noon to 2 p.m.
- XV. Board Member Requests for Future Agenda Items: NONE
- XVI. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 7:40 p.m.

Respectfully submitted,
Tori Straw, Assistant Administrator/Treasurer