

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:25 P.M. on Wednesday, October 3rd, 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	ABSENT (Excused)
Town Engineer Miller	PRESENT

II. Public Hearing:

A. Town Board Public Hearing on Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to generate the funds needed to repair and maintain the Town’s Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds).

Roger Herman, 2663 Woodcrest Drive, Neenah, WI 54956

- Discussed the Storm Water Management issues in his neighborhood
- Discussed when the Oak Openings project would be started
- Discussed that the Oak Openings project would be completed in two phases
- Discussed the procedure for posting Town Resolutions

MOTION:

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Schmidt

Motion made to closed the Public Hearing on Resolution #2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to generate the funds needed to repair and maintain the Town’s Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds).

Motion carried by unanimous vote.

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, September 19th, 2012**MOTION:**

Motion carried by unanimous consent to approve the minutes of the Regular Town Board Wednesday, September 19th, 2012 with no corrections.

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

A. Roger Cavanaugh, 3910 Fairview Road, Neenah, WI 54956

- Discussed the letter of reassessment he received from the assessor
- Discussed the new assessment for Parcel 006-0273-02 (12 Acre parcel)
- Discussed the procedure for challenging the assessment

V. Correspondence:

A. Letter to the Town from the Office of the Commissioner of Insurance.

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. Chairman Luebke stated he will be calling the Fire Chief to request a report for the first meeting of every month.

D. Larsen Winchester Sanitary District

1. No Report

E. Administration Comments

1. Administrator/Clerk

- a. Coordinating with the utility company on the Oak Openings project
- b. Continuing to work with the contractors on the Town Hall/Fire Station project

2. Public Works Foreman:

a. No Report

3. Treasurer/Deputy Clerk:

a. No Report

4. Engineer:

- a. Town Engineer Miller presented the Board with an Engineering Status Report.
- b. Public Works department continuing the work on the Sunburst project
- c. Coordinating the Fondotto project with the utility relocation

5. Town Board:

- a. Supervisor Geise asked about the Pioneer Road/County T swap with the County
- b. No news on the Pioneer Road/County T swap
- c. County is working on County Road T – a mile per year

VII. Licenses and Permits:

A. Change of Agent:

a. Boe, LLC (DBA The Spot Lounge, LLC), 8386 State Road 76, Suite B & Suite C, Neenah, WI 54956/Agent change from: Jeffrey A. Boe to Stephanie Soto.

- Discussed the documentation from the Town's Attorney regarding the background check of Ms. Soto
- The recommendation from the Town's Attorney and from the Town Staff is to not approve the change of agent for Boe, LLC

Jeff Boe, 8315 State Road 76, Neenah, WI 54956

- Discussed keeping himself as agent
- Discussed the concern of the Town regarding Ms. Soto as agent
- Discussed the “DBA” on the liquor license

Stephanie Soto, 632 9th Street, Menasha, WI

- Discussed the difference between having the agent status on a liquor license and having an operator’s license
- Discussed the background check relative to then and now
 - Chairman Luebke discussed revisiting Ms. Soto’s application for an agent status in the future
 - Discussed this as a probationary process for Ms. Soto
 - Discussed the Attorney’s recommendation regarding the Board’s decision

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion made to deny the agent change for Boe, LLC (DBA The Spot Lounge, LLC), 8386 State Road 76, Suite B & Suite C, Neenah, WI 54956.

ROLL CALL VOTE:

Supervisor Lettau	AYE
Supervisor Schmidt	AYE
Supervisor Geise	AYE
Supervisor Grundman-Erdmann	AYE
Chairman Luebke	AYE

Motion carried by unanimous roll call vote.

B. Operator Licenses Issued by the Town Clerk:

New:

1. Stephanie Soto referred to the Town Board for approval by the Town Administrator/Clerk.
 - Discussed the Town Attorney’s recommendation
 - Discussed the fact that the City of Oshkosh did issue an operator’s license to Ms. Soto
 - Discussed setting precedents for operator’s licenses

Jeff Boe, 8315 State Road 76, Neenah, WI 54956

- Discussed his observations of the establishment regarding the serving of alcohol
- Discussed his opinion regarding issuing Ms. Soto an operator’s license

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman-Erdmann

Motion made to approve the operator’s license application for Stephanie Soto based on Ms. Soto’s statements to the Town Board.

ROLL CALL VOTE:

Supervisor Geise	AYE
Supervisor Grundman-Erdmann	AYE
Supervisor Lettau	AYE
Supervisor Schmidt	AYE
Chairman Luebke	NO

Motion carried by 4-1 roll call vote with Chairman Luebke voting no.

2. Jason S. Kuse

3. Laure Groene

Renewal:

- 1. No Renewal Licenses Issued.

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 Resolution #2012-015 A Resolution re-allocating funds in the CY 2012 Town Budget for the purchase of a Fund Accounting Software Package for the Town with the program to be implemented with CY 2013.

At its Wednesday, September 19th, 2012 meeting the Board authorized the purchase of a Fund Accounting Software package from Banyon Data Systems, Inc. at a cost not to exceed \$29,000.00; the final contract cost is \$27,695.00. Attached, please find a copy of Resolution #2012-015 Re-allocating Funds in the CY 2012 Town Budget for the Purchase of a Fund Accounting Software Package for the Town with the Program to be Implemented in CY 2013. The bulk of the funding for the Fund Accounting Software is coming from the Town’s CY 2012 Office Capital Expense for Codification Line Item. Specifically, the funds are being appropriated from the following CY 2012 Budget Line Items:

1. Legislative Support:	
a. Subscriptions, Publications, and Dues:	\$ 1,000.00
b. Legal Notices:	\$ 1,000.00
2. Administrator:	
a. Travel and Mileage:	\$ 1,000.00
b. Seminars and Training:	\$ 1,000.00
3. Town Clerk:	
a. Travel and Mileage:	\$ 250.00
b. Seminars and Training:	\$ 750.00
4. Solid Waste and Recycling:	
a. Contingency:	\$ 3,000.00
5. Capital Expense:	
a. Codification:	<u>\$20,000.00</u>
TOTAL:	\$28,000.00

A motion to approve Resolution #2012-015 Re-allocating Funds in the CY 2012 Town Budget for the Purchase of a Fund Accounting Software Package for the Town with the Program to be implemented in CY 2013 would be in order. Please be advised that the vote on the motion should be by roll call and in order to be approved the motion it must pass with an absolute majority of the Board (4 of 5 members).

- Discussed the allocation of funds per Resolution 2012-015

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion made to approve Resolution #2012-015 Re-allocating Funds in the CY 2012 Town Budget for the Purchase of a Fund Accounting Software Package for the Town with the Program to be implemented in CY 2013.

ROLL CALL VOTE:

Supervisor Lettau	AYE
Supervisor Schmidt	AYE
Supervisor Geise	AYE
Chairman Luebke	AYE
Supervisor Grundman-Erdmann	AYE

Motion carried by unanimous roll call vote.

B. Discussion/Action: Town Board review and first reading of Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton.

Please refer to the Public Hearing material for a copy of Resolution # 2012-016 A Resolution creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton. The purpose of the Ordinance and related Utility is to generate the funds needed to repair and maintain the Town’s Storm Water Management facilities (roadside ditches, field drainage ditches, drainage swales, and ponds). Staff will be available to answer any questions the Board or the public may have relative to this Resolution and/or the draft Storm Water Management Utility Ordinance. Following the Public Hearing and the first reading of the Draft Ordinance, staff will be forwarding the document to the Town’s Attorney for his final review and comments. A motion would be in order to refer Resolution # 2012-016 Creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to a second reading and final consideration at the Board’s Wednesday, October 17th, 2012 meeting.

- Chairman Luebke read Resolution 2012-016 in its entirety

MOTION:

Motion made by unanimous consent to refer Resolution # 2012-016 Creating a Town-Wide Storm Water Management Utility Ordinance for the Town of Clayton to a second reading and final consideration at the Board’s Wednesday, October 17th, 2012 meeting.

C. Discussion/Action: Town Board review and consideration of a 1-year extension to the Town’s Engineering Services Contract with Martenson and Eisele, Inc.

The Town’s Engineering Services Contract with Martenson and Eisele, Inc (M&E) will terminate on December 31st, 2012. The Administration has some concern relative to issuing a Request for Proposals (RFP) for Engineering Services at this point in time. The concerns are based on the status of several of the larger projects that are underway in the Town. Specifically, several of the larger engineering projects that are now underway will carry over into CY 2013. The possible change in engineering firms based on issuing an RFP for Engineering Services will likely stress staff’s ability to keep track of who is doing the engineering work for a specific project, the process for each project and/or the projects themselves. The Administration has discussed this issue with the Chair and received authorization to place the issue on the Board’s Agenda for consideration. Attached please find a copy of a proposal from M&E for a 1-year extension of the Town’s Engineering Services Contract with the firm. This extension will allow the Administration to start the RFP process for Engineering Services in March of CY 2013 giving the Town the option of awarding multiyear engineering contracts to the firm selected as a result of the RFP process. The only significant change in the Contract extension proposal is the fee for

ongoing staff support. If approved, the fee will go from \$600.00 per month to \$1,000.00 per month. The Town's Draft CY 2013 Budget allows for the proposed increase in the fees. The Administration believes that if the costs of the services provided by M&E under this element of the Contract were specifically tracked they would significantly exceed even the higher fee of \$1,000.00 per month on a regular basis. For the listed reason the Administration is recommending that the Board approve a 1-year Engineering Services Proposal with the Town's Engineering firm. Should the Board agree with the Administration's recommendation to extend the Town's Contract with M&E for 1-year (January 1st, 2013 through December 31st, 2013, a motion would be in order to approve the Agreement for Professional Services as presented. Additionally, the motion should direct staff to prepare and present an RFP for Engineering Services to the Board for consideration in March of CY 2013.

- Discussed the need to continue with M&E due to open projects that the Town has with the engineering firm

Jon Bartz, Martenson & Eisele, Inc., 1377 Midway Road, Menasha, WI 54952-0449

- Expressed his thoughts on the working relationship between M&E and the Town of Clayton
- Discussed the increase in the monthly fee
- Discussed the possible consequences of not having the Zoning Code completed

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman-Erdmann

Motion made to approve the agreement for professional services as presented and to direct staff to prepare and present an RFP for Engineering Services to the Board for consideration in March of CY 2013.

Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review and consideration of two options/proposals for the design and finish on the dais for the Town Hall Meeting Room.

In order to continue the appearance of continuity between the existing Town Board Meeting Room and the Board Room in the renovated Town/Fire Hall staff has, with the approval of the Chair, elected to reconstruct the Board's dais rather than replace the unit with new desks. In order for the dais to work in the new meeting room it needs to be modified to work as both a dais and a table for the election workers. Attached please find 2-proposals from Tuttle Lake Woodworking, Inc. to modify the existing dais unit. The difference in costs between the proposals is driven by the edge treatment. Staff will have samples of the different edge treatments for the Board to see at the Wednesday, October 3rd, 2012 meeting. In order to save money the Administration has elected to make all of the updates to the dais unit at one time; all of those changes are included in both proposals where the only variable is the edge treatment. The edge treatment becomes an issue when chairs are stored under the dais and the arms rub on the edge of the dais. This rubbing will often prematurely destroy the arms of the chair and in many cases the edge to the dais. Staff believes that both of the options presented will solve the issue, however, we would still like the Board's direction on the choice. Funding for the reconstruction of the dais will come from the Town's CY 2012 Budget Capital Expense, and Office Equipment Line Item. A motion would be in order to approve one of the two options presented so that the unit will be ready when the building becomes operational.

- Administrator Johnston presented the two samples from Tuttle Lake Woodworking, Inc.

- Discussed the price difference between the two samples

MOTION:

Motion made by unanimous consent to approve the hard rubber edge treatment (the less expensive) for the design and finish of the dais for the Town Hall Meeting Room.

- E. Discussion/Action: Town Board review and consideration for the following Change Orders for the Town/Fire Hall construction project:
- Plumbing Contractor – on demand water heater for the break room.
 - Plumbing Contractor – upgrade the feed line to the building cistern to a 2” pipe with a float system.
 - Plumbing Contractor – change from a gas water heater to an in-direct water heater.
 - HVAC Contractor – change the heating units in the Board Room from salvaged units to new heat exchangers and covers.

Attached, please find the details for the listed Change Orders to the Town/Fire Hall renovation project. These Change Orders are prompted by options that become apparent as work is progressing on the project.

- Plumbing Contractor – on demand water heater for the break room.
 - This \$366.25 Change Order is based on the long term impact of the relative locations of the water heater and the break room. The water heater is located in the attic of the southeast corner of the building, the break room is in the middle of the building. The distance between the two locations will make it difficult to keep hot water readily available to the break room. What normally happens in situations like this is that the water is allowed to run in the break room until it heats. When a building is served by municipal sanitary sewer, this process generates a significant cost over time. Municipal sanitary sewer is charged based on the number of gallons used, treating water that is run for the purposes of getting hot is not efficient for either the customer or the treatment system. The \$366.25 cost of the Change Order will be recovered in a relatively short time, however; it will be difficult to quantify the savings over time since we will not have a relative comparison between the two conditions.
 - Discussed the purpose of having an on-demand water heater in the break room
 - Discussed using the water heater that presently sits in the Town Office building
 - Discussed using a re-circulating pump

MOTION:

Motion made by unanimous consent to approve the \$366.25 Change Order for the on-demand hot water heater.

- Plumbing Contractor – upgrade the feed line to the building cistern to a 2” pipe with a float system.
 - This Change Order is prompted by the desire to minimize the time it takes to fill the cistern under the building. At this time it takes days to fill the cistern if it is drained completely. The proposed Change Order is intended to start the process of reducing that process to 24 hours. The \$2,173.17 Change Order will install a 2-inch line from the well on the north side of the building to the cistern. This is the first step that needs to be taken before a high volume pump can be installed in the well. The reason for the desire to make this change now is the ease of access to the

well head during the construction project. The Administration expects to fund the pump replacement in the Town's CY 2014 Budget.

- Discussed the need for the high volume pump to be purchased next year
- Discussed the well for the Town Office Building to be used as a 2nd well for the purpose of filling the cistern should the cistern be pumped down to a low level
- Discussed the need for a larger return line to fill the cistern
- Discussed the alternative sources for water

MOTION:

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Schmidt

Motion made to approve the \$2,173.17 Change Order to install a 2-inch line from the well on the north side of the building to the cistern in preparation for a high volume pump to be installed at a later date.

Motion carried by unanimous voice vote.

- c) Plumbing Contractor – change from a gas water heater to an indirect water heater.
 - a. The \$1,284.80 Change Order for the indirect water heating system will allow the Town to use a single heat source for heating the building and the hot water for the building. The building is heated by means of a hot water pressure vessel; the indirect water heater will use the same hot water as the heating system to heat the domestic hot water. The savings to the Town is in the long term costs of heating the “household” water with a separate gas hot water heater.
 - Discussed the option of an on-demand system vs. the indirect water heating system for the showers
 - Discussed how the system will heat the building and stabilize the cooling system

MOTION:

Motion made by unanimous consent to approve the \$1,284.80 Change Order for the indirect water heating system will allow the Town to use a single heat source for heating the building and the hot water for the building.

- d) HVAC Contractor – change the heating units in the Board Room from salvaged units to new heat exchangers and covers.
 - a. Staff has not received the details of this Change Order as of the writing of the Memorandum. The original plans for the project called for the re-use of the existing baseboard heat exchangers and covers. The HVAC contractor has advised the Administration that at a minimum the covers should be replaced in order to not detract from the appearance of the renovated facility. Additionally, the contractor has advised the Administration that the old heat exchangers are not in the best condition and should be replaced. Staff hopes to have the Change Order in time for the Board's meeting. If the Change Order is not available and/or the Board is not comfortable with making a decision on short order, the item should be referred to the Board's Wednesday, October 17th, 2012 meeting for consideration.

The Administration would like to advise the Board that it understands the possible frustration with the Change Order process, however, the frustration is better than a project that could have been done better.

This change order was referred to the next meeting due to the cost of this change order was not available.

- F. Discussion/Recommendation: Town Board review and consideration of the sale/donation of salvaged HVAC components from the Town/Fire Hall project to staff and not- for-profit agencies.

The Administration has discussed the purchase and sale of salvage equipment from the Town/Fire Hall renovation project. Several individuals have purchased and removed the garage doors from the building resulting in a savings to the Town on the labor to remove the doors and revenue to the contractor that will be credited to the Town. The Administration asked the Town Chair if it could purchase one of the salvage air conditioners from the building to use in a friend's home. This question has prompted the Administration to place the issue on the Board's agenda for consideration. The original intent was to have the Habitat ReStore remove all of the salvageable items from the building before it is demolished. The Administration would like the Board's direction relative to the process and an answer as to whether individuals can purchase items before the building is turned over to the ReStore Organization. The only concern the Administration has is advertising the process; given the work load and the pending election staff does not have the time to process offers and contingencies. The Administration would like to recommend that staff be allowed to maximize the sale price of the materials that are being removed and stop at the individual offer. Please be advised that the Administration is offering to buy the salvage air conditioning unit for \$100.00. Others would like to buy the water heater and heating unit in the Town Office building. Ultimately, the Administration would like the Board's direction relative to contacting the ReStore organization and scheduling the removal of any salvageable material from the building prior to the demolition of the structure. If the Board agrees with the Administration's recommendations a motion would be in order to authorize the sale of salvageable material from the Town Office building and the Community/Fire Hall building prior to the demolition of the Town Office Building. Any funds generated by the sale of salvageable materials should be placed in the proper revenue line item in the Town's CY 2012 Budget.

- Discussed the sale of usable salvage material to individuals prior to contacting the Habitat for Humanity Restore Organization.
- Discussed donating an air conditioner to the Neenah Animal Shelter
- Discussed possibility of disgruntled residents relative to the sale of salvage material to individuals
- Staff recommends donating the salvage material to the Restore Organization

MOTION:

Motion made by unanimous consent to donate an air conditioning unit to the Neenah Animal Shelter, allow staff to maximize the sale price of the materials that are being removed and stop at the individual offer, and to contact the ReStore Organization to schedule the removal of any other salvageable material from the Town Office building prior to the demolition.

- G. Discussion/Recommendation: Town Board review and consideration of setting the Town's Halloween Trick or Treat Hours for CY 2012.
- Staff has received several inquiries relative to Halloween Trick or Treat hours in the Town of Clayton. In the past the Administration has recommended following the same Trick or Treat hours as the City of Neenah and the Board has approved the Administration's recommendation. The City of Neenah has always scheduled its Halloween Trick or Treat activities on Halloween day (October 31) from 4 p.m. to 7 p.m. If the Board agrees, a motion

would be in order to schedule the Town’s Halloween Trick or Treat hours between 4:00 P.M. and 7:00 P.M. on Halloween Day, Wednesday, October 31st, 2012.

- Discussed last year’s Trick or Treat hours

MOTION:

Motion made by unanimous consent to approve the Town’s Halloween Trick or Treat hours to be between 4:00 P.M. and 7:00 P.M. on Halloween Day, Wednesday, October 31st, 2012.

- H. Discussion/Recommendation: Review and consideration of a 5-Year Capital Plan and related project costs for the Town’s Draft Storm Water Management Ordinance

Attached please find several documents relative to the Town’s Storm Water Management Utility Study including a revised and updated summary of the Study, estimated revenue collections, estimated rebate calculations, and estimated ERU calculations for the commercial properties in the Town. The materials, along with this agenda item and the material from the other Agenda items relating to the Storm Water Management Utility should provide the Board with significant information and materials relating to the topic. Staff will be available to answer any questions the Board may have relative to the material at the meeting. The Board will need to finalize the Town’s Policies and process relative to the implementation of the Storm Water Management utility prior to the Town Elector’s Meeting to approve the Town’s CY 2013 Transportation Budget and Municipal Levy.

- Discussed the revised and updated summary of the Storm Water Management Utility Study
- Discussed the rebate formula
- Discussed the estimated ERU calculations for the commercial properties
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NO MOTION

- XI. Upcoming Meeting Attendance
 - A. Wisconsin Town’s Association Meeting October 4th
 - B. Wisconsin Town’s Association Annual Meeting in Appleton
- XII. Board Member Requests for Future Agenda Items
 - A.
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 8:25 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Tori Bowen, Treasurer/Deputy Clerk