

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 8:19 P.M. on Wednesday, November 20th, 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 7:00 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	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

- A. Distribution of the Minutes of the Special Electors Meeting to Approve the Town CY 2013 Tax Levy and CY 2014 Transportation Budget held at 7:00 P.M. on Wednesday, November 6th, 2013.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Special Electors Meeting to Approve the Town CY 2013 Tax Levy and CY 2014 Transportation Budget held at 7:00 P.M. on Wednesday, November 6th, 2013

- B. Approval of the Minutes of the Regular Town Board Meeting held at 7:25 P.M. on Wednesday, November 6th, 2013.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:25 P.M. on Wednesday, November 6th, 2013; with a change on page 3 removing the name “Breaker Ridge” from the meeting reference by Supervisor Grundman

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

- A. No Referrals

- V. Correspondence:
 - A. Fox Cities Regional Partnership, Notes on Participation at 2013 Process Expo and International Dairy Show.
 - B. Winnebago County, Solid Waste Management Board, October 2013 Scale Tickets & Tonnage Report.

- 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 Megna was present earlier. Briefly discussed rifle law, DNR helicopter, and Lakeview School situation
 - C. Clayton-Winchester Fire Department at Winchester
 - 1. Chair Luebke discussed changing the next meeting date
 - D. Larsen Winchester Sanitary District
 - 1. No Report
 - E. Administration Comments
 - 1. Engineer
 - a. Engineer Miller provided an update on the CY 2013 project statuses
 - 2. Administrator/Clerk
 - a. Administrator Johnston advised of DATCP certification for the Zoning Code of Ordinances
 - b. Advised Town Planner Bartz is no longer with Martenson & Eisele but staff plans on asking him to assist in completing the Zoning Code as an independent consultant. Supervisor Geise reminded the Board that the relationship with Mr. Bartz was one of the main reasons to stay with the engineering firm
 - c. Town of Algoma has a new clerk and treasurer. Treasurer Bowen will be going down to assist them in operations for two days
 - d. Advised an add was placed with workforce development for the public works position
 - 3. Public Works Foreman:
 - a. No Report
 - 4. Treasurer/Deputy Clerk:
 - a. Advised she is continuing to finish the fund accounting software implementation
 - 5. Town Board:
 - a. Supervisor Lettau advised she attended an Emerald Ash Bore meeting and discussed potential spread of the disease. She will provide staff with more information

- VII. Licenses and Permits:
 - A. New:
 - i. Wolff, Kristin
 - ii. Myers, Teresa
 - iii. Tiffani Daul

 - 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. No Referrals

X. Business:

A. Discussion/Action: Town Board review and consideration of Amended Resolution 2013-005, A Resolution Authorizing the Borrowing of Funds for the Purpose of Paying for a Storm Water Utility, Storm Sewer Capital Construction project.

The Town Board has authorized the borrowing of up to \$110,000.00 to pay for the Storm Water Utility, Storm Sewer Capital Construction Project in the Plat of Oak Openings. The Board's original approval and the Administration's original intent was to borrow from a local financial institution, specifically, Wells Fargo Bank. Following the Board's Approval of the original Resolution, staff contacted Wells Fargo Bank in order to start the borrowing process. At that point staff was advised that the Bank needed approximately \$20,000.00 worth of legal documentation in order to provide the loan to the Town. As part of staff's due diligence on the issue Town's Treasurer, Tori Bowen (Tori) called the Town of Menasha's Finance Director, Myra Piergrossi (Myra) to see if they had the same experience with borrowing funds from local financial institutions. As part of that discussion Myra suggested that perhaps the monies could be borrowed from the Town of Menasha. Staff asked Myra to confirm that the Menasha Town Board would be willing to lend the money to the Town of Clayton and at what terms. Based on the final conversations, the Menasha Town Board is willing to lend the funds to the Town of Clayton in the form of a 3-year loan at an interest rate of 2.75% (see attached amortization schedule). The Clayton Town Board would need to approve the attached Amended Resolution and sign a guaranteed payment promissory note much like it would with a Bank. Menasha's Town Attorney is preparing the promissory note as part of this process at considerably less than the \$20,000 of paperwork the banks required. Other than the simplicity of the process, borrowing money from the Town of Menasha will go a long way towards creating a positive working relationship between the Towns. That relationship should benefit both communities over time. Specifically, the more comfortable the two communities become with each other by working as peers, the more opportunities there should be in other areas where the communities can work together to solve more complex problems at a significant cost savings to both communities. Should the Board agree to borrowing the needed funds from the Town of Menasha, a motion would be in order to approve Amended Resolution 2013-005, A Resolution Authorizing the Borrowing of Funds for the Purpose of Paying for a Storm Water Utility, Storm Sewer Capital Construction project.

- Administrator Johnston clarified questions from the Board

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve Amended Resolution 2013-005 as presented

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of Loan Documentation prepared the Municipal Attorney for the Town of Menasha.

The Town Board has authorized the borrowing of up to \$110,000.00 to pay for the Storm Water Utility, Storm Sewer Capital Construction Project in the Plat of Oak Openings. The Menasha Town Board has indicated that it is willing to lend the funds to the Town of Clayton in the form of a 3-year loan at an interest rate of 2.75% (see attached amortization schedule). As part of this process the Clayton Town Board would need to approve and sign a guaranteed payment promissory note much like it would with a Bank. Menasha's Town Attorney is preparing the promissory note and staff will be distributing that information at the prior to the Board's Wednesday meeting

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Geise

Motion to approve the borrowing and authorize the addition of Attachments A and A1

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of Pay Request #1 from PTS Contractors, Inc. for the Oak Openings Storm Water Utility, storm sewer construction project on Darrow Road and Murray Road in the Plat of Oak Openings.

Attached please find a copy of Pay Request #1 in the amount of \$100,063.07 from PTS Contractors, Inc. for the Oak Openings Storm Water Utility, Storm Sewer Construction Project on Darrow Road and Murray Road in the Plat of Oak Openings. The Town Engineer has reviewed the pay request and is recommending that the Town Board authorize the payment as presented. Following this payment, the only money due on the project will be the retainage on the project of \$5,266.48. The Town Engineer estimates that those funds should be paid to the Contractor before the end of the year. Please be advised that this is the project for which the Town is borrowing funds from the Town of Menasha. Debt payments for the loan will come from the Storm Water Management Utility Fee Revenues. Should the Board wish to approve the Pay Request, a motion would be in order to authorize staff to make the payment of \$100,063.07 to PTS Contractors, Inc. as recommended by the Town's Engineer.

MOTION:

Motion made by unanimous consent to approve Pay Request #1 from PTS Contractors, Inc. in the amount of \$100,063.07.

- D. Discussion/Action: Town Board review and consideration of Change Order #2 submitted by MCC, Inc for the Ridgeway Drive Subdivision Roadway Improvements Project.

Attached please finds copies of Change Order #2 for the CY 2014 Ridgeway Drive Subdivision Roadway Improvements Project. Change Order #2 includes the enclosure of the storm water management ditches on both corners of Ridgeway Drive and Westfield Ridge for health and safety reasons. The Board has approved and authorized the enclosure

of the ditches but never formally approved the Change Order for the project. A motion would be in order to formally approve Change Order #2 in the amount of \$21,504.15 as presented.

MOTION:

Motion made by unanimous consent to approve Change Order #2 in the amount of \$21,504.15 submitted by MCC, Inc. for the Ridgeway Drive Subdivision Roadway Improvements Project.

- E. Discussion Action: Town Board review and consideration of Pay Request # 3 submitted by MCC, Inc for the Ridgeway Drive Subdivision Roadway Improvements Project.

Attached please find a copy of Pay Request # 3 in the amount of \$253,965.88 submitted by MCC, Inc for the Ridgeway Drive Subdivision Roadway Improvements Project. The Town Engineer is in the process of reviewing the Pay Request and will present her final recommendation to the Board at its Wednesday, November 20th, 2013 meeting. A preliminary review confirms that the Pay Request is reasonable and accurate. The Town Engineer needs to confirm the quantities for some of the product used by the Contract. Should the Town Engineer make an affirmative recommendation, a motion would be in order to approve Pay request # 3 as presented. Should the Town Engineer not be ready to make a recommendation, a motion to table consideration of Pay Request #3 in the amount of \$253,965.88 would be in order. Once the Board approves the Pay Request the retainage will stay in place until Spring of CY 2014 so that staff can guarantee that the seeding of grass takes root.

MOTION:

Motion made by unanimous consent to approve Pay Request #3 submitted by MCC, Inc in the amount of \$253,965.88.

- F. Discussion/Action: Town Board review and consideration of adjustments to the Town Engineer's Scope of Service and Fees for the Ridgeway Drive Subdivision, Construction Related Services proposal for the CY 2013 Ridgeway Drive Subdivision, Roadway Improvements Project.

Over the course of the CY 2013 Ridgeway Drive Subdivision Roadway Improvements Project the Town Engineer has been asked to do additional work that was not included in the original Scope of Services Proposal for the project. Many of these changes and much of the work was completed based on the request of the residents in the project area to the Town Board. Examples of the work include review of the project standards, project design, and investigation of the option of storm sewer in the project area. Attached, please find a copy of a Memorandum to the Administrator listing the changes and the additional costs related to those changes. The total cost of the changes to the Scope of Services Proposal is \$7,190.00. The Administration believes that the requested adjustments to the Scope of Services for the project are reasonable and not likely complete. Based on the Administration's review of the document and involvement with the project, it is recommending that the Board approve the change in the Scope of Services Proposal for the project and the additional payment to the Town Engineer. Should the Board agree with the Administration's recommendation, a motion would be in order to direct staff to make the additional payments to the Town's Engineer at a cost not to exceed \$7,190.00.

- Discussed change in dollar value to \$8,825.00

MOTION:

Motion made by unanimous consent to approve additional payments to the Town's Engineer at a cost not to exceed \$8,825.00

- G. Discussion/Action: Town Board review and consideration of Resolution 2013-008, A Resolution Supporting the Wisconsin Towns Association position relative to the State removing local control of Non-metallic Mining. Attached, please find a Draft copy of Resolution 2013-008, A Resolution In Opposition To SB 349 Relating to the Regulation of Nonmetallic Mining as well as other documentation relative to the proposed legislation. It is the administration's understanding that the State Legislature will not be considering this Bill during the current Legislative Session. However, if the Board wishes to record its support of the Wisconsin Towns Association's position on this issue, the Administration is recommending that the Board approve Resolution 2013-008, as presented, and forward copies of the document to area Legislators and the Town's Association. Should the Board agree with the recommendation, a motion would be in order to approve Resolution 2013-008, A Resolution in Opposition to Senate Bill 349 Relating to the Regulation of Nonmetallic Mining and to direct staff to forward copies of the document to the appropriate parties.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion to approve Resolution 2013-008, A Resolution in Opposition to Senate Bill 349 Relating to the Regulation of Nonmetallic Mining and to direct staff to forward copies of the document in a timely matter to the appropriate parties

Motion carried by unanimous voice vote.

- H. Discussion/Action: Town Board review and consideration of a Contract with the Neenah Animal Shelter for providing CY 2014 animal control confinement services for the Town of Clayton.

Attached please find a copy of the CY 2013 Contract with the Neenah Animal Shelter as well as a copy of the proposed CY 2014 Contract for the Board approval. The Fee comparison is as follows

Contract Year	Stray Cat	Stray Dog	Litter
CY 2013	\$60.00	\$60.00	\$100.00
CY 2014	\$55.00	\$70.00	\$100.00

Depending on the ratio of dogs to cats, the Fees charged to the Town should not see a significant increase from CY 2013 to CY 2014. The rest of the language in the proposed Contract does not change in any significant manner. Based on a review of the existing Contract and the proposed Contract, the Administration is recommending that the Board approve the CY 2014 Contract with the Neenah Animal Shelter for the provision of CY 2014 animal control confinement services for the Town of Clayton as presented. Should the Board agree with the Administration's recommendation, a motion would be in order to approve the CY 2014 Contract with the Neenah Animal Shelter as presented.

MOTION:

Motion made by unanimous consent to approve the CY 2014 Contract with the Neenah Animal Shelter as presented.

- I. Discussion/Action: Town Board review and consideration of a Lease contract for 7.11 acres of Town-owned land located at 2990 County Road “II” and specifically known as Tax ID # 006-0391-05.

Attached please find copies of the current lease and the proposed lease for the 7.11 acres of Town-owned land located at 2990 County Road “II” and specifically known as Tax ID # 006-0391-05. The price per acre and the language of the proposed Lease will need to be approved by the Board. The language in the document as presented has not been changed and the current Lease price is \$75,00 per acre. If the Board agrees with the lease language and dollar value per acre a Motion to approve the Lease Agreement for CY 2013 with Leslie Ory at a cost of \$ _____ per acre would be in order.

MOTION:

Motion made by unanimous consent to approve the Lease Agreement for the CY 2013 with Leslie Ory at a cost of \$75 per acre.

- J. Discussion/Action: Town Board review and consideration of the Administration’s CY 2013 Performance Evaluations for the following Town Employees:
1. Town Treasurer/Deputy Clerk
 2. Town Administrative Assistant
 3. Town Public Works Foreman

The Administration would like the Board’s direction relative to the Performance Evaluations of the Town’s represented supervisory staff and non-represented staff. In the past, the Administration has annually reviewed the performance of the Treasurer/Deputy Clerk, the Administrative Assistant, and the Public Works Foreman and presented the Performance Evaluations to the Board for its review. Attached please find completed copies of both the employee’s Performance Evaluation of themselves and the Administration’s Performance Evaluation of the employee. Once completed and reviewed by the Board, all three Performance Evaluations will be placed in their respective Personnel Files. Additionally, following the completion of the Performance Evaluations the Board will need to consider the option of pay increases for non-represented staff.

- The Board sang “Happy Birthday” to Treasurer Bowen
- Chair Luebke advised the staff was harder on themselves than the Administrator would have been

MOTION:

Motion made by unanimous consent to accept the CY 2013 Performance Evaluations as presented.

- K. Discussion/Action: Town Board review and consideration of the Administration’s recommendations relative to merit wage increases for the following Town Employees:
1. Town Administrative Assistant
 2. Town Treasurer/Deputy Clerk

The Board has recently completed its review of the Administration’s Annual Performance Evaluations of the Town’s non-represented and union represented employees. The Administration has made its recommendations relative to the Town’s Teamsters represented employees. Based on the performance evaluations for the Town’s non-

represented staff the Administration is making the following recommendation for merit wage increase for the Town’s non-represented staff.

Position	CY 2013 Wage	Recommended Wage Increase	CY 2014 Wage
Treasurer/Deputy Clerk	\$37,000.00	\$3,000.00	\$40,000.00
Administrative Assistant	\$11.50 per hour	\$1.50	\$13.00 per hour

The Town’s Treasurer/Deputy Clerk, Tori Bowen (Tori) and the Town’s Administrative Assistance, Jenna Prange have performed well above the Administration’s expectations. In addition to the Town’s routine accounting and auditing activities Tori has successfully managed the following projects:

1. Tracked and audited the costs of construction of the Town/Fire Hall Renovation project.
2. Tracked and audited the costs of the Town’s CY 2013 Capital Construction Projects
3. Established the escrow program and is tracking the Fox Valley Asphalt Public Improvements Project.
4. Created a new Chart of Accounts and is implementing the Town’s Fund Accounting Program.
5. Directing the Administrative Assistant with updating the Town’s Fee reporting to the County for tax billing purposes

Jenna has taken to municipal work like a fish to water. In addition to the routine work of the Administrative Assistant, Jenna has worked on the following projects:

1. Creating a filing system for the Town’s documentation and, to date, Jenna has completed approximately 50% of the filing work.
2. Implemented the Utility Collection Program for the Larson/Winchester Sanitary District.
3. Organized and updated the Larsen/Winchester Sanitary District files, including photographs of the properties and current property owner listings.
4. Standardized the publication and improved the Town’s Quarterly Newsletter.
5. Assisting the Treasurer/Deputy Clerk with updating the Town’s Fee reporting to the County for tax billing purposes.

Both individuals have done much more work than expected and they are helping to get the Town to a point where its records and history are organized and retrievable in a reasonable timeframe.

Should the Board agree with the Administration’s recommendation, a motion would be in order to approve the merit wage increases as presented, with an effective date of the first full payroll in CY 2014 and the funding to come from the Town’s CY 2014 Undistributed Wage Line Item.

- Supervisor Geise advised he believes both employees are doing an excellent job but wants to hear justification on the larger than usual pay increases. Expressed concern with continuing to give these large percent increases
- Administrator Johnston advised \$11.50 per hour is the minimum wage in 1970 adjusted for inflation. He believes Jenna brings a significant number of skills to the position that the Town has not had previously; including the newsletter, utility

billing, special assessment spreadsheets, homepage updates and digital distribution of agenda packets via the website

- Chair Luebke advised both employees are worth more than they make
- Administrator Johnston advised he is willing to fore-go his pay increase in order for the Administrative Assistant and Treasurer to get their raises because being able to avoid replacing them is worth it
- Discussed the reason for not giving the public works employees pay increases
- Treasurer Bowen advised that Jenna is required to take the health insurance and the amount she has to contribute is currently over 11% of her income. That amount will increase in CY 2014. She and Administrator Johnston would rather see Jenna get a raise than themselves because they don't want to lose her and they know she is struggling

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to approve \$1.50 wage increase for the Administrative Assistant to bring it up to \$13 per hour effective the first full payroll in January 2014

- Supervisor Grundman questioned splitting the increase into 6 month increments

Motion carried by 4-1 voice vote. Supervisor Grundman voted “NO” in favor of splitting the increase into 6 month increments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Chair Luebke

Motion to approve a \$3,000.00 wage increase for Treasurer Bowen effective the first full payroll in January 2014.

- L. Discussion/Action: Town Board review and consideration of a Contract extension and cost of living wage increase for the Town’s Teamsters Union Local 662 Employees.

Attached please find copies of the Town’s current Labor Agreement with the Teamsters General Union Local 662 as well as the Union’s CY 2013 Consumer Price Index wage increase request. The Administration is looking for the Board’s direction relative to this request. Last year the Administration negotiated with the Union and made a presentation to the Board for its approval. The Union’s CY 2014 wage increase request would have the following impact on Department of Public Works (DPW) wages:

Class	Current Hourly Wage	Proposed Wage Increase	Proposed New Hourly Wage	Annual Impact
Foreman:	\$19.00	1.66%	\$19.31	\$ 644.80
Laborer:	\$18.00	1.66%	\$18.30	\$ 624.00

The total budgetary impact on the Town for CY 2014 would be \$1,268.80 plus wage related benefits. The Administration has some issues with giving the Town’s DPW staff a wage increase at this time. These difficulties are based on the following items:

1. Staff, at times, has made mistakes that have cost the Town significant amounts of money; these mistakes include putting salt into the box of the plow truck with the

- box cover closed, hitting gas lines that were marked by Diggers Hotline, backing a truck into an automobile, etc.
2. Because of time constraints DPW staff, at times, has made decisions without consulting with Administration; the decisions were contrary to directives and counterproductive to the Town's goals and objectives.
 3. The Town is adding a third DPW employee in CY 2014 and this wage increase would pass onto the new employee over the course of the year, this would add a maximum of \$624.00 plus wage related benefits to the budgetary impact on the Town, bringing the total budgetary impact to \$1,892.80 plus wage related benefits.

Having made the point, DPW staff has worked very hard this year and accomplished a significant amount of work with limited staff. DPW staff has always been willing to help with any work that they have been assigned despite some occasional reservations and resistance. The Administration believes that employees should be rewarded for individual effort and performance, however, the Union environment makes individual rewards impossible and individual accountability difficult without the threat of termination. The Administration is not recommending the 1.66% wage increase allowable to the DPW under the provisions of ACT 10. However, if the Board wishes to grant a cost of living increase the maximum allowable under the provisions of ACT 10 would be the 1.66%.

Relative to the Union Labor Agreement, the Administration is comfortable with language as it exists and is recommending that the Town Board approve a 1-year Labor Agreement extension with the Teamsters Union Local 662 represented employees. Should the Board wish to take either of the actions outlined, motions would be in order to approve or deny the Teamsters Union Local 662 Employees cost of living wage increase of 1.66% and to approve or deny a 1-year extension of the Town's Labor Agreement with the Teamsters Union Local 662 Employees as it is drafted.

- Administrator Johnston advised the Board on his discussions with Foreman Pamerter
- Discussed contract relative to how union employees are paid
- Discussed the wage increase line item in the budget

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to deny the cost of living raise wage increase of 1.66% and accept a 1-year extension of the Town's Labor Agreement with the Teamsters Union Local 662 as it is drafted

- Discussed possibility of having performance evaluations in closed session

Motion carried by unanimous voice vote.

- M. Discussion/Recommendation: Town Board review and direction to staff relative to the Town Administrator's Performance Evaluation and the renewal of the Town Administrator's Employment Contract for CY 2014 and CY 2015.

The Administration would like the Board's direction relative to the Performance Evaluation and Contract renewal for the Town Administrator's position. In the past the

Administrator has annually been subject to a Performance Evaluation by the Town Board. Attached, please find a blank copy of the Performance Evaluation document for Board members to complete. Once completed the Evaluation documents have been given to the Town Chair for consolidation and presentation to the Board. The consolidated documents should be presented at a Board Meeting and, once reviewed by the Board, placed in the Administrator's Personnel File. Additionally, at the Board's discretion, following the completion of the Performance Evaluation process the Board may wish to consider the option of pay increases for the position.

- Staff was directed to put this topic on the next agenda

NO MOTION:

- XI. Upcoming Meeting Attendance
 - December 19th, Tentative Joint Fire Board Meeting
- XII. Board Member Requests for Future Agenda Items
 - A. Changing engineering firm
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 8:19 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant