

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 7:49 P.M. on Wednesday, December 4<sup>th</sup>, 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. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 20<sup>th</sup>, 2013.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 20<sup>th</sup>, 2013

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

A. No Referrals

V. Correspondence:

- A. CY 2014 County Planning and Zoning Committee Meeting Schedule.
- B. Winnebago County Solid Waste Management Board CY 2014 Tipping Fee Schedule.
- C. Winnebago County Household Hazardous Material Collection Facility Information.

VI. Discussion Items (No action will be taken.):

A. County Supervisor Report

1. Chuck Farrey present
2. County Legislation has a discussion in progress about an RTA Bill
3. Mr. Farrey will be running for re-election

B. Winnebago County Sheriff’s Department – Public Concerns and Issues

1. Deputy Nicla present
  2. Advised to slow down. There have been a lot of accidents with the bad weather
  - C. Clayton-Winchester Fire Department at Winchester
    1. Meeting will be held December 19 to review new officers with the new Fire Chief
  - D. Larsen Winchester Sanitary District
    1. Administrator Johnston advised the petition was signed to be withdrawn from the Larsen Drainage District
  - E. Administration Comments
    1. Engineer
      - a. Engineer Miller advised Fox Valley Asphalt project is substantially complete for this year
    2. Administrator/Clerk
      - a. Administrator Johnston advised the Fire Department's new software was installed on the Town server
    3. Public Works Foreman:
      - a. No Report
    4. Treasurer/Deputy Clerk:
      - a. Treasurer Bowen advised there will be a new auditor this year and she is preparing for taxes
      - b. Advised on her assistance to Town of Algoma
    5. Town Board:
      - a. Supervisor
- 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 referral of its direction to staff relative to generating a Town Policy for the use of chemicals, herbicides, and pesticides on Town property. Attached please find a copy of the Draft Minutes of the November 21<sup>st</sup>, 2013 Green Space Committee Meeting. At that meeting following motion was made:  
**MOTION:**  
Motion by: Committee Member Heider  
Second by: Committee Member Grundman  
Motion: To direct staff to draft a Policy for the Committee to review that allows the use of chemicals, herbicides, and pesticides on the Town's property to control noxious growth. These applications should not occur before weekends, holidays, or planned activity in the parks, or adjacent to on organic farm.  
Motion: Carried by unanimous voice vote  
Additionally as part of the Upcoming Meeting Attendance agenda item the Committee agreed to the following:

Based on the proximity of the meeting to the holidays and the lack of pressing work, the Committee Chair recommended and the Committee agreed to cancel the Thursday, December 19<sup>th</sup>, 2013 Green Space Committee Meeting.

X. Business:

- A. Discussion/Action: Town Board review and consideration of the Town Administrator's Performance Evaluation and the renewal of the Town Administrator's Employment Contract for CY 2014 and CY 2015.

The Town Chair is in the process of compiling the Board's Annual Performance Evaluation of the Town Administrator. As in the past, this information will be presented to the Board at its Wednesday, December 4<sup>th</sup>, 2013 meeting. Additionally, the Town Chair will have his recommendations relative to the Administrator's Contract. For informational purposes the Administration has attached a copy of the International City/County Managers Association Code of Ethics. If the Board is comfortable with the Administrator's Performance Evaluation and the Chair's recommendations relative to the Administrator's Contract, a motion would be in order to approve the Performance Evaluation and the CY 2014 and CY 2015 Administrator's Contract and place the same in the Town's Personnel Files

**MOTION:**

Motion by: Chair Luebke

Seconded by: Supervisor Geise

Motion to approve the Performance Evaluation and the CY 2014 and CY 2015 Administrator's Contract and place the same in the Town's Personnel Files

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of an Intent to Apply for the Winnebago County Industrial Development Board, Per Capita Funding Program and the Administration's recommendation relative to the application and distribution of those Funds.

Attached please find copies of the County's Industrial Development Board (IDB), Per Capita Funding Program Application. In the past the Administration has asked the Board for direction to make the application and made recommendations on possible uses for the funds. When the IDB Application was completed the Administration presented the document to the Board for its approval prior to sending the Application to the County. This year the Administration would like to take both steps at the same time; specifically, the Board would approve the Application concept and authorize the Administration to submit the Application at the same time. Last year the funds were used to support the Chamber's industrial recruitment program. The Chamber had asked for a three year commitment from the Town at a rate of \$1.00 per resident and the County's IDB funds were awarded to the Town at the \$1.00 per capita rate. This year the Administration is recommending that the Town forward its CY 2014 IDB funds to the Chamber's industrial recruitment program. If the Board agrees with the Administration's recommendation, a motion would be in order to direct staff to complete the County's IDB Intent to Apply and Application with the Chamber's industrial recruitment program as the ultimate recipient of the Town's IDB Funding.

- Supervisor Lettau voiced concerns relative to distribution of the funds
- Discussed other uses for the funds if used within the Town

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to direct staff to complete the County's IDB Intent to Apply and Application with the Chamber's industrial recruitment program as the ultimate recipient of the Town's IDB Funding Motion carried 4-1 voice vote. Supervisor Lettau voted "NO"

- C. Discussion/Action: Town Board review and consideration of Resolution 2013-009: A Resolution Creating a Statutorily required list of Appointed Election Poll Workers submitted for approval by the Town Clerk.

Attached please find a copy of Resolution 2013-009: A Resolution Creating a Statutorily required list of appointed Election Poll Workers submitted for Board approval. The Poll Worker list was created by the Chief Poll Worker, Judi Quadracci, using the attached recruiting document which was sent to existing Poll Workers in the Town. Both the Democratic Party and the Republican Party are eligible to provide Poll Worker names to the Clerk; however, as of Monday November 25<sup>th</sup>, 2013 neither party has provided any Poll Worker names to the Clerk. Also attached is a copy of the statutory reference relative to the issue. The list of Poll workers is valid for 2 years and is used to select individuals who will work at the Town's Elections. If the Board agrees with the proposed Poll Worker list, a Motion to approve the list, as presented, would be in order.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve Resolution 2013-009 Attachment A which is approval of the list as presented Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review and direction to staff relative to proposed changes in the Town's Intoxicating Liquor and Fermented Malt Beverages Ordinance to require that the License holder be current with any and all Taxes levied by the Town.

Over the course of the past few years the Administration has had a number of conversations with the Board relative to the Tax Delinquencies section of the Town's Intoxicating Liquor and Fermented Malt Beverages Ordinance. Specifically, Section 3(3)(e) Tax Delinquencies, which is highlighted in yellow on page 7 of the attached copy of the Ordinance. The Administration's interpretation of the Ordinance language is that the Applicant cannot be delinquent on any taxes owed to the Town. Because the County makes the Town whole for any delinquent real property taxes levied, delinquent real property taxes are technically owed to the County not the Town. Based on conversations with the Board and the Board Chair, the Administration has asked the Town's Attorney to revise the language in this section of the Ordinance to specify Taxes Levied by the Town. Because of the equal protection clauses of the State and Federal Constitutions the Town must include all fees that may be delinquent in the revisions to the Town's Ordinances. Procedurally, the Administration is recommending that the Town notice all Intoxicating Liquor and Fermented Malt Beverages License holders in the Town of the Board's intent and process by certified and return-requested mail. The Administration is recommending that the Board hold the Public Hearing and the first reading of this Amendment to the Town's Intoxicating Liquor and Fermented Malt Beverages Ordinance at the Board's

second meeting in January; the second reading and final consideration would occur at the first meeting in February. The Administration's recommendation is based on openness and transparency of process. If the Board agrees with the Administration's recommendation and process, a motion would be in order to direct staff to proceed with the process of Amending the Town's Intoxicating Liquor and Fermented Malt Beverages Ordinance as presented.

**MOTION:**

Motion made by unanimous consent to direct staff to proceed with the process of Amending the Town's Intoxicating Liquor and Fermented Malt Beverages Ordinance as present.

- E. Discussion Action: Town Board review and direction to staff relative to the interview/hiring process and authorization to the Personnel Panel to hire an additional Public Works Department Employee for the Town of Clayton.

To date, the Administration has received 13 applications for the Public Works Laborer position. The position was advertised with the Union Contract probationary wage of \$17.50 per hour plus related benefits. The Administration would like the Board's direction relative to the interview and hiring process. In the past the Board's Personnel Panel, consisting of the Town Chair and Vice Chair, has participated with staff in the interview process. Based on the interviews the group has made a recommendation to the Board on which individual to hire. This process has worked well for the Town, and the Administration is recommending that the Board continue to use the process. The only issue the Administration can foresee with the process is time. Using the stated process, the soonest the Board could act on a Panel recommendation would be Wednesday, December 18<sup>th</sup>, 2013. If the selected individual gives a two week notice the earliest the individual could start would be the first week in January. This could potentially represent a problem if there is significant snow during the intervening period. The Board may wish to authorize the Personnel Panel to offer the job to the selected candidate after the interviews and then report to the Board at its Wednesday, December 18<sup>th</sup>, 2013 meeting. Either way the Board is open to criticism; however, hiring the individual in January fits with the funding and the budgetary process. If the Board agrees with the Administration's recommendation, a motion would be in order to proceed with the interview and recommendation process with Board action on hiring the selected candidate at its Wednesday, December 18<sup>th</sup>, 2013 meeting.

**MOTION:**

Motion made by unanimous consent to direct staff to proceed with the interview and recommendation process with Board action on hiring the selected candidate at its Wednesday, December 18<sup>th</sup>, 2013 meeting.

- F. Discussion/Action: Town Board review, consideration and direction to staff relative to changes in staffing at the Town's Contract Engineering and Planning Firm and the Town's options relative to completing the Adoption and rationalization of the Town's existing Ordinances and the Town's new Zoning Code of Ordinances.

Martenson and Eisele, the Town's Engineering Firm has notified the Town that Jon Bartz, the Firm's President has resigned from the Company. For reference purposes, attached please find a copy of the Town's CY 2014 through CY 2016 Contract with Martenson and

Eisele. The Administration has had a number of discussions with the Town Chair relative to Jon's departure and the process of rationalizing the Town's new Zoning Code of Ordinances and the Town's existing Ordinances. Specifically, the Town's Zoning Code duplicates some of the existing Ordinances; in most cases the existing Ordinances should be rescinded. However, before any Ordinance is rescinded it should be reviewed for consistency with the Zoning Code and the continued need for a standalone Ordinance. In order to resolve this potential issue, Stan Martenson has agreed that, at Jon's discretion, the Town could enter into a Contract with Jon to provide planning services that would include rationalizing the Zoning Code. The Administration has asked Jon and he has indicated that he would be interested in providing the Town with the needed services. The costs of the routine services provided by Jon would be discounted from the Town's CY 2014 Contract with M&E. The cost of the Proposal based services provided by Jon would be funded from the Planning Line Item in the Town's CY 2014 Budget. Relative to the engineering services provided by M&E, the Administration is respectfully asking the Board for direction. The Administration originally recommended the Contract with M&E based on the continuity of process and the familiarity with staff; specifically, the primary contact who was Jon. That continuity and familiarity are now gone and the Administration's ability to speak frankly is now hindered by the changes. Please understand that the Administration is not likely to be anything but frank; the question before us now is, "what will M&E's response be to that frankness, and what will that response do to the process?" Stan has indicated that he will be the point of contact and the Administration is not necessarily comfortable with the process. The Administration is recommending that the Board review its position with the engineering process and the Contract with M&E; if it wishes to change, this would be the opportunity to drive the changes. If the Board wishes to continue to use Jon as its Planning Consultant, a motion to direct staff to solicit a proposal from Jon would be in order. This direction would also include amending the Town's CY 2014 Contract with M&E for routine planning services in order to discount those routine services provided under M&E's Contract. The Board should also give the Administration direction relative to the future of M&E's Engineering Services Contract with the Town.

- Chair Luebke advised that the contract was renewed with M&E because of the relationship with Jon Bartz and discussed concerns with staying with the firm

**NO MOTION**

- XI. Upcoming Meeting Attendance
  - December 17<sup>th</sup> WISLine meeting
- XII. Board Member Requests for Future Agenda Items
  - A. None
- XIII. Review of Disbursements
  - A. Disbursements
- XIV. Adjournment – 7:49 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,  
Jenna Prange, Administrative Assistant