

TOWN OF CLAYTON
Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, December 7th, 2016

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

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, November 16th, 2016.

Chair Geise noted a correction of the Oshkosh Fire Chief’s name in discussion item VI. C. Clayton Fire Rescue Department. The fire Chief was named as Chief *Meyer* and should be named as Chief *Franz*.

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 16th, 2016 with the correction as noted.

IV. Open Forum – Town-related Matters not on the Agenda: NONE

V. Correspondence:

- A. November 2016 Building Inspector’s monthly report.
 - An error in spreadsheet formula for YTD totals was noted for correction

- Administrator Johnston noted the building inspector position is running at a neutral / slightly cash flow positive
- B. Winnebago County Solid Waste Management Board CY 2015 Annual Report.
- C. Winnebago County Solid Waste Management Board January 2017 Fee Schedule.
- D. Winnebago County Parks Department Bicycle and Pedestrian Plan.

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

- A. County Supervisor Report
 - 1. Chair Geise noted Supervisor Farrey was unable to attend but called with a report
 - County Tax Rate is stable
 - No other reportable items
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. NO REPORT
- C. Clayton Fire Rescue (CFR)
 - 1. Chief Rieckmann Report
 - 200+ First Responder Calls by year's end, 72 Fire Calls to date with 3 calls at the same time on Friday, November 18.
 - Multiple calls at once provided insight that Automatic Aid Agreements are working
 - Fire Fighters Business Meeting discussion to purchase additional equipment to make each of the emergency vehicles equipped alike. Items to purchase include a sawzall, thermal imaging camera, and a gas detector
 - Blood Mobile to be on site Tuesday, January 3, 2017
 - Oshkosh Fire Chief Franz evaluated CFR. Department has done well with initial organization throughout the first year. Area most needing attention is the development of policies. A formal report will be provided by Chief Franz in the near future.
- D. Larsen-Winchester Sanitary District
 - 1. NO REPORT
- E. Administration Comments
 - 1. Town Engineer—Mary Jo Miller Report
 - Preparing final pay requests for Hickory and Whispering Meadows
 - 2. Administrator Johnston Report
 - Staff is working to clean-up open projects before year's end
 - Staff is preparing tax bills
 - PASER report to be submitted
 - 3. Treasurer Straw Report
 - Recount results—minor changes within the margin of error
 - Tax prep on schedule
 - Auditor scheduled to be on site in February, currently working remotely
 - 4. Supervisor Lettau Report
 - Farmland Preservation Planning Meeting had large number in attendance
 - Discussed AEAs and Farmland Preservation Plan
 - Winnebago County is one of only a very few Counties without a plan in place
 - Deadline for State Authorization of December 31, 2017
 - Need to get more people involved in order to achieve authorization

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Victoria M. Gaweda
 - ii. Erin M. Zacharias

- B. Renewal:
 - i. None

VIII. 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

IX. 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

X. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2016-012 A Resolution Authorizing the Issuance and Sale of \$3,500,000 Taxable General Obligation Promissory Notes.

Mike Hallmann, the Town's financial advisor, reviewed the following:

1. Town of Clayton Resolution 2016-012 A Resolution Providing for the Sale of Not to Exceed \$3,500,000.00 Taxable Note Anticipation Notes.
2. A set of Exhibits to be attached to Resolution 2016-012.
3. A Scope of Engagement Letter from Attorney Rebecca A. Speckhard, Bond Counsel for Quarles & Brady LLP.
4. A letter outlining the instructions to staff for processing the Resolution and documenting the Town Board's actions.
5. A Certificate of Compliance with Open Meeting Law Public Notice Requirements to be completed by staff.
6. A Municipal Information Questionnaire.
7. A document outlining the Excerpts of the Minutes of the Meeting of the Town Board of the Town of Clayton to be completed by staff as documentation of the Board's actions.

The Not-to-Exceed \$3,500,000.00 in Taxable Note Anticipation Notes will not be callable for 5 years and will have only interest payments during the 5-year period. The payment schedule is intended to maximize the benefit to the Town and allow the Administration to make the debt service payments without impacting the Town's Tax Levy for the 5-year term of this borrowing. The \$3,500,000.00 in funds will be used to aggregate the Town's existing debt including the following:

1. To refund the Town for the purchase of the property at 8649 Clayton Avenue
2. To refund the Town for the purchase of the property at 8795 Clayton Avenue

- 3. To refund the Town for the Purchase of the property at 8879 Clayton Avenue
- 4. To fund the pending purchase of the property at 8989 Clayton Avenue
- 5. To refund the Town for the short term borrowing used to purchase the Midwest Investments property on the south side of USH “10”
- 6. To refund the Town for the costs of the Whispering Meadows Public Infrastructure Special Assessment Project

As in the past, the fees for the borrowing will be included in the borrowing and paid out of the proceeds.

As a point of reference, the proposed term of the loan should allow the Board to get past the issues with providing municipal sanitary sewer and municipal water to the area of the Town of Clayton, Sanitary District #1. Should the Town be successful in its intent to provide utilities to the area, the property can be sold on the open market. Should the Town fail to provide utilities to the area the property can be sold on the open market; however, it will likely be annexed to the adjoining Village of Fox Crossing.

MOTION:

Motion by: Chair Geise

Second by: Supervisor Schmidt

Motion to approve Resolution 2016-012 A Resolution Authorizing the Issuance and Sale of \$3,500,000 of Taxable General Obligation Promissory Notes.

ROLL CALL VOTE:

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

Motion carried with a 5-0 vote.

- B. Discussion/Action: Town Board review and consideration of direction to staff to refer uncollected Personal Property Tax Bills to the Town’s Attorney for collection and to place eligible uncollected Town bills on the Town’s Tax Roll and/or on the State’s TRIP program.

A list of the Town’s Delinquent Personal Property Bills and Invoices for services rendered was presented to the board. Staff requested the Board’s authorization to start collection activities on these outstanding bills. Specifically, the Delinquent Personal Property Tax Bills will be referred to the Town’s Attorney for collection, bills associated with specific properties will be assessed to the property as a part of the tax collection process and those not tied to a specific property will be placed on the State’s TRIP program for collection.

MOTION:

Motion made by unanimous consent to authorize Staff to start collection activities on the outstanding bills.

- C. Discussion/Action: Town Board review and consideration of a 1-year delay in the Capital Reconstruction of Larsen Road from STH “76” through the intersection of Oakwood Avenue.

The Town Chair is asking that the Board consider a 1-year delay in the Town’s Public Infrastructure, Capital Reconstruction Plan. The Town’s CY 2017 Capital Reconstruction project is the reconstruction of Larsen Road from STH “76” though the intersection of Oakwood Avenue. The Chair has indicated that he would like to recommend that the Board delay the project by 1 year. This recommendation is based on the volume of work and the expense that the Town is incurring with the work in Sanitary District #1. The Administration agrees with the Chair’s recommendation with one caveat; the availability of proceeds from the Town’s last borrowing. Should sufficient funding for the project be available from the Town’s last borrowing the Administration would recommend that the Board proceed with the project. This recommendation is based on the fact that the funds were borrowed for the project and delaying the project would have no significant impact on the Town’s finances. The exception to the Administration’s position is the re-direction of the project funds to work in Sanitary District #1. The Administration would recommend that the Board table this item until the second Town Board Meeting in January of CY 2017. At that time staff will have a better understanding of the funds available and be able to give the Board an estimate of the project costs.

MOTION:

Motion made by unanimous consent to table this agenda item to the second Town Board Meeting in January of CY 2017.

- D. Discussion/Action: Town Board review and consideration of Pay Request No. 2 from Peters Concrete Company, 1516 Atkinson Drive, Green Bay, WI 54303 for the CY 2016 Clayton Avenue Capital Reconstruction Project.

Pay Request # 2 in the amount of \$32,242.00, submitted by Peters Concrete Company, 1516 Atkinson Drive, Green Bay, WI 54303 for the CY 2016 Clayton Avenue Capital Reconstruction Project was presented to the Board. Both the Town Engineer and the Town Administrator reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the second payment for the CY 2016 Clayton Avenue Capital Reconstruction project.

MOTION:

Motion made by unanimous consent to approve the pay request submitted by Peters Concrete Company, 1516 Atkinson Drive, Green Bay, WI 54303 for the CY 2016 Clayton Avenue Capital Project in the amount of \$32,242.00 with the funding to come from the proceeds of the Town’s CY 2016 Capital Reconstruction Budget.

- E. Discussion/Action: Review and consideration of the Administration’s Annual Staff Performance Evaluations and recommended pay increases for the following positions:
- a. Town Treasurer/Assistant Administrator
 - b. Town Deputy Clerk
 - c. Town Building Inspector

d. Town Fire Chief

Employee's self evaluations and the Administration's employee evaluation forms were provided to the Board. The wage for the Town's Deputy Clerk will be set at the end of the probationary period for the position. The Administration is recommending a 3% increase for the following positions:

- a. Town Treasurer/Assistant Administrator
- b. Town Building Inspector
- c. Town Fire Chief

The net impact of the proposed wage increases on the Town's CY 2017 Budget is \$4,785.00 plus benefits. There are two additional wage issues that need to be resolved. The first is the methodology for paying the Fire Chief (Chief), who is paid a salary and expected to make all calls when he is available during a 24-hour period. This methodology is based on the Chief being able to take comp time for hours over and above his expected work hours (45 +/-). The issue is comp time: the Chief was hired to improve the service during the daytime hours, if he takes comp time during the daytime hours it would defeat the purpose of the position. The Administration is recommending that the Chief be paid at the Volunteer wage (\$11.57 per hour) for emergency calls (work) outside his regular hours. This will not impact the Fire Department's Budget since the Department's wage line item is based on a full complement of volunteers. The second issue is compensation for the building inspector when the Town starts doing erosion control permitting. Since this permitting will not start until spring of CY 2017, the Administration is recommending that this issue be considered when the Town enacts an Erosion Control Ordinance.

- Chair Geise expressed concern with the Building Inspector's self-evaluation lacking significant self-assessment.
- Chair Geise also asked staff to review the hourly wage paid to the Volunteer Firefighters for emergency calls
- Supervisor Reif requested clarification of how the 3% increase value was determined for recommendation
- Administrator Johnston explained the recommendation was driven in part by the Union Contract which was submitted to the Town for the Public Works Employees, by the State defined CPI of .68 with average definition of CPI at 1.2/1.25, and consideration of merit, quality and quantity of work. The staff has been able to accomplish more with less personnel.

MOTION:

Motion made by unanimous consent to grant the wage increases as recommended (3%) to the following positions:

- a. Town Treasurer/Assistant Administrator
- b. Town Building Inspector
- c. Town Fire Chief

And to direct staff to revise the methodology for paying the Fire Chief to allow him to be paid the Volunteer wage (\$11.57 per hour) for emergency calls (work) outside his regular hours.

- F. Discussion/Action: Town Board review and consideration of an estimate from Wisconsin Public Service (WPS) to extend 480 Volt 3-phase power to Campers Boulevard in order to provide power to a proposed development on the adjoining site.

An estimated cost from Wisconsin Public Service (WPS) was presented to the Board. The Town has been contacted by an area firm that would like to expand on property and improvements it owns on Campers Boulevard. In order for the firm to expand, it needs 480 volt 3-phase power. At this time, the closest location where this type of power is available is Clayton School. The extension of 480 volt 3-phase power into the area will greatly enhance the value of the properties in the area and increase the number of potential customers for both the developed and undeveloped land. Additionally, in order for the Town to develop utilities for the property it owns on the south side of STH “10” it will need 480 Volt 3-phase power. In order to move forward with the interested parties, the Administration needs to know if the Board is ready and willing to fund a significant portion of the power extension. If the Board makes a conditional commitment to fund the project, the Town can negotiate with interested parties on a cost sharing proposal that both the Board and the interested parties would need to approve prior to authorizing the project with WPS.

MOTION:

Motion made by unanimous consent to authorize the Town Chair and staff to negotiate a cost sharing proposal for the project subject to Town Board approval.

- G. Discussion/Action: Town Board review and consideration of a proposal submitted by Cedar Corporation for a Concept Plan, a Preliminary Plat, and a Final Plat of the Town owned property located on the south frontage of STH “10” between STH “76” and Clayton Avenue.

A proposal submitted by Cedar Corporation for a Concept Plan, a Preliminary Plat and a Final Plat of the Town owned property located on the south frontage of STH “10” between STH “76” and Clayton Avenue was provided to the Board. The cost of the project is \$11,200.00 with the funding to come from the Town’s CY 2017 Planning Line Item. The Administration has asked Cedar Corporation to submit the proposal so that the Board can direct the Sanitary District to proceed with installing utilities on the site and developing the property. The only variable in the proposal submitted by Cedar Corporation is the scheduling of the activities. It may be in the Town’s best interest to start the survey work in CY 2017; this timeline will require that the survey work be completed in Spring of CY 2017 with approvals in early summer of CY 2017. Given the Town’s modified accrual accounting system the Administration is recommending that the Board table this item to the Board’s first meeting in January of CY 2017, this will allow the funding for the project to come from the CY 2017 Budget. It is imperative that the Town proceed with the work in a timely fashion.

MOTION:

Motion made by unanimous consent to approve the project and proceed with the work as proposed.

- H. Discussion/Action: Town Board review and consideration of the annual renewal of the following Farm Leases on Town owned land:
- a. 2990 CTR “II”, Tax ID# 006-0391-05, 7.110 acres
 - b. Southern frontage of USH “10” between STH “76” and Clayton Avenue:
 - i. Tax ID# 006-0338-05 15.690 acres
 - ii. Tax ID# 006-0339 8.500 acres
 - iii. Tax ID# 006-0339-01 9.310 acres
 - iv. Tax ID# 006-0345 8.530 acres
 - v. Tax ID# 006-0344 8.580 acres
50.610 acres

The lease document under consideration is the same lease document that the Town has used for the property located on CTH “II” for the past several years. The lease sites are for the Town owned land as described, and the proposed tenants are not changing. If the lease document is acceptable to the Board the only variable should be the rental cost per acre. Staff had asked several area farmers and land owners what the going rate for leased farmland in the area is. Their responses indicated that the going lease rate is between \$65.00 and \$85.00 per acre depending on available acreage and productivity. The current lease price for the Town owned land is \$90.00 per acre.

MOTION:

Motion by unanimous consent to approve the leases and the cost per acre of \$90.00.

- I. Discussion/Action: Town Board review and consideration of submitting an intent to apply for the Winnebago County, Industrial Development Board, 2017 Winnebago County Per Capita Funding Program.

Winnebago County’s Industrial Development Board, 2017 Winnebago County Per Capita Funding Program Application was presented. The funding available from the County for CY 2017 is \$4,548.32. Over the course of the past few years, the Town has dedicated its Per Capita Funds to the Chamber for area wide industrial/commercial recruiting. As a result of those Chamber activities, the Town does have several opportunities for development projects. However, given the commercial and light industrial activities on the east side of the Town, the Board may wish to make an application to use the money in house. It is the Administration’s opinion that either use of the Per Capita Funds would benefit industrial/commercial development activities within the Town.

MOTION:

Motion made by unanimous consent to reallocate the funding from the Winnebago County Industrial Development Board to the Chamber.

- J. Discussion/Action: Town Board review and consideration of a revision to the updated Town of Clayton Fire Department Automatic Aid Agreement with the following Community:
- i. Town of Neenah
 - ii. Town of Greenville

Chief Rieckmann (Chief) submitted the revised Automatic Aid Agreements to the Town of Neenah and the Town of Greenville for their respective approvals. Both communities asked for some minor changes to the Agreements. The Chief respectfully asked the Board to review and approve the revised agreements so they can be placed on the record

MOTION:

Motion made by unanimous consent to approve the Automatic Aid Agreements with the Town of Greenville and the Town of Neenah.

- K. Discussion/Action: Town Board review and consideration of a Fitness Program for the Town of Clayton Fire Department and First Responder Unit.

Chief Rieckmann (Chief) presented the details of the Fitness Program for the Town of Clayton Fire Department and First Responder Unit. Chief and several of the Volunteers have been exercising at the Town's Fire Hall in the mornings. Chief has taken this opportunity to develop several of the exercise routines and exercise equipment for the fitness program. Chief and Levi Van Stappen (exercise coach) discussed how the development of the activities is based on the activities which the firefighters must perform when on emergency calls. Chief was requesting authorization from the Board to implement the Fitness Program for those members of the Department who wish to participate.

Attorney Lehocky suggested having a waiver form for people from other communities to sign if they have interest in participating.

MOTION:

Motion made by unanimous consent to implement the Fitness Program for the members of the Fire Department and Town Staff who wish to participate.

- XI. Upcoming Meeting Attendance: NONE
- XII. Board Member Requests for Future Agenda Items: NONE
- XIII. Review of Disbursements
- XIV. Adjournment

MOTION:

Motion made by unanimous consent to Adjourn at 8:10 p.m.

Respectfully submitted,

Holly Stevens, Deputy Clerk