



TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

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Town Office Building
8358 County Road T
Larsen, WI 54947

December 2, 2009
7:00 p.m. – 10:07 p.m.

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke
Present: Town Chairperson Luebke, Supervisors Geise, Kiesow, Klingenberger, and Lettau
Staff Present: Town Administrator Johnston, Clerk/Treasurer Nester-Huebner, Deputy Clerk/Treasurer Weichart, Public Works Foreman Pamenter
Also Present: Jonathon Bartz of Martenson & Eisele
Meeting properly posted; three locations in the Town.

II. Public Hearing on the following items:

Jonathon Bartz of Martenson & Eisele overviewed the following three items.

- Proposed Park and Open Space Plan
- Proposed Amendments Official Map Ordinance
- Proposed Comprehensive Plan Update

Public Input:

Marcia Stolze, 3612 Fairview Rd, Neenah:

Q: What does business mean?

A: anything allowed in the Winnebago Cty business zoning district; appropriateness of request will be considered based on compatibility with surrounding land

Q: Why is Fairview picked as business?

A: Because of its proximity to Hwy 10

Ben Hamblin, 2986 W Shady Lane, Neenah:

Comment: Just to clarify, these maps should have an explanation as to what the intent is behind the various "colors" so there is greater meaning/understanding with the map; it would be a summary of what we were thinking when we did the maps; maybe include it in the legend area

Response: Martenson & Eisels would be happy to work this out, people need to also read the document for a thorough understanding; Staff could put together an executive summary

Rich Fischer, 8685 N Oakwood Avenue, Neenah:

Q: When there are new maps, can you place the date on the maps?

A: Yes; Jonathon Bartz explained areas of change based upon input from recent information session

Q: Park & Open Space – Clayton School on 76/Fairview, why is the school shown as business? Will the school be right in the busy intersection or located somewhere else?

A: Per input from the Neenah School System, Clayton School will be there for the foreseeable future

Ben Hamblin:

Q: Road locations? Future roads? Can these roads be changed?

A: Roads are not set in stone until adoption as a road; roads will not be built unless there is a willing seller, willing buyer, and specific plans; they will come to Plan Commission for review; there is a plan for the general-area location where there should be roads, but exact location is not specific until time development occurs

Russ Geise, Town Board:

Q: What if a heavy foundry would want to build in the industrial area?

A: Heavy industrial is specified in a certain area; the Town Board would need to make a decision; if the request would be submitted, it would require rezoning if the specific property did not have the required zoning

Kay Lettau:

Q: Do we as a town have right to say "no" to a development?

A: The Town would need to have substantial reasons to say "no"; whether or not it is compatible with the existing/planned development in the area would be one of the reasons

Letter from Randy and Jill Muthig, 3789 W Fairview Road, Neenah, read by Kay Lettau:
Muthigs submitted a letter regarding “Town of Clayton Land Use Proposal”

Mark Luebke, Town Board:

Comment: There are nine (9) points we need to look at for planning

Response: 1999 elements – Issues and opportunities; Housing; Transportation; Utilities and community facilities; Agricultural, natural, and cultural resources; Economic development; Intergovernmental cooperation; Land-use; and Implementation – all elements were looked at when putting together the Comprehensive Plan

Ben Hamblin:

Comment: Plan Commission struggled with development and weighing it against Touch of Country; the Site Plan Ordinance tries to mix those two so they work well together; so there is a blend between commercial and country

Rich Fischer:

Comment: There are requirements in place now for businesses to complement plans

Response: The Site Plan Ordinance requires mitigating infiltration, categories and requirements for facades of buildings, landscaping requirements, and other requirements.

Becky Haskell, 9080 N Oakwood Avenue, Neenah:

Comment: Roads – The Plan Commission did discuss placement of roads and also put into the text wording to indicate road placement

Response: Yes, it is in the text to use official map to map future location of official roads

Bob Grundman, 2904 Cty Rd II, Neenah:

Q: Previously requested to have a proposed road be removed from his property, has this been done?

A: His request is in packet for the Town Board to consider tonight with other comments.

Patty Stanek, 8395 County Road T, Larsen:

Q: If a road is on the proposed map, do you still have to contact property owner to construct the road?

A: Eminent Domain still exists if no agreement can occur with the property owner; the map is a living map and is to be reviewed periodically

Marcia Stolze:

Q: Is there a requirement for the map to be updated?

A: It needs to be reviewed; to change it would require the same process we are currently going through

Russ Geise:

Comment: We struggled with the map, but we have to plan for the future and make plans the best we can; we try to meet the requirements of the state and work with our community for what is the best for our community; certain areas affected more.

Pat Fischer, 8685 N Oakwood Avenue, Neenah:

Q: How does the comprehensive plan address public infrastructure?

A: The transportation element and utilities element address these issues.

Q: Would that take place with requests from builders?

A: Yes, if infrastructure does not support it, it would have to be planned for.

Comment: It was stated that it is more cost effective for businesses.

Response: On an average basis, generally speaking commercial uses pay more than other uses; when you look at where you are locating business, you want to look at locating them on state roads and minimize locating them on town road corridors.

Mitch Beatty, 9495 Pioneer Road, Neenah:

Q: Why can't we shift some red off Fairview Road onto State Road 76 up toward County Road BB?

A: State Highway 10 is State Highway corridor that approaches an urban center/area which, historically in Wisconsin, builds up with commercial functions; we could move it up, but most of the properties on the north side of State Highway 10 are currently listed with commercial brokers; on the south side you have a quarry operation, and other commercial functions; from Fond du Lac to Green Bay you see mostly commercial functions along Highway 41/

Comment: Frontage roads were put in on those highways; the state didn't put these in or sound barriers along State Highway 10.

Comment: Be careful what we do put on our maps; many people use it as gospel

Patricia Kiesow, Town Board:

Comment: When we did this map, and the previous map, we did what is best for the Town of Clayton; we put commercial where commercial belongs; if your neighbor wants to sell for commercial, he/she can do so

Nancy Heider, 4844 Fairview Road, Neenah:

Q: What if a foundry would want to move into the town – would they have to upgrade the road and the infrastructure?

A: What would severely affect a business regarding where it would locate would be its access to sewer and water; where it's not there to begin with, most businesses would not pay to build it

Response: Town of Menasha, for the area 600ft-1000ft west of Clayton Avenue, it has already sized sewer pipes to go west of Clayton Avenue; people living near this area could petition to hook up and to be annexed to gain access to the Town of Menasha sewer; by planning now, it allows us to look at these issues long-range so we can plan well for the future.

Kay Lettau, 3795 County Road II, Larsen:

Comment: The Board received input from the public hearing on April 22, 2009 – she overviewed some comments received.

Comment: A couple weeks ago we had public information session; overviewed populations and number of acres for some land use plan designations; suggested commercial be east of Oakwood Avenue and the area west of Oakwood Avenue be slashed for future development; discussed multi-family in the Larsen area and eliminating the rest of multi-family designation or making it a slashed designation; discussed about available clean water being an issue in the near future and creating a sustainable lifestyle; discussed our tax rate and how it will be affected; and discussed DNR stormwater ponds.

Response: We need to look at the density of development and where it has ready access to infrastructure; you'd make parking and traffic intensive areas and service demands would be greater depending upon the density of development requirement.

Patricia Kiesow:

Comment: Thinking green, streams, and trails surrounding multi-family housing

Pat Fischer:

Comment: We should compare ourselves with other communities.

Emert Stacker, 3107 Fairview Road, Neenah:

Q: What does this map address regarding farmland preservation?

A: When Winnebago County updates its plan, it cannot include any land which would potentially be developed within the next fifteen (15) years; once that plan is adopted, it may affect farmland preservation within our town.

A: Winnebago County, within the next two years, must revise the farmland preservation map; the County cannot put a property into farmland preservation; some properties may be dropped from the farmland preservation program; zoning won't change.

Marcia Stolze:

Q: What about the statistics?

Mark Luebke:

Comment: If we want to keep the Town of Clayton a bedroom community, our taxes will rise substantially; there will be increased demand for services by residents; the demand for services from commercial is not as great.

Comment: Commercial and Industrial, if properly placed, can minimize the amount of services we as a town need to provide.

Emert Stacker:

Q: Are you promising people you will put sewer in if they move out here?

A: No

Patricia Kiesow:

Q: Each of us would like to agree with Kay; but good planning requires you to cluster development; we are trying to plan the best way we can; we need to have people on notice of our plans.

Kay Lettau:

Comment: Stated that we should just scale back, not stop the growth.

Mitch Beatty:

Comment: We have such a large area, focus on what's realistic instead.
Public Hearing Closed.
Board meeting reopened.

III. Approval of Minutes

- Regular Town Board Meeting – November 18, 2009
MOTION: (Unanimous Consent) Approve minutes of Regular Town Board Meeting of November 18, 2009.
CARRIED.
- Proposed 2010 Budget – Public Hearing and Special Town Electors' Meeting – November 23, 2009
MOTION: (Unanimous Consent) Approve minutes of Regular Town Board Meeting of November 23, 2009.
CARRIED.
- Special Town Board Meeting – November 23, 2009
MOTION: (Unanimous Consent) Approve minutes of Special Town Board Meeting of November 23, 2009.
CARRIED.

IV. Open Forum – Non-Agendized Town-related Matters – none

V. Correspondence

- Winnebago County Solid Waste Management Board (received 11/20/09) – October 2009 Tonnage Report
- Urban Towns Committee Executive Board (received 11/23/09) – Meeting Minutes

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

- A. County Supervisor Report – Joanne Sievert: Winnebago County budget set for 2010
- B. Winn. Cty. Sheriff's Dept. – Public Concerns and Issues; No Deputy present
- C. Fire Department Report – Fire Chief not present; no update
- D. Administration Comments – Town Administrator: putting together tax information, some numbers need research as to why, injury/accident report filed; Clerk/Treasurer: water testing meeting rescheduled, public health newsletter; Shop Foreman: reconstruction on trail 600 feet east of Hickory, also drain tiling to remove standing water on trail, cold patching, clean parks, right-of-way items that need to be removed, clean ditches, driveway to park not moved yet, it was supposed to have been completed by now, will follow up for a date; Chair Luebke: Town Administrator and Mark met with Fire Fighters to address fire protection in the southeast quadrant; Kay Lettau: attended Larsen-Winchester Sanitary District Meeting, it is up to 63% capacity so it has room as it is down from 90% capacity since the installation of meters.

VII. Business

- A. Direction to Staff relative to Public Hearing input on the following items:
Received public input.
Any changes to be made will be made and brought back to the Board.
Work out road plan with City of Neenah.
Right-Of-Way width – working on a new set of standards for building town roads.
Land Use Plan – replace one brown with yellow north of State Highway 10; State Highway 10 commercial from center to Oakwood Avenue make slash marks.
Zoning Ordinance – would address density concerns
- B. Approval of CY 2010 Budget
 - Revenues
 - Operating Budget
 - Capital Budget**MOTION:** (Klingenberger, Geise) Approve CY 2010 Budget which includes the Revenue budget, Operating budget, and Capital budget.
CARRIED by voice vote.

- C. Review and Approval of CY 2010 Chart of Accounts
MOTION: (Klingenberger, Kiesow) Approve CY 2010 Chart of Accounts as proposed by staff.
CARRIED by voice vote.
- D. Tony’s Cemetery – Contract renewal for CY 2010
MOTION: (Lettau, Klingenberger) Approve contract for Tony’s Cemetery Service, LLC, for CY 2010.
CARRIED by voice vote.
- E. Request for Consideration – Ryan Phiefer, 9336 Timber Ridge Rd. – Structure in the Town’s Right-Of-Way
MOTION: (Luebke, Kiesow) Require property owner to remove structure in right-of-way at 9336 Timber Ridge Road to be completed by Dec 20, 2009.
CARRIED by 5-0 roll call vote.
(Klingenberger = yes, Kiesow = yes, Geise = yes, Lettau = yes, Luebke = yes)
- F. Winnebago County Industrial Development Board – IDB Per Capita Grant
Grant amount available for 2010 is \$1,550.00; file intent; bring back to the Board a with a list of potential projects
- G. Martenson & Eisele Amendment to Scope of Services – Comprehensive Plan Update
MOTION: (Geise, Lettau) Approve Amendment to Scope of Services for Comprehensive Plan Update with Martenson & Eisele in the amount of \$ 550.00.
CARRIED by voice vote.
- H. Approval of Town Administrator’s Performance Evaluation and Employment Agreement
MOTION: (Klingenberger, Geise) Approve Employment Agreement for Town Administrator amending Article 6 to remove 1st comma after town limits that deletes the mileage comment.
CARRIED by voice vote.
- I. Set date for Year-End Town Board Meeting – Close the books for CY 2009
MOTION: (Klingenberger, Kiesow) Set date for yearend meeting of the Town Board to close the books for 2009 for the regular Town Board meeting on December 16, 2009.
CARRIED by voice vote.

VIII. Upcoming Meeting Attendance

- A. Town Board (December 16, 2009) – Adopt the following: Park & Open Space Plan; Official Map Ordinance; Comprehensive Plan

IX. Board Member Requests for Future Agenda Items – none

- Luebke – Holiday/Season get-together for the Town Board, Plan Commission, Green Space, and Staff – post as meeting for all involved (for a Sat night in Jan)
- Geise – Follow up on with posting signage on Timber Ridge Rd
- Geise – Letter from Pat Voss regarding hunting and discharge of firearm near Forest Heights Lane

X. Approval of Disbursements

- MOTION:** (Unanimous consent) Approve disbursements.
CARRIED.

XI. Adjournment – 10:07pm

- MOTION:** (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted,
Susan Nester-Huebner, Clerk