

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 7:43 P.M. on Wednesday, January 18, 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 Vice-Chair Geise called the meeting to order at 7:00 P.M.
- 2. Pledge of Allegiance recited.
- 3. Meeting properly posted, three locations in the Town.
- 4. Roll

a. Board of Supervisors

Chair Luebke	ABSENT (Excused)
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

b. Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamentner	PRESENT
Town Engineer Miller	PRESENT

II. Public Hearing:

- A. No Public Hearing.

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, January 4, 2012

MOTION:

Motion by: Unanimous consent

Approve the Regular Town Board Meeting minutes of Wednesday, January 4, 2012, as written.

CARRIED.

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

- A. No open forum items.

V. Correspondence:

- A. No correspondence.

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

A. County Supervisor Report

- 1. County Supervisor Joanne Sievert – not present; no report
- 2. County Supervisor Larry Kriescher (5251 Grandview Rd., Larsen) – present; Farmland Preservation is pending for further consideration

- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. Sheriff Deputy Villie arrived at 7:04 P.M.
 - 2. No issues or concerns.
- C. Clayton-Winchester Fire Department
 - 1. No CWFD member present
 - 2. Update: 9 calls year-to-date; FEMA grant for new fire truck denied
 - 3. 7:00 P.M. on Tuesday, January 24, 2012, Special Joint Fire Board Meeting at the Town of Winchester Town Hall regarding the purchase of a new fire truck
- D. Larsen Winchester Sanitary District
 - 1. No LWSD member present; no report
- E. Administration Comments
 - 1. Administrator: Building Inspector will not be in attendance tonight; CDBG Grant application in progress
 - 2. Clerk: We will not have a February Primary Election; January Settlement for the taxes collected in December submitted to the County Treasurer, working on the required Redistricting for elections following the 2010 Census
 - 3. Public Works Foreman: snow plowing for recent snow event went well; picked up 21 Christmas Trees so far this week to chip
 - 4. Engineer: absent (excused)
 - 5. Chair Luebke: no report
 - 6. Supervisor Lettau: no report
 - 7. Supervisor Grundman Erdmann: no report
 - 8. Supervisor Schmidt: no report
 - 9. Supervisor Geise: no report

VII. Licenses and Permits:

A. Discussion/Action – Consideration and approval of Operator Licenses:

- 1. New – Tiffany A. Nunenkamp (a.k.a. Bender) (Not present)
- 2. New – Ronald W. Cosgrove (Present)
- 3. New – Jeanetta L. Dorsey (a.k.a. Hall) (Not present)
- 4. New – Samantha J. Prince (Present)

MOTION:

Motion by: Unanimous consent

Approve the Operator License for Tiffany A. Nunenkamp (a.k.a. Bender), Jeanetta L. Dorsey (a.k.a. Hall), and Samantha J. Prince.

CARRIED

MOTION:

Motion by: Supervisor Grundman Erdmann

Seconded by: Supervisor Schmidt

Approve the Operator License for Ronald W. Cosgrove.

CARRIED by unanimous voice vote.

VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

Plan Commission Chair, Dick Knapinski, overviewed the following Plan Commission Referrals.

A. Town Board review and consideration of a Plan Commission recommendation on a Re-zoning Application, from R-1 (Rural Residential District – Non-Subdivided) to A-2 General Farming District), for Carrie and Kevin Abitz, 8833 Umland Road, Larsen, WI 54947, specifically described as Tax ID # 006-0486-01, being part of the Southeast ¼ of the Northwest ¼ of Section 18, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

1. Property Information:

a. The surrounding properties are zoned:

- 1) North: A-2 (General Farming District)
- 2) South: P-1 (Institutional and Recreational District) Larsen Airport
- 3) East: A-2 (General Farming District)
- 4) West: A-2 (General Farming District)

2. Staff Comments:

- a. The proposed re-zoning is consistent with the Town’s approved Land Use Plan.
- b. The proposed re-zoning makes the zoning on the newly created Abitz property [a portion of Tax ID # 006-0486-01 (approximately 4 acres) and the original Abitz property (Tax ID # 006-0486-01)] consistent and uniform.
- c. The Abitz home, which is zoned R-1 (Rural Residential District, Non-subdivided) is being re-zoned to A-2 (General Farming District), giving the entire parcel a zoning classification of A-2 (General Farming District).

3. Comprehensive Plan, Future Land Use Map:

a. As part of the staff report, the Administration is including the following note from the Comprehensive Plan, Future Land Use Map Document.

1) NOTE 2:

In the interest of making sound land use decisions property owners in the USH 10 Corridor (west of Oakwood Avenue) are advised that at some point in the future the demand for commercial development may expand west from the area shown as Business on the Future Land Use Plan. Property owners in the Corridor are advised that the Town of Clayton will support the expansion of commercial development in the USH 10 Corridor west of Oakwood Avenue when the infrastructure needed to support the commercial development can be provided in a cost effective and efficient manner. Property owners in the Corridor are advised that, in planning for the sale and/or development of their property, they should consider the potential impact of future commercial development on their property.

4. Plan Commission Recommendations:

a. The Plan Commission recommended approval of the proposed re-zoning application from R-1 (Rural Residential District, Non-subdivided) to A-2 (General Farming District), for Carrie and Kevin Abitz, 8833 Umland Road, Larsen, WI 54947, subject to the following conditions:

- 1) Documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Approve the re-zoning application, from R-1 (Rural Residential District – Non-Subdivided) to A-2 General Farming District), for Carrie and Kevin Abitz, 8833 Umland Road, Larsen, WI 54947, specifically described as Tax ID # 006-0486-01, being part of the Southeast ¼ of the Northwest ¼ of Section 18, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin, subject to the staff recommendations.

CARRIED by unanimous voice vote.

B. Town Board review of proposed changes and updates to the Town’s Sub-division Ordinance.

1. Staff reviewed the recommended changes to the Town’s Sub-division Ordinance and requested that the finalized document be presented to the Commission for recommendation at its February meeting.

No motion on this item.

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 a one-year rolling Employment Agreement extension with Tom Spierowski for Uniform Building Code (UDC), Building Inspection Services for the Town of Clayton.

1. Each Town Board member received a draft copy of a proposed Employment Agreement with the Inspector for CY 2012.
2. Based on the Inspector’s employment circumstances, the Administration is recommending a one-year rolling contract.
3. The Inspector has been looking for full-time employment and would likely take a full-time position if it were to be offered.
4. The final draft of the employment Agreement is scheduled for Board approval at its Wednesday, January 18th, 2012, meeting.
5. The Administration has some concerns relative to consideration of the Inspector’s employment.
 - a. Specifically, in order to be covered by the Town’s Liability Insurance Policy the Inspector must be a Town Employee.
 - b. This process would require that the Inspector be paid through the Town’s payroll system.
6. The Inspector’s wage is variable and dependant on the number of permits issued.
7. The only comparison to the private sector that makes any sense is a pure commission salesperson.
8. In order to simplify the payroll process, staff is recommending a fixed split of the value of all permits issued of 80/20, with 80% going to the Inspector and 20% going to the Town.

9. The Administration's intent is to make the Inspection Department self-supporting from the fees collected.
10. The 20% of the fees retained by the Town will serve to cover the cost of State forms, State Seals, and the Town's FICA payment for the position.
11. Based on a review of the Town's Fee Schedule with the Building Inspector, staff is not recommending any changes to the Town's existing Fee Schedule.
12. If the Board agrees with the proposed Employment Agreement and fee split, a motion would be in order to approve the Employment Agreement and 80% / 20% fee split.
13. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman Erdmann

Approve a one-year rolling Employment Agreement extension with Tom Spierowski for Uniform Building Code (UDC), Building Inspection Services for the Town of Clayton.

CARRIED by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of the Town's CY 2012 Winnebago County, Industrial Development Board, Per Capita Funding Application.

1. Each Town Board member received a copy of the Town's CY 2012 Winnebago County, Industrial Development Board, Per Capita Funding Application.
2. Given the timeframe of the IDB Funding Application, the Administration has submitted the attached Funding Application and Planning Services Proposal with the understanding that the Board may direct staff to retract the funding application and not approve the Planning Services Proposal.
3. Specifically, the IDB Funding Application indicates that the IDB funds would be used to offset the costs of the Planning Services Proposal.
4. Over the past several years, the Board has expressed a desire to consider extending municipal sanitary sewer and water to the USH 10 corridor between Clayton Avenue and STH 76.
5. However, staff has never been able to identify the service area, the manner in which the municipal services would be provided, or the estimated costs of the project.
6. The Planning Services Proposal is intended to create a baseline understanding with answers to these questions.
7. The Town Engineer has been asked to submit a proposal that reviews the Town's options from a concept perspective.
8. This information will allow the Board to understand what is involved in providing municipal utility services to the area.
9. If the Board moves forward with providing municipal utilities to the area, a more detailed engineering design and construction plan will need to be generated.
10. The Town's IDB funding is \$1,696.00, the cost of the Engineering proposal is \$2,980.00.
11. The \$2,980.00 required to cover the cost of the proposal not covered by the IDB funds will come from the Town's CY 2012 Budget, Planning Line Item.

12. If the Board agrees that the project is a good use of the Town's IDB and Planning Funds, a motion would be in order to approve the Town's CY 2012 IDB Funding Application as submitted.
13. Staff will present the Planning Services Proposal to the Board at its second meeting in February of CY 2012.
14. Commented on this item: no resident comments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Approve the Town's CY 2012 Winnebago County, Industrial Development Board, Per Capita Funding Application as submitted.

CARRIED by unanimous voice vote.

- C. Discussion/Recommendation: Town Board direction to staff relative to Winnebago County correspondence on junk complaints received in the area of Lind Lane and Winnegamie Drive.

1. As the Board knows, the Town has received several complaints from property owners on Braun Court relative to the conditions of the properties located at 2935 Winnegamie Drive and 9595 Lind Lane.
2. Staff forwarded the complaints to the County's Health Department for investigation and possible action.
3. Each Town Board member received a copy of correspondence from the County Health Department relative to the investigation of the complaints and any action the Department would take.
4. It appears that the County would like the Town to take enforcement action on the complaints based on Town Ordinances and State regulations.
5. It is the Administration's opinion that the only existing Ordinance the Town could use is the Nuisance Ordinance. (Each Town Board member received a copy of the Nuisance Ordinance)
6. Any enforcement action under the Nuisance Ordinance would require a Circuit Court Order.
7. Procedurally, the Town Attorney would petition the Court, a Hearing would be held, and a decision rendered.
8. If the property owner did not take corrective action as required by the Court Order, the Town would take the corrective action and assess the costs to the property owner on his/her taxes.
9. The Administration is respectfully asking the Board for direction relative to this issue and any enforcement action the Town should take.
10. Commented on this item: no resident comments.
11. Board Direction: Review our existing ordinances to see if there is anything we can do, if we can not do anything under existing ordinances, then look at revisiting our ordinances to address this type of issue, and also move ahead with addressing this issue further.

No motion on this item.

- D. Discussion/Recommendation – Town Board direction to staff relative to approving Operator Licenses at the first Board meeting of the month.
1. In anticipation of the planned reductions in Office staff the Clerk has recommended that the Town review and approve Operators Licenses on a monthly basis.
 2. Starting in February of CY 2012, staff would place Board approval of Operators Licenses on the Board’s first agenda of the month.
 3. Since applicants routinely receive 60-day Provisional Licenses so that they can work while their applications are being considered by the Board, this schedule should have a minimal impact on the process.
 4. The only circumstance that could create a problem for an applicant would be Board denial of the application and the appeal process.
 5. Since Board denial has usually been premised on the applicant not attending the Board’s meeting, the applicant would be in control of a potential problem.
 6. The Administration has reviewed the Clerk’s recommendation with staff and supports the proposed change to the Operator’s License approval process.
 7. If the Board would like to formally review the issue, a motion would be in order to direct staff to place this item on the Board’s agenda for action.
 8. Barring direction for formal action, the Administration will implement the revised schedule starting in February of CY 2012.
 9. Board Direction: Direct staff to place on the Board’s agenda for action the approval of Operator Licenses on the first Town Board meeting of the month.

No motion on this item.

- XI. Upcoming Meeting Attendance
- A. Green Space Committee – 5:30pm on Thursday, January 19, 2012
(Includes ClaytonFest planning)
 - B. Special Joint Fire Board Meeting – 7:00pm on Tuesday, January 24, 2012
(Location: Town of Winchester Town Hall)
 - C. Open House for Winnebago County Zoning Ordinance Comprehensive Re-Write Project – 5:00pm-8:00pm on Monday, January 30, 2012
(Location: James P. Coughlin Center, 625 East County Road Y, Oshkosh – Rooms A & B)
- XII. Board Member Requests for Future Agenda Items
- A. No items.
- XIII. Review of Disbursements
- A. Town Board reviewed disbursements.
- XIV. Adjournment – 7:43 P.M.
- MOTION:**
Motion by: Unanimous consent
Adjourn.
CARRIED

Respectfully submitted,
Susan Nester-Huebner, *Town Clerk*