

# TOWN OF CLAYTON

## Regular Meeting of the Town Board of Supervisors Meeting Minutes

April 20, 2011  
7:00 p.m. – 9:37 p.m.

8358 County Road T Larsen, WI 54947

### I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke.

Roll: Town Board

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamerter	PRESENT
Town Engineer Madsen	PRESENT

Meeting properly posted; three locations in the Town.

### II. Approval of Minutes

- Regular Town Board Meeting – April 6, 2011  
**MOTION:** (unanimous consent) Approve Regular Town Board Meeting Minutes from April 6, 2011, as written.  
CARRIED.
- Special Town Board Meeting (Reorganization) – April 13, 2011  
**MOTION:** (unanimous consent) Approve Special Town Board Meeting Minutes from April 13, 2011, as written.  
CARRIED.

### III. Open Forum – Non-Agendized Town-related Matters – none

### IV. Correspondence

- A. Winnebago County Solid Waste Management Board – March Recycling Tonnage Report

### V. Discussion Items (No action will be taken.)

- A. County Supervisor Report – Supervisor Joanne Sievert, District 29, present: Narrow-band radios to be REQUIRED in 2013 (14-20 million for radios for Emergency Responders – will be 100 per radio and 500 for main unit for maintenance local community must provide), Outagamie County Airport Overlay, Sheriff wants two new pods added to the jail,
- B. Winnebago County Sheriff's Dept. – Deputy Putzer present: TOPICS
- C. Clayton-Winchester Fire Chief Report – Fire Chief Mathison present: Fire Department has received 29 calls year-to-date, a little above average compared to previous years, will be hosting a summer kick-off fundraiser on May 21, 2011, at Winchester Town Hall, LETTAU requested a breakdown of types of FD calls
- D. Administration Comments –  
Town Administrator: Annual Report recycling report to DNR completed, PASER report due this year, DOT email regarding salt purchase due April 29, 2011, purchase amounts will be approved at TB on May 4, 2011  
Clerk: There may be a recount for the State Supreme Court Judicial race  
Town Engineer: Larsen Road project update

Chair Luebke: Received phone call from concerned resident in the Darrow Road area regarding drainage in that area

**VI. Zoning – Receipt of Information from Plan Commission**

Plan Commission Chair Knapinski presented a brief overview of the meeting.

- A. Plan Commission review and recommendation on a Conditional Use Application for Beaming, Inc., 1190 Symphony Boulevard, Neenah, WI 54956, and Mary Alice Eisch, 5345 Ann Street, Larsen, WI 54947, for property located at 3346 Oakridge Road in the Town of Clayton (Tax ID#006-0696-03, a portion of #006-0695, and a portion of #006-0696).
- B. Plan Commission review and recommendation on a request by the Town Administrator for an agreement to make a Payment In Lieu of Taxes (PILOT) from Beaming, Inc., a 501-C3 tax exempt entity proposing to purchased property located at 3346 Oakridge Road in the Town of Clayton (Tax ID#006-0696-03, a portion of #006-0695, and a portion of #006-0696).
- C. Plan Commission review and recommendation on an amendment to the Town’s Comprehensive Plan, adopted on December 16, 2009, for the Center for Avian Rehabilitation & Education, 3053 Beechwood Ind. Ct., Suite 1, Hubertus, WI 53033, and Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID #006-0339-02-01)

**MOTION:** (Schmidt, Lettau) Accept the information from the Plan Commission.  
CARRIED by unanimous voice vote.

**VII. Licenses**

- A. **Discussion / Action** – Consideration and approval of Operator Licenses:
  - New – Kayla E. Anderson (Appeal from March 16, 2011) (Present with John Thorne 3915 S Kearnon Ave Appleton of Westridge Golf Course – Commented on this item)
  - New – Crystal A. Floyd
  - New – Joseph K Westra
  - New – Candy A. Jennings PRESENT
  - New – Katie L. Menning

**MOTION:** (Geise, Schmidt) Approve Operator License for Kayla E. Anderson.  
CARRIED by unanimous voice vote. (Lettau = No)

**MOTION:** (Unanimous consent) Approve Operator License for Crystal A. Floyd.  
CARRIED by unanimous voice vote.

**MOTION:** (Unanimous consent) Approve Operator License for Joseph K. Westra.  
CARRIED by unanimous voice vote.

**MOTION:** (Unanimous consent) Approve Operator License for Candy A. Jennings.  
CARRIED by unanimous voice vote.

**MOTION:** (Unanimous consent) Approve Operator License for Katie L. Menning.  
CARRIED by unanimous voice vote.

**VIII. Business**

- A. **Discussion / Action** – Town Board action on a Plan Commission recommendation on a Conditional Use Application for Beaming, Inc., 1190 Symphony Boulevard, Neenah, WI 54956, and Mary Alice Eisch, 5345 Ann Street, Larsen, WI 54947, for property located at 3346 Oakridge Road in the Town of Clayton (Tax ID#006-0696-03, a portion of #006-0695, and a portion of #006-0696).

Site Location: The property is known as Tax ID #006-0696-03, Part of the South ½ of the Southeast ¼, Described as Lot 1 of CSM-6405, Section 27, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, Wisconsin, a portion of #006-0695 and a portion of #006-0696.

Applicant: Sandra Sandee for Beaming, Inc.

Property Owner: Mary Alice Eisch  
5345 Ann Street  
Larsen, WI 54947

Prepared for: Sandra Sandee, Agent  
Beaming, Inc.  
1190 Symphony Boulevard  
Neenah, WI 54956

**Property Information:**

1. The surrounding properties are zoned:
  - a. North: A-1 Agri-Business District and A-2, General Farming District
  - b. South: A-1 Agri-Business District
  - c. East: A-2 General Farming District and R-1 Rural Residential
  - d. West: A-1 Agri Business District and A-2 General Farming District
2. The lots are in the Department of Natural Resources Special Well Casing are.
3. A navigable stream is intermittently identified on the property.
4. The property is currently zoned A-2 General Farming District.
5. The property is in the City of Neenah Extra Territorial Zoning District.
6. The property is not in the County’s Floodplain Zoning Area.
7. A portion of the properties are in the County’s Shoreland Jurisdiction Zoning.
  - a. Tax ID #006-0696-03 is in the 300-foot buffer of the County’s Shoreland Jurisdiction Zoning.
  - b. Tax ID #006-0695 is in the 1,000-foot buffer of the County’s Shoreland Jurisdiction Zoning
  - c. Tax ID #006-0696 is in both the 300-foot and the 1,000-foot buffer of the County’s Shoreland Jurisdiction Zoning.
8. The property is not in the County’s Wetland Identifier.
9. The proposed Conditional Use Application is consistent with the Town’s approved Land Use Plan.

**Plan Commission Recommendation:**

The Plan Commission has recommended the noted changes to staff’s recommendations for approval of the proposed Conditional Use Application subject to the following conditions:

1. The removal, using force account labor, of one old farm access culvert subject to prior notice to the property owners. The culverts are located approximately 100 feet on either side of the paved farmhouse access driveway.
2. Remaining farm access shall be chained or gated to limit access.
3. Limiting staffing to a total of 10 Full-Time Equivalent Employees (FTE).
4. Limiting the total number of horses on site at any given time to 25.
5. Limiting the hours of operation from 8:00 A.M. to 9:00 P.M. with the occasional weekend.
  - a. Weekday hours of operation shall be limited from 8:00 A.M. to 9:00 P.M.
  - b. Saturday hours of operation shall be limited from 10:00 A.M. to 9:00 P.M.
  - c. Sunday hours of operation shall be limited from 10:00 A.M. to 6:00 P.M.
6. Compliance with any and all animal waste regulations promulgated by the State, the County, and/or the Town.
7. Limiting any fundraising events to the approved hours of operation.
8. The imposition of a Municipal Solid Waste and Recycling Special Assessment Fee on the property. As an alternative, Beaming, Inc., can provide the Town with evidence of a private solid waste and recycling contract for the property.
9. Approval of the required Certified Survey Map by all units of government having jurisdiction.
10. Documentation of the approval of the proposed Conditional Use Permit by any overlying unit of government with jurisdiction.

**MOTION:** (Geise, Lettau) Approve the Conditional Use Application for Beaming, Inc., 1190 Symphony Boulevard, Neenah, WI 54956, and Mary Alice Eisch, 5345 Ann Street, Larsen, WI 54947, for property located at 3346 Oakridge Road in the Town of Clayton (Tax ID#006-0696-03, a portion of #006-0695, and a portion of #006-0696), along with the Plan Commission recommendations with the addition of adding that the chain/gate stays.

CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Town Board action on a Plan Commission recommendation on a request by the Town Administrator for an agreement to make a Payment In Lieu of Taxes (PILOT) from Beaming, Inc., a 501-C3 tax exempt entity proposing to purchased property located at 3346 Oakridge Road in the Town of Clayton (Tax ID#006-0696-03, a portion of #006-0695, and a portion of #006-0696).

Beaming, Inc., is tax exempt 501-C3 corporation. As such, any real and personal property they own will be tax exempt. The Administration has asked representatives of the organization if they would be willing to make a PILOT equivalent to the Town’s tax rate on the assessed value of the property as of January 1st, 2011.

The rationale for the request is the use of the municipal services provided by the Town and used by the organization during its routine activities. The cost of providing the services will not be reduced because of the tax exempt status; therefore, those costs will be spread over the other properties in the Town. The assessed value of the property is approximately \$250,000 and the CY 2010 Municipal Tax Rate is approximately \$2.50 per thousand dollars of assessed value; thus the PILOT would be approximately \$625.00.

The Plan Commission has recommended that the Town Board direct staff to negotiate a PILOT subject to applicant approval and Legal Counsel review. The Administration’s model PILOT would have a five-year term and would have a payment schedule similar to a tax payment that would be payable to the Town Treasurer. The Administration would respectfully remind the Town Board that this agenda item must not be discussed as part of the organization’s Conditional Use Application. Any discussion that appears to connect the two issues could be grounds for a legal challenge if the Conditional Use Application is denied.

Present & Commented on item: Cindy Mueller Exec Director of Beaming, Inc. (309 Prospect St., Combined Locks)

**MOTION:** (Lettau, Grundman Erdmann) Authorize the draft of an agreement to make a Payment In Lieu of Taxes (PILOT) from Beaming, Inc., a 501-C3 tax exempt entity proposing to purchased property located at 3346 Oakridge Road in the Town of Clayton (Tax ID#006-0696-03, a portion of #006-0695, and a portion of #006-0696)  
 CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board action on a Plan Commission recommendation on an amendment to the Town’s Comprehensive Plan, adopted on December 16, 2009, for the Center for Avian Rehabilitation & Education, 3053 Beechwood Ind. Ct., Suite 1, Hubertus, WI 53033, and Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID #006-0339-02-01).

**Application Information:**

Site Location: The property is known as Tax ID# 006-03390-02-01, Part of the southeast ¼ of the southwest ¼ and part of the southwest ¼ of the southeast ¼, Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, Wisconsin described as Lot 2 of CSM 4460.

Applicant: Bret and Virginia Luzenski and the Center for Avian Rehabilitation & Education.

Property Owner: Bret and Virginia Luzenski  
 2722 West Fairview Road  
 Neenah, WI 54956

Prepared for: Bret and Virginia Luzenski

**Property Information:**

1. The property is in the Department of Natural Resources Special Well Casing area.
2. The area has officially mapped roads.
3. The property is in the Outagamie County Airport Overlay Zoning District with Height Restrictions (neither the Town nor Outagamie County currently enforce the Airport Overlay Zoning District in the Town of Clayton).
4. The property is currently Zoned R-1 Rural Residential (non-subdivided).

- 5. The surrounding properties are zoned:
  - a. North: M-1 Light Industrial and Office District.
  - b. South: A-2 General Farming District.
  - c. East and West: R-1 Rural Residential (non-subdivided).
- 6. The property is in the City of Neenah Extra Territorial Zoning Area.
- 7. The property is not in the County’s Wetland Identifier.
- 8. The property is shown on the Town’s Future Land Use Map as reserved for Commercial Development.

**Plan Commission Recommendation:**

The Plan Commission has recommended approval of the proposed Future Land Use Map amendment subject to the following staff-recommended conditions:

- 1. Approval of the required Town and County Rezoning needed to allow the project to be completed.
- 2. Approval of the Town and County Conditional Use Application needed to allow the project to be completed.
- 3. Approval of the required Future Land Use Map Amendment by all units of government having jurisdiction.
- 4. Payment of the Town’s \$240 Comprehensive Plan Amendment Fee.

**MOTION:** (Lettau, Schmidt) Move ahead with the proposed Future Land Use Map amendment to the Town’s Comprehensive Plan, adopted on December 16, 2009, for the Center for Avian Rehabilitation & Education, 3053 Beechwood Ind. Ct., Suite 1, Hubertus, WI 53033, and Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID #006-0339-02-01), along with all Plan Commission conditions. CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board review and consideration of Resolution 2011-005: A Resolution Expressing the Town Board’s position on the State Department of Transportation’s requirement that the Town remove the lighted stop signs at the intersection of Larsen Road and STH “76”.

The Town Board packet included an e-mail to the Administrator from Mike Frewerd, Traffic Supervisor, Wisconsin Department of Transportation (DOT), Northeast Region, a copy of the pertinent State of Wisconsin, Department of Transportation, Traffic Guidelines Manual, and a copy of Town of Clayton, Resolution 2011-05. The Town Chair has directed that this item be placed on the Board’s agenda in order to request that the DOT approve the lighted stop signs and allow them to remain in place. The draft Resolution expresses the Town’s ongoing concern about safety at the intersection of Larsen Road and STH “76”, and in particular, for the next 18 months while the State has re-routed USH “45” fro Oshkosh to USH “10”. The Resolution also expresses the Town’s intent to be proactive about safety rather than reactive, and place the lighted signs before the accidents occur. The DOT has rebuffed the Administration’s offer to sign a maintenance agreement for the signs, making them a Town responsibility. If approved, the Administration will forward the Board’s Resolution to the DOT and State Legislators for the area.

Commented on item: Joanne Sievert (7383 Murray Road)

**MOTION:** (Geise, Grundman Erdmann) Approve Resolution 2011-005: A Resolution Expressing the Town Board’s position on the State Department of Transportation’s requirement that the Town remove the lighted stop signs at the intersection of Larsen Road and STH “76”, with the addition of “...at a minimum a lighted stop sign” and add the additional two fatalities since 2002. CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board review and consideration of Resolution 2011-006: A Resolution Authorizing the Town Board to sign a Final Asphalt Pavement Surface Agreement with the Developer(s) of the Plats of Emerald Valley and Emerald Valley II in the Town of Clayton.

The Town Board received copies of the Public Improvement Agreement and Escrow Account Agreement for the Plats of Emerald Valley and Emerald Valley II in the Town of Clayton. Unfortunately, the Escrow Account Agreement is not signed by either the Town or the Developer. The BLC Community Bank has contacted the Town relative to releasing the funds (approximately

\$151,209.80); however, in order to release the funds the bank would like a signed Escrow Account Agreement.

The attached Resolution is intended to explain today’s date and the current Board’s signatures on a document generated in CY 2004. BLC Community Bank has indicated that they will honor an agreement signed by the current Board with the proper documentation. Staff is working on finalizing that documentation; however, the Public Improvement Agreement clearly states that the developer shall escrow \$4,086.75 for the final asphalt pavement surface on the first 2/3’s of the lots in the Plat (see highlighted area). Additionally, in the Public Improvement Agreement, under item 6, the Developer acknowledges that the project costs may exceed the estimates and promises to pay the full costs of the Public Improvements. The Administration has an issue with the term “promises” in the statement as a promise is not commonly interpreted as a legally binding statement. In order to start the collection process the Administration needs an authorized and signed Resolution; thus, the Board will likely be revisiting the issue in the future.

**MOTION:** (Schmidt, Lettau) Approve Resolution 2011-006: A Resolution Authorizing the Town Board to sign a Final Asphalt Pavement Surface Agreement with the Developer(s) of the Plats of Emerald Valley and Emerald Valley II in the Town of Clayton.  
CARRIED by unanimous voice vote.

- F. **Discussion / Action** – Town Board review and consideration of a Special Assessment procedure for receiving escrow payments related to the Town’s CY 2011 subdivision paving projects.

The Administration has been advised of a pending Lot sale in the Plat of Emerald Valley. A request was received from Valley Title Services in the form of a Real Estate Inquiry Form. This type of document is routinely received by the Town from title agencies to verify if the property has any municipal liens or Special Assessments.

In this case, the Administration directed the Treasurer to notify Valley Title Services (see attached form for language) that the Town Board has discussed and may be considering Special Assessments for paving on the Lots still owned by the Developer in the Plat of Emerald Valley. The Administrations’ position is based on Board discussion relative to recovering the unfunded portion of the Town’s CY 2011 subdivision paving projects and the recent bid award for the subdivision paving contract. Based upon the costs associated with the paving contract award, the alternate for the curb returns, and the Town’s engineering for the project, the Special Assessment would amount to \$4,243.34 per Lot (see calculation).

Engineering Costs:	\$ 4,700.00
Low Bid Paving Costs:	\$217,882.00
Concrete Curb Return Alternate:	\$ 15,045.00
TOTAL Project Costs:	\$237,627.00
Divided by the number of Lots:	<u>          /56</u>
Cost per Lot:	\$ 4,243.34

After a number of discussions with the Title Company, the Realtor, and the potential buyer, it appears that the sale is going to close and the Town will be receiving an escrow payment for the paving project.

The Administration has directed the Treasurer to place the funds in the Town’s Paving Escrow Account until the Board makes a decision on levying any Special Assessments. If the Board takes such an action, the funds would be used to offset the costs of the paving project; if the Board decides not to levy a Special Assessment, the funds would be returned to the individual making the payment. The Administration is looking for guidance from the Board relative to the process. If the Board approves, staff will use this process until a formal Special Assessment is put in place.

**MOTION:** (Lettau, Schmidt) Discuss Item F and Item P together.  
CARRIED by unanimous voice vote.

**MOTION:** (Geise, Schmidt) For the CY 2011 subdivision paving projects, we approve the process for special assessment in Emerald Valley and to have the Treasurer place the money in the paving escrow account until the Town Board makes a decision on levying any special assessments.  
CARRIED by unanimous voice vote.

- P. **Discussion/Recommendation** – Town Board direction to staff relative to the potential for levying Special Assessments against benefited Developer-owned properties in subdivisions for the unfunded portion of the Town’s CY 2011 subdivision paving projects.

**MOTION:** (Geise, Schmidt) Apply the same process for the CY 2011 subdivision paving projects for special assessments to the remaining subdivisions in question.  
 CARRIED by unanimous voice vote.

The Town Board then addressed the remaining items on the agenda in the order they appear.

- G. **Discussion / Action** – Town Board review and consideration of the purchase of the replacement street signs for the northwest quadrant of the Town.

In preparation for replacing the traffic control signs in the northwest quadrant of the Town, staff released the attached purchase order in the amount of \$3,257.34 to Lange Industries, Inc. (Lange) for the required signs. The Administration has called Lange and placed a hold on the purchase order pending Board approval of the project and the purchase. Lange was notified that the Board has funded the project and expressed its willingness to move forward with the sign replacements and that staff fully believes that the Board will approve the project. Funding (\$7,000.00) for the project was included in the Town’s CY 2011 Capital Expenses Budget. The Administration respectfully requests that the Board approve the sign purchase so that staff can move forward with the project.

**MOTION:** (Schmidt, Lettau) Approve the purchase order #306979 for the replacement street signs for the northwest quadrant of the Town.  
 CARRIED by unanimous voice vote.

- H. **Discussion / Action** – Town Board review and consideration of bids for large tree removal from the Town’s rights-of-way (ROW) and on Town-owned properties.

The Town received two proposals for the same tree removal project in the Town. At the Administration’s direction, the Public Works Foreman solicited the proposals with the intent of using the low bidder for the calendar year. Rather than bid each tree trimming and/or removal project, the Administration recommends that the Town bid a project early in the year with the intent of using the low bidder for the year based upon a quote for each project during the year. This methodology simplifies the tree maintenance process and allows the Town to bid for any specific project if staff sees the need or is not comfortable with the quoted price. Most of the Town’s tree trimming projects can be authorized by the Administration under the Town’s current Policies; however, the proposal varies from the Town’s routine, Therefore, should the Board approve of the recommendation, a motion to authorize the methodology would be in order.

Chair Luebke abstained from voting on this item.

**MOTION:** (Lettau, Grundman Erdmann) Family Tree Service – Approve the bid from Family Tree Service for large tree removal from the Town’s rights-of-way (ROW) and on Town-owned properties.  
 CARRIED by unanimous (4-0) voice vote. (Chair Luebke abstained from voting on this item.)

Chair Luebke returned as a voting member of the Town Board.

- I. **Discussion / Action** – Town Board review and consideration of a proposal from Lange Industries to replace the Town’s Rural Addressing Numbers with a 20”x8” number plaque with white reflective numbers on a green background mounted on a galvanized steel post.

Staff has procured the samples of the printed rural addressing plaque and the galvanized post for the rural addressing plaque approved by the Board at its Wednesday, April 6, 2011, meeting. Additionally, staff has clarified the issue of the price for having Lange Industries install the rural addressing plaques. The attached quote includes a cost for installation per unit of \$7.10, the plaque cost of \$14.93 per unit, and the post cost of \$7.45 per unit, to equal a total cost for each unit installed of \$29.48. The Board has approved the plaque and the galvanized post; however, it would need to approve the installation and a final price to be assessed to the property owner.

**MOTION:** (Geise) Approve using Lange Industries to install the new Rural Addressing Numbers at a cost of \$7.10 per sign and a final price of \$35.00 to be assessed to the property owners.  
 FAILED for lack of second.

**MOTION:** (Schmidt, Grundman Erdmann) Approve Lange Industries to replace the Town’s Rural Addressing Numbers with a 20”x8” number plaque with white reflective numbers on a green background mounted on a galvanized steel post, at an installation cost of \$7.10 for installation and a total project cost of \$30.00 to be assessed to the property owner.  
CARRIED by unanimous voice vote.

- J. **Discussion / Action** – Town Board review and consideration of a Purchase Order issued to Lange Enterprises for street signs required to replace the non-conforming signs in the northwest quadrant of the Town.

NOTE: Item J is a duplicate of Item G. See Item G for discussion and motion.

- K. **Discussion / Action** – Town Board review and consideration of recommendations for changes to the Clayton/Winchester Joint Fire Board Operating By-Laws and Fire Department Services.

The Town Board has considered a request by former Town Board Supervisor Klingenberger to discuss a number of issues raised at the recent Clayton/Winchester Joint Fire Board meeting. These issues include, but are not limited to, the following:

1. The Town of Clayton pays approximately 76% of the Fire Department budget, and the make-up of the Joint Fire Board is 50/50 (3 members each from Town of Clayton and Town of Winchester); the Joint Fire Board may consider making its representation proportional to the percentage paid by each Town.
2. The Joint Fire Board is currently made up of 3 members of each Town Board of Supervisors; the Joint Fire Board may wish to consider appointments to the Joint Fire Board that are not necessarily Town Board Supervisors.
3. The Joint Fire Board may wish to consider that active members of the Fire Department cannot serve on the Joint Fire Board.
4. Appointment of the Fire Chief; in the future the Fire Chief may need to be a full-time employee of the Joint Fire Board and therefore should be an appointed position by the Joint Fire Board rather than being elected by the fire fighters.
5. Vacancies/Absences – The Joint Fire Board may want to consider appointing an alternate member in the event a vacancy occurs.

Commented on item: Glen Mathison (5254 CTH II), Terry Klingenberger (3637 Larsen Road)

**MOTION:** (Grundman Erdmann, Lettau) Town Board directs the members of the Joint Fire Board to move forward with the recommendations put forth.  
CARRIED by unanimous voice vote.

- L. **Discussion / Action** – Town Board review and consideration of three appointments to the Town’s Green Space Committee and Board appointment of a Green Space Committee Chairperson.

At the Board’s recent reorganization meeting, the appointments to the Green Space Committee were deferred to the Board’s Wednesday, April 20, 2011, meeting. The Board needs to appoint the Chair and three members to the Committee. Committee Members whose terms are up:

Committee Chair:	Griffith	Term: 2008-2011 Appointment Term
Committee Member:	Clark	Term: 2008-2011 Appointment Term
Committee Member:	lhde	Term: 2010-2011 Appointment Term

It is the Administration’s understanding that the Board would like to appoint the following individuals as Committee Chair and Committee Members:

Committee Chair Appointee:	Stanek	Term: 2009-2012 Appointment Term
Committee Member Appointee:	Clark	Term: 2011-2014 Appointment Term
Committee Member Appointee:	Prusik	Term: 2011-2014 Appointment Term
Committee Member Appointee:	Rosenberg	Term: 2010-2013 Appointment Term

Should the above appointments be made, the Administration would recommend that the appointments take affect with the Thursday, May 19, 2011, Green Space Committee Meeting. This

recommendation is based upon the fact that the Thursday, April 21, 2011, Green Space Committee meeting agenda has been posted and the Committee notified.

Per Supervisor Lettau, Rosenberg is unable to join the Green Space Committee at this time.

**MOTION:** (Lettau, Schmidt) Appoint Cathy Clark and Lana Prusik for 3-year terms from 2011-2014 based upon their acceptance to the Town Administrator.

CARRIED by unanimous voice vote.

**MOTION:** (Lettau, Schmidt) Appoint Patty Stanek as Green Space Committee Chair for the 2011 – April 2012 term.

CARRIED by unanimous voice vote.

M. **Discussion / Action** – Town Board review and consideration of a proposal from the Town’s Engineer for Platting Clayton Cemetery.

The Town Board received a copy of a proposal for platting the original sections of the Clayton Cemetery as well as the additions to the same facility. Please be advised that the current platting and property records for the Clayton Cemetery are not complete. The platting process for a cemetery is in many ways identical to platting a subdivision. The Administration’s understanding is that the main difference is that recording of the property division is done at the Municipal level. The surveyor will plat sections which are divided into plots of four grave sites, the plots are monumented and the grave sites are given property numbers. These grave sites are sold in single units or by the plot.

Staff is working on a database that will allow for the tracking of the sale, sale date, the ownership and the details of the interred. The digital tracking system will allow for proper documentation without the burden of paper files. If the system works for the cemetery tracking system, the long-term goal is to use the same system for the Town’s property records. The cost of the platting project is \$14,328.00 with funding proposed to come from the Cemetery Long-Term Maintenance Fiduciary Fund.

Should the Board award the platting project, staff will prepare a Resolution to appropriate the needed funds for the Wednesday, May 4, 2011, Board meeting. As a reminder, staff is looking at the same process for the Royer Cemetery.

**MOTION:** (Lettau, Grundman Erdmann) Approve the proposal from the Town’s Engineer for Platting Clayton Cemetery and consider some options for a third driveway.

CARRIED by unanimous voice vote.

N. **Discussion/Recommendation** – Town Board direction to staff relative to scheduling and Board action on the following Public Hearings:

The Public Hearing on the proposed change to the Comprehensive Plan, Future Land Use Map, requires a Class 1 Publication in the paper of record with a thirty-day notice from the date of publication. This timeline would mean that the Town Board would hold its Public Hearing on the matter at the Board’s Wednesday, June 1, 2011, meeting (see attached notice format). For simplicity’s sake, the Administration recommends that all three Public Hearings be scheduled on the same timeline. The Public Hearings for the Town’s Minimum Road design Standards Policy, and the Ordinance Prohibiting Dogs from Running At Large are ministerial functions and on no schedule other than that established by the Board. Should the Board agree with the Administration’s recommendations, direction to staff to implement the recommendations would be in order.

1. A Public Hearing on a proposed amendment to the Town’s Comprehensive Plan, Future Land Use Map, to change property owned by Bret and Virginia Luzenski, 2722 West Fairview Road, Neenah, WI 54956, from Commercial to Agricultural, for property located at 2722 West Fairview Road, in the Town of Clayton (Tax ID# 006-0339-02-01).
2. A Public Hearing on the Plan Commission and Town recommendations for amendments to the Town’s Minimum Road Design Standards Policy.
3. A Public Hearing on the proposed revisions to the Town’s Ordinance Prohibiting Dogs from Running At Large.

**MOTION:** (Geise, Grundman Erdmann) Approve the public hearings for all three items at the June 1<sup>st</sup>, 2011, Town Board meeting.

CARRIED by unanimous voice vote.

- O. **Discussion/Recommendation** – Town Board direction to staff on the building design and bidding schedule for the proposed Town Hall/Fire Hall renovation project.

The Town Board received a copy of an e-mail from Jeff Schulz (SP) of Martenson & Eisele. The Administration is looking for direction from the Board relative to the design, bidding, and construction schedule for the Fire/Town Hall project. From the Administration’s perspective it would be beneficial to have finalized designs and estimated construction costs for grant writing purposes by mid-June. Construction on the project should be scheduled for early May of CY 2012.

The construction schedule is driven by the Town’s Annual Meeting and the fact that the facility will be occupied by Town staff with no restroom facilities for 6 to 8 weeks. Staff will have to use the Trail Head Park restroom facilities; this would be easier if the weather was likely to be good. Bidding for the project is probably best done in January or February of CY 2012.

In addition to the schedule, the Board will need to direct staff to prepare a Resolution appropriating the funds for the project from the Town’s reserve accounts. If approved, the required Resolution will be scheduled for action at the Board’s Wednesday, May 4, 2011, meeting.

No motion on this item.

- P. **Discussion/Recommendation** – Town Board direction to staff relative to the potential for levying Special Assessments against benefited Developer-owned properties in subdivisions for the unfunded portion of the Town’s CY 2011 subdivision paving projects.

Should the Board wish to recover a significant portion of the funding shortfall from the CY 2011 Subdivision Paving Project, it will need to set a Special Assessment Policy for the funding shortfall recovery and direct staff to develop a schedule for the Special Assessment process. The Administration has recommended that the Board recover a proportionate share of the funding shortfall from the lots still owned by the Developer of the Subdivision in question. The Administration’s recommendation is based upon the idea that the Developer has lived up to the letter of Town’s Development Policy/Developer’s Agreement, and that the individuals purchasing lot in the Subdivision have paid any Special Assessments due with the Lot purchase. In all but two cases (Emerald Valley and High Point Estates) the proposed recovery process will recover the entire funding shortfall over time. The Administration’s questions are:

1. Does the Board wish to recover the CY 2011 subdivision funding shortfall?
2. Does the Board wish to recover the funding shortfall for all the Lots that did not pay a Special Assessment for paving the roads in the subdivision?
3. Does the Board wish to charge for Interest, Engineering, and Administrative costs in its Special Assessments?
4. Does the Board wish to have a payment schedule option for any Special Assessments levied on existing structures?
5. Does the Board wish to make any Special Assessments due on Lots not sold, payable in full at the time of sale?

Please be advised that the Administration would use the Board’s actions on these Special Assessments as a model for a Special Assessment Policy for all Town projects involving a Special Assessment to properties with a benefit conferred.

No motion on this item.

**X. Upcoming Meeting Attendance**

- Town Officials’ Training, May 4, 2011

**XI. Board Member Requests for Future Agenda Items**

**XII. Approval of Disbursements**

**MOTION:** (Unanimous consent) Approve disbursements as presented.  
CARRIED.

**XIII. Adjournment – 9:37p**

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

Respectfully Submitted, Susan Nester-Huebner, *Clerk*