



# TOWN OF CLAYTON

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

May 5, 2010  
7:00 p.m. – 10:05 p.m.

### I. Call to Order

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

Present: Town Chairperson Luebke, Supervisors Geise, Klingenberger, Lettau, and Schmidt

Staff Present: Town Administrator Johnston, Clerk Nester-Huebner, Public Works Foreman Pamerter, Town Engineers Bartz and Brueggeman

Meeting properly posted; three locations in the Town.

#### Public Hearing – Resolution #2010-012: A Resolution creating an Ordinance Setting Speed Limits within the Town’s Subdivisions and on certain specified Town Roads

- List of Roads in the Ordinance:
  - The Speed Limit shall be set at **25 miles per hour** on the following roads:
    - All roads developed as a result of residential and/or commercial Subdivision Plats with the Town  
*In order to qualify, a Plat must have been recommended by the Town’s Plan Commission, approved by the Town Board, and recorded by Winnebago County.*
  - The Speed Limit shall be set at **35 miles per hour** on the following roads:
    - Hickory Avenue from Umland Road to West Fairview Road
    - Umland Road from Hickory Avenue to its western terminus
  - The Speed Limit shall be set at **40 miles per hour** on the following road:
    - Woodenshoe Road from STH “114” to Breezewood Lane.
  - The Speed Limit shall be set at **45 miles per hour** on the following roads:
    - Hickory Avenue from CTH “II” to Umland Road
    - Larsen Road from STH “76” to the east Town line
    - West Grandview Road from CTH “T” to the west Town line
    - Clayton Avenue from Larsen Road to the north Town line
    - Fairview Road from Oakwood Avenue to the east Town line
    - Pioneer Road from CTH “T” to CTH “II”
- William Rubick, 7853 County Road T – commented about individuals petitioning to have their road’s speed limit set versus Town Board setting speed limits
- NO additional QUESTIONS/COMMENTS

Chair Luebke Closed Public Hearing at 7:08 p.m.

### II. Approval of Minutes

- Regular Town Board Meeting – April 21, 2010  
**MOTION:** (Unanimous consent) Approve April 21, 2010, Town Board meeting minutes as written.  
CARRIED.

### III. Open Forum – Non-Agendized Town-related Matters

- Building Inspector Report – April, 2010
- Chair Luebke – RW Management Letter: sharing of municipality services as a cost-savings measure
- Bryce R. Adie, 3040 Windfield Dr., Neenah – Topic: Highway 76 Passing Lane – requested an update

### IV. Correspondence

- A. Winnebago County
  1. Land & Water Conservation Department (rec’d 4/28/2010) – Winnebago County Livestock Waste Management Ordinance Permit & Erosion Control Ordinance Permit
  2. Sheriff – Alcohol Sales Compliance Check (Captain Ron’s – passed)
  3. Sheriff – Alcohol Sales Compliance Check (The Woodshed Bar and Grill – operator citation)
- B. Wisconsin Department of Employee Trust Funds (rec’d 4/29/10) – Annual Reconciliation Correspondence

- C. Wisconsin Towns' Association Urban Towns Committee Executive Board – Meeting Minutes (April 23, 2010 & April 24, 2010)

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

- A. County Supervisor Report – Joanne Sievert present: County jail needs to add two more pods, plans to empty Park View and Pleasant View buildings by September and razed by end of 2010.
- B. Winnebago County Sheriff's Dept. – Deputy Lichtensteiger present, question about speed limit sign and if speed limit continues after a stop sign.
- C. Clayton-Winchester Fire Chief Report – Fire Chief not present, 30 calls YTD.
- D. Administration Comments – Town Administrator: Yard Waste Center to be unlocked through weekend for storm damage clean-up; Clerk: Tuesday, June 8, 2010, Winneconne Schools Referendum.

**VI. Business**

- A. Operator's License
  - New – Samantha M. Kuhn
  - New – Nicole L. Galarno
  - New – Shannon M. O'Hearn (present)
  - New – Melissa S. Zollpriester
  - New – Melanie S. Zollpriester

**MOTION:** (Unanimous consent) Approve new operator licenses for Samantha M. Kuhn, Nicole L. Galarno, Shannon M. O'Hearn, Melissa S. Zollpriester, and Melanie S. Zollpriester.  
CARRIED.

- B. **Discussion / Action** – First Reading of Resolution #2010-012: A Resolution creating an Ordinance Setting Speed Limits within the Town's Subdivisions and on certain specified Town Roads

**MOTION:** (Geise, Lettau) Wave reading of Resolution #2010-012: A Resolution creating an Ordinance Setting Speed Limits within the Town's Subdivisions and on certain specified Town Roads, and schedule it to next Board meeting.  
CARRIED by unanimous voice vote.

**MOTION:** (Unanimous consent) Address Agenda Item P next.  
CARRIED.

- P. **Discussion / Recommendation** – Direction to staff relative to a noise complaint originating from The Rodeo Bar located at 2788 Towne Court

Priscilla Klockzein, 2757 County Road II, present. Presented information regarding noise level at The Rodeo Bar.

Aaron R. Klockzein, 2757 County Road II, present. Stated he is located centrally among most bars in the town. Presented information regarding noise level at The Rodeo Bar. Wants an ordinance to control music level by time of day.

Deputy Lichtensteiger present. Presented information regarding procedure with a noise complaint. Any ordinance Town passes would need to be enforced by the Town. County has no nuisance ordinance to enforce and does not enforce Town Ordinances.

Recommendation: Have staff review a possible noise nuisance ordinance or an ordinance for progressive disciplinary action against alcohol license holders.

- C. **Discussion / Action** – Approval of Resolution #2010-013: A Resolution amending the Town's CY 2010 Budget to transfer funds from the Town's Park Improvement Reserve Funds to the Town's CY 2010 Capital Budget for the Larsen Road reconstruction project

**MOTION:** (Geise, Lettau) Approve Resolution #2010-013: A Resolution amending the Town's CY 2010 Budget to transfer funds from the Town's Park Improvement Reserve Funds to the Town's CY 2010 Capital Budget for the Larsen Road reconstruction project and transfer \$25,441.70 from the Park Improvement Reserve Fund to the Town's Capital Construction Budget line item.  
CARRIED by unanimous roll call vote.

(Geise = Yes, Lettau = Yes, Schmidt = Yes, Klingenberger = Yes, Luebke = Yes)

- D. **Discussion / Action** – Board approval of an Automatic Aid Agreement between the Clayton/Winchester Joint Fire Department and the Town of Menasha Fire Department for specified areas of each respective Town
- MOTION 1:** (Klingenberger) Approve the Automatic Aid Agreement between the Clayton/Winchester Joint Fire Department and the Town of Menasha Fire Department for specified areas of each respective Town.  
FAILED for lack of a second.
- MOTION 2:** (Klingenberger, Geise) Approve the Automatic Aid Agreement between the Clayton/Winchester Joint Fire Department and the Town of Menasha Fire Department, for specified areas of each respective Town, including memorandum of understanding agreement for automatic assistance between the towns.  
CARRIED by unanimous voice vote.
- E. **Discussion / Action** – Board approval of a Fox Cities Greenways, Inc., Grant application to offset a portion of the construction of the Larsen Road Trail
- MOTION:** (Luebke, Klingenberger) Instruct Town Administrator to move forward with an application to offset a portion of construction of the Larsen Road Trail.  
CARRIED by unanimous voice vote.
- F. **Discussion / Action** – Board approval of a Winnebago County Municipality Recycling Surplus Revenue Ballot for 2008 Funds, Accrued Revenue Funds Ballot and Support of Assembly Bill 327
- MOTION:** (Klingenberger, Lettau) Approve the Winnebago County Municipality Recycling Surplus Revenue Ballot for CY2008 Funds, Accrued Revenue Funds Ballot and Support of Assembly Bill 327, and sign the ballot for CY2008 Recycling Surplus Revenue of \$425,420.00 to be held in a fund for future recycling tipping fee stabilization to signing municipalities.  
CARRIED by unanimous voice vote.
- MOTION:** (Klingenberger, Lettau) Sign the ballot for the CY2009 Municipality Recycling Surplus Revenue for a refund of \$114,231.00 to signing municipalities.  
CARRIED by unanimous voice vote.
- G. **Discussion / Action** – Board approval for part-time summer staffing of the Town’s Yard Waste Center and Park Facilities cleaning
- MOTION:** (Luebke, Schmidt) Direct staff to hire a part-time temporary employee for no more than fifteen (15) hours per week to man the yard waste site and also look for any volunteers willing to work the site.  
CARRIED by unanimous voice vote.
- H. **Discussion / Action** – Board approval of revised operating hours for the Town’s Yard Waste Center
- MOTION:** (Klingenberger, Schmidt) Set operating hours for the yard waste center from 3:00 p.m. to 7:00 p.m. on Thursdays, and from 8:00 a.m. to 12:00 noon on Saturdays.  
CARRIED by unanimous voice vote.
- I. **Discussion / Action** – Town Board appointment of a Town of Clayton Green Space Committee member to a three-year term
- MOTION:** (Klingenberger, Lettau) Appoint Ms. Carol Ihde for a 1-year term on the Green Space Committee.  
CARRIED by unanimous voice vote.
- J. **Discussion / Action** – Board approval of a Revised Developer’s Agreement with Ms. Holly Galassi for the extension of Darrow Road approximately 180 feet to the north in the existing road right-of-way
- Ms. Holly Galassi not present.
- MOTION:** (Geise, Lettau) Table the developers’ agreement with Ms. Galassi for an indeterminate period of time.  
CARRIED by unanimous voice vote.

- K. **Discussion / Action** – Review and approval of a Request For Proposals (RFP) for the engineering required to provide the Town’s Plan Commission with the information necessary to make its report to the Town Board on the Town’s Fire Department structures
- MOTION:** (Luebke, Lettau) Direct Martenson & Eisele to meet with the Plan Commission to move forward with a proposal for comparable structures.  
CARRIED by unanimous voice vote.
- L. **Discussion / Action** – Town Board review and approval of a Compliance Assurance Plan (CAP) for an effective recycling program under S NR. 544.04(9g), Wisconsin Administrative Code
- MOTION:** (Lettau, Schmidt) Approve the Compliance Assurance Plan (CAP) for an effective recycling program under S NR. 544.04(9g), Wisconsin Administrative Code.  
CARRIED by unanimous voice vote.
- M. **Discussion / Action** – Town Board approval of participation in the State’s salt purchase program and staff’s recommended salt purchase quantities
- MOTION:** (Klingenger, Geise) Authorize administration to participate in the State’s salt purchase program with staff’s recommended salt purchase quantities.  
CARRIED by unanimous voice vote.
- N. **Discussion / Action** – Replacement of the Mikesville signs on Oakridge Road
- MOTION:** (Geise, Klingenger) Do not replace the Mikesville signs on Oakridge Road.  
CARRIED by 4-1 voice vote. (Lettau = no)
- O. **Discussion / Action** – Approval of a request by MCC, Inc., for limited-term extension of operating hours at their quarry on CTY “II”
- Teresa Cohanski and John Oske of MCC, Inc., present.
- MOTION:** (Geise, Schmidt) Approve the request by MCC, Inc., for limited-term extended operating hours at their quarry on CYT “II” allowing for #4 to reflect changed hours with the following conditions:
- (1) There shall be no work at the site between 12:01 a.m. on Sunday morning and 12:00 midnight Sunday.
  - (2) There shall be no blasting between the hours of 4:30 p.m. and 7:00 a.m.
  - (3) Adjoining property owners shall be advised in writing of any planned and/or scheduled blasting activities at the site.
  - (4) There shall be no crushing between the hours of 6:00 p.m. on Friday through 6:00 a.m. Monday.
  - (5) The operator shall make all reasonable efforts to minimize the dust produced by the blasting and crushing activities at the site.
  - (6) All trucks entering and/or exiting the site shall use CTH “II”.
  - (7) MCC shall provide the Town with a time-frame for the 24-hour operations, such operations shall not extend beyond November 1, 2010.
- CARRIED by 4-1 voice vote. (Lettau = no)
- Q. **Discussion / Recommendation** – Direction to staff relative to a request for Town of Clayton’s inclusion in the Fox Valley Clean Sweep Program
- MOTION:** (Lettau, Klingenger) Direct staff to request to participate in the Fox Valley Clean Sweep Program.  
CARRIED by unanimous voice vote.

- R. **Discussion / Recommendation** – Chip-sealing project on Pioneer Road from Medina Junction Road to Winnegamie Drive (approximately 1 mile)

**MOTION:** (Luebke, Klingenberger) Approve chip-sealing project on Pioneer Road from Medina Junction Road to Winnegamie Drive (approximately 1 mile) with double chip-seal cost of approximately \$41,400.00 and authorize putting together engineering and bid specs for bidding out project; Authorize engineer to prepare a proposal for doing engineering and bidding the project.  
CARRIED by unanimous voice vote. (no dissenting votes)

**VIII. Upcoming Meeting Attendance**

- Thursday, May 27, 2010, (10:45a) – Dedication of a bench on the WIOUWASH Trail commemorating the filming of the movie Public Enemies (Town Board, Green Space Committee) – Location: approximately ½ way between Oakridge Road and Breezewood Lane

**IX. Board Member Requests for Future Agenda Items – none**

**X. Approval of Disbursements**

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

**XI. Adjournment – 10:05p**

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

Respectfully Submitted, Susan Nester-Huebner, *Clerk*