

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, May 21st, 2014

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke 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 Luebke	PRESENT
Supervisor Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Jeff Schultz	PRESENT
Dick Knapinski (Plan Commission)	PRESENT

- Mark Luebke excused himself from meeting

II. Public Hearing(s) and/or Public Information Meeting(s):

A. Town Board Public Hearing on the following Comprehensive Plan Amendment Map Applications:

The Town of Clayton for the following properties owned by Michael and Marion Sabee:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0309	24.550	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0308	27.080	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0307-06	29.980	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0313	28.230	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res

The Town of Clayton for the following property owned by Janice and Jeff Higgins:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0306-03	8.740	9257 STH 76	Utilities & Pub Fac	Business

Laura C. and Mark E. Luebke for the following property:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0566-03	7.330	3929 CTH II	Ag/Rural Res	Res 1/2 Family

Rosanne C. Keller and Mark E. Luebke for the following properties:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0566-02	10.130	3919 CTH II	Ag/Rural Res	Res 1-2 Family
006-0566-04	19.25	3919 CTH II	Ag/Rural Res	Res 1-2 Family

- i. Comprehensive Plan Amendment Map discussion
 - Kay Lettau asked for clarification of R1/R2 zoning
 - Administrator Johnston explained the difference between Comprehensive Plan/Future use map and zoning map
 - Burt Drews (3113 County Rd II, Neenah) asked about Sabees property regarding wooded area
- ii. Higgins property
 - Russ Geise asked for clarification of current use description of “Utilities and Public facilities” which was explained by Dick Knapinski
 - Marion Sabee (3033 W. Shady Lane, Neenah) expressed concern with future use map. She does not want commercial properties being built near her
 - Plan Commission Chair Knapinski discussed a technical item and stated that Ms. Sabee’s opinion is not correct. Corridor still needs water and sewer
 - Nancy Holman (9131 State Road 76, Neenah) discussed being landlocked and the future of her property
 - Administrator Johnson clarification of future land use map vs. zoning
- iii. Luebke property
 - Lettau asked for clarification of “Res 1-2 family” on future use map vs. R1 or R2 on zoning map
 - Administrator Johnston explained the difference
 - Public hearing closed at 7:33 p.m.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, May 7th, 2014.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion that we approve the Minutes of the Regular Town Board Meeting held at 7:00 p.m. on Wednesday, May 7th, 2014

Vote: Motion made by unanimous consent to approve the minutes of the Town Board Meeting held on Wednesday, May 7th, 2014.

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

- Jay Schroeder (1295 Lake Street, Menasha) introduced himself as running for State Assembly and summarized his campaign platform

V. Correspondence:

- A. Communication from the Community Foundation for the Fox Valley Region Inc.

- B. Notice of the Certification of the Department of Public Works Union from the State of Wisconsin, Employment Relations Commission
- C. Communication from the Winnebago County Highway Commission relative to the CY 2015 County Culvert/Bridge Aid Program

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

- A. County Supervisor Report
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Tori Bowen discussed finishing up liquor establishment licenses for the June 4, 2014 town board meetings
 - Administrator Johnston commented on awarding the engineering bid in the agenda.
 - Manure spill at the Kellerman Farm reported to the DNR and cleaning up spill
 - Winnebago County updating their future land map committee – Vice Chair Geise to represent the Town of Clayton

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Tricia Kinderman
 - ii. Erica Cowling
 - iii. David Lien
 - iv. Lisa Brucks
- B. Renewal:
 - i. Theresa Rathsack

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. Plan Commission recommendation to the Town Board on Resolution 2014-001 A Resolution Recommending that the Town Board hold the required Public Hearing and consider approval of the following Comprehensive Plan Map Amendment Applications:

The Town of Clayton for the following properties owned by Michael and Marion Sabe:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0309	24.550	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0308	27.080	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0307-06	29.980	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0313	28.230	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res

The Town of Clayton for the following property owned by Janice and Jeff Higgins:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0306-03	8.740	9257 STH 76	Utilities & Pub Fac	Business

Laura C. and Mark E. Luebke for the following property:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0566-03	7.330	3929 CTH II	Ag/Rural Res	Res 1/2 Family

Rosanne C. Keller and Mark E. Luebke for the following properties:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0566-02	10.130	3919 CTH II	Ag/Rural Res	Res 1-2 Family
006-0566-04	19.25	3919 CTH II	Ag/Rural Res	Res 1-2 Family

- B. Plan Commission recommendation to the Town Board on a Rezoning Application submitted by Mark E. and Laura C. Luebke, 3929 CTR II, Larsen, WI 54947 and Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 requesting that the following properties located at 3919 and 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-02, and 006-0566-03, and 006-0566-04 being part of the northeast ¼ of the northwest ¼, and described as Lots 2, 3, and 4 of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).
- C. Plan Commission recommendation to the Town Board on a Rezoning Application submitted by Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986 requesting that the following property located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).
 - Chair Knapinski reviewed Plan Commission recommendations to Town Board. Items A through C to be taken up under Town Board business
- D. Plan Commission recommendation to the Town Board on a CSM Submitted by Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986 for the following property located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - Administrator Johnston explained revised map

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve the CSM submitted by Kenneth W. Tritt, 5505 CTR “G” Winneconne for the property located at 3373 Fairview Road in Neenah with all comments attached and also including the common entrance and exit between the two properties and with the consideration of the rezoning as presented by the Plan Commission

Vote: Motion made by unanimous consent to approve the CSM submitted by Kenneth Tritt

- E. Plan Commission recommendation to the Town Board on a staff report on the Administration’s interpretation of the Zoning Code conditions for the reconstruction of non-conforming manufactured housing structures destroyed by acts of vandalism and/or nature.

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. Green Space Committee recommendation to the Town Board on electrical work planned for the Clayton Park Pavilion for the spring and summer of CY 2014.

- Chair directed staff to bring item to board due to lack of Quorum of Green Space Committee Meeting
- Administrator Johnston summarized Green Space recommendations relative to electrical work for Clayton Park Pavilion

MOTION:

Vote: Motion made by unanimous consent not to exceed a cost of 3,750

X. Business:

A. Discussion/Action: Town Board Review and Consideration of Ordinance 2014-004 An Ordinance Approving and Adopting Certain Amendments to the Town of Clayton CY 2009 Comprehensive Plan, Future Land Use Map as listed:

The Town of Clayton for the following properties owned by Michael and Marion Sabe:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0309	24.550	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0308	27.080	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0307-06	29.980	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res
006-0313	28.230	3033 W Shady Ln	Rec. and Con.	Ag/Rural Res

The Town of Clayton for the following property owned by Janice and Jeff Higgins:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0306-03	8.740	9257 STH 76	Utilities & Pub Fac	Business

Laura C. and Mark E. Luebke for the following property:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0566-03	7.330	3929 CTH II	Ag/Rural Res	Res 1/2 Family

Rosanne C. Keller and Mark E. Luebke for the following properties:

Tax ID #	Acreage	Address	Current Use	Future Use
006-0566-02	10.130	3919 CTH II	Ag/Rural Res	Res 1-2 Family
006-0566-04	19.25	3919 CTH II	Ag/Rural Res	Res 1-2 Family

The Plan Commission has recommended that the Board hold the required Public Hearing on the Comprehensive Plan Amendment process and consider approval of the proposed amendments to the Town’s Comprehensive Plan, Future Land Use Map. The Town Board is scheduled to hold the required Public Hearing at its Wednesday, May 21st, 2014 Town Board Meeting. Approval of the amendment applications is also on the Board’s agenda. Should the Board wish to approve the Comprehensive Plan amendments after receiving input from the public, a motion would be in order to approve Ordinance 2014-004 An Ordinance Approving and Adopting Certain Amendments to the Town of Clayton CY 2009 Comprehensive Plan, Future Land Use Map as presented.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve Ordinance 2014-004 An Ordinance Approving and Adopting Certain Amendments to the Town of Clayton CY 2009 Comprehensive Plan, Future Land Use Map as shown above

Vote: Motion made by unanimous consent to approve Ordinance 2014-004

- B. Discussion/Action: Town Board review and consideration of Resolution 2014-005 A resolution Adopting an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for applications submitted by:
- i. Laura C. and Mark E. Luebke 3929 CTR II, Larsen, WI 54947 and Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927.
 - ii. Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986.

Attached please find a copy of Resolution 2014-005 A resolution Adopting an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicants applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and recommended approval of the rezoning applications to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Resolution 2014-005 and to direct staff to file the appropriate documentation with the County.

- Lettau asked for clarification of zoning map attachment

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve Resolution 2014-005 A resolution Adopting an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for application submitted by Laura C. and Mark E. Luebke and Rosanne C. Keller for the property listed as well as Kenneth Tritt, 5505 CTR “G”, Winneconne and to direct staff to file all of the appropriate documentation with the county

Vote: Motion made by unanimous consent to approve the

- 8:00 p.m. the floor turned back over to Chair Luebke

- C. Discussion/Action: Town Board review and consideration of staff recommendations for the update of the Town’s Five Year, Public Infrastructure, Capital Reconstruction Plan.

Attached please find a copy of the Town’s approved 5-Year Capital Reconstruction Plan (Plan). Also attached is a copy of staff’s recommendation for updating the Plan. Please be

advised that the proposal for updating the Plan reflects the substitution of the Braun Court project in CY 2013 for the Wincrest Road and Acorn Road projects. This places the Wincrest Road and Acorn Road projects in CY 2015 and splits the postponement of the Braun Court and the Westfield Ridge projects into two years. The Administration’s logic in preparing the update to the Town’s Plan relies on the following:

1. The volume of destination traffic and the volume of through traffic on the road.
2. The condition of the existing road base and pavement surface.
3. The amount and type of development on the public infrastructure.
4. The impact on the pavement surface of the stormwater management work being completed or planned for in the area.
5. The availability of funding to complete the Town’s Capital Reconstruction work in any given year.

In order to allocate the estimated costs of the projects in the Plan the Board will need to give the Administration direction on the funding level and the funding sources it would like to establish. The Administration will have a map showing the projects as proposed; additionally, following the Board’s Wednesday, May 21st, 2014 meeting, the Administration will be able to finalize the document for the Board’s review.

- Administrator Johnston lengthy discussion of the 5-Year Capital Reconstruction Plan

MOTION:

Vote: Motion made by unanimous consent to approve the 5-year plan

D. Discussion/Action: Town Board review and consideration of the Town’s funding alternatives relative to the CY 2014 and future year Capital Projects.

Staff has prepared the bid tabulation for the Town’s CY 2014 Capital Reconstruction projects. The total cost for the Town’s CY 2014 projects is \$741,454.54; these costs include the following:

Project Name	Project Cost	Cost Allocation
1. Ridgeway Drive Subdivision (Phase II):	\$ 418,232.19	Town
2. Ridgeway Drive Stormwater Pond:	\$ 62,959.19	Utility
3. Braun Court:	\$ 200,019.73	Town
4. Fox Valley Drive Development:	<u>\$ 60,243.43</u>	Developer
Total Costs:	<u>\$ 741,454.54</u>	

The Town and the Stormwater Management Utility (Utility) are responsible for \$681,211.11, the Developer of the Fox Valley Drive Development is responsible for \$60,243.43. The Town’s CY 2014 Capital Reconstruction Budget is funded at \$500,000.00 leaving a budgetary shortfall of \$181,211.11. The Town’s Utility is responsible for \$62,959.19 for the Ridgeway Drive Stormwater Pond. The Town has several options for covering the CY 2014 Capital Reconstruction budgetary shortfall. Those options include the following:

1. A short term borrowing from the State Public Land Trust Fund. If the Board chooses this option, staff recommends a 1-year loan with a CY 2015 payment. This would require that the Town not undertake any Capital Reconstruction in CY 2015.
2. A bond issue that would fund three years of the Town’s 5-Year Capital Reconstruction Plan. This option would require that the Board Bond for the costs of the Town’s Capital Reconstruction Projects for the next three years. Funding for the debt service could come

from the General Fund's \$250,000.00 Capital reconstruction levy with the surplus funds being allocated to the Town's Public Works maintenance accounts. The issue with this option is planning for long term Capital Reconstruction and debt financing.

3. Delaying the Braun Court Capital Reconstruction project for a year. This option would allow the Town to fund its Capital Reconstruction from the existing General Fund Levy; however, it would put the Town one year further behind in its already delayed Capital Reconstruction schedule.

The Administration has asked the Town's Bond advisor, Michael Hallmann from Lantern Associates, LLC to attend the meeting to discuss the listed financing options, some of the many other options the Board has relative to financing the Town's CY 2014 Capital Projects, and some of the other issues the Board may need to finance in the relatively near future.

- Discussion regarding funding alternatives
- Mike Hallman, Lantern & Associates (Milwaukee, WI) reviewed bonding procedures, costs and payment schedule
- Administrator Johnston reviewed other funding alternatives
- Administrator Johnston and Mr. Hallman reviewed the financial and material events of the town relative to the negative impact of the Town's Bond rating
- Direct staff to prepare documents and have put on the June 4th, 2014 meeting

- E. Discussion/Action: Town Board review and consideration of a Declaration of Official Intent to reimburse an expenditure with proceeds of a borrowing or borrowings authorized by the Issuer.

Attached, please find a copy of a Declaration of Official Intent (Declaration). Approval of the document allows the option of using Reserve Account funds with the intent to reimburse the Reserve Accounts from the proceeds of the contemplated borrowing. The document does not commit the Town Board to borrow funds, it simply allows the Town the option of refunding its accounts with the proceeds of a borrowing if it chooses to do so. Absent the Declaration, the Board would not have the legal authority to refund its Reserve Accounts from the proceeds of a borrowing. The Administration is asking the Board for approval to sign the Declaration as a step in the bonding process. The Administration intends to look at the estimated costs of the Town's capital reconstruction projects for the next 3-year period and use that number as the dollar value for the Declaration. The Town's Bond advisor will be in attendance at the Board's meeting to answer any questions the Board may have relative to the process and the requirements for municipal bonding issues. If the Board opts to not move forward with a debt service plan for the Town's Capital Reconstruction Projects, the Declaration will simply be filed.

NO ACTION TAKEN

- F. Discussion/Action: Town Board review and consideration of the award of a Contract for the Town's CY 2014 Capital Reconstruction Projects to include the following:
 - i. Braun Court Roadway Improvements
 - ii. Phase 2 of the Ridgeway Subdivision Roadway Improvements

iii. Phase 2 of the Fox Valley Asphalt development area.

Attached please find a copy of the Bid Tabulation and Engineer’s summary for the Town’s CY 2014 Capital Construction Projects Bid Opening. The low bidder for the CY 2014 Capital Reconstruction projects is Northeast Asphalt, Inc. at a cost of \$ 741,454.54. The Town’s CY 2014 Capital Projects and costs allocations are:

	Project Name	Project Cost	Cost Allocation
1.	Ridgeway Drive Subdivision (Phase II):	\$ 418,232.19	Town
2.	Ridgeway Drive Stormwater Pond:	\$ 62,959.19	Utility
3.	Braun Court:	\$ 200,019.73	Town
4.	Fox Valley Drive Development:	<u>\$ 60,243.43</u>	Developer
	Total Costs:	\$ 741,454.54	

The Town and the Stormwater Management Utility (Utility) are responsible for \$ 681,211.11; the Developer of the Fox Valley Drive Development is responsible for \$60,243.43. Town staff will be ready to review the details of the Bid and the Bid Tabulation with the Board at its Wednesday, May 21st, 2014 meeting. At this time the Administration is recommending that the Board award the following projects, subject to the funding available in the Town’s CY 2014 Capital Reconstruction Budget and the funding provided by the Developer:

	Project Name	Project Cost	Cost Allocation
1.	Ridgeway Drive Subdivision (Phase II):	\$ 418,232.19	Town
2.	Ridgeway Drive Stormwater Pond:	\$ 62,959.19	Utility
3.	Braun Court:	\$ 200,019.73	Town
4.	Fox Valley Drive Development:	<u>\$ 60,243.43</u>	Developer
	Total Costs:	\$ 741,454.54	

The Administration would like to remind the Board that there will be an additional \$2,500.00 expense to chip seal a driveway for the Ridgeway maintenance shop. The cost of moving the driveway is included in the Capital Reconstruction project costs.

If the Board agrees with the Administration’s recommendations to award the Town’s CY 2014 Capital Reconstruction Projects as presented, a motion would be in order to award the Capital Construction projects to Northeast Asphalt, Inc. at a bid cost of \$ 741,454.54, with the funding for the work to come from the Town’s CY 2014 Capital Construction Budget, the Town’s CY 2014 Stormwater Management Utility Budget, and the Developer of the Fox Valley Drive Development. Additionally, staff should be directed to draft the requisite contracts and paperwork and to set a start date for the project. Staff should also inform the affected residents of the work and/or the postponement of the work.

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Geise

Motion: Motion that we award all of the bids for the Braun and Ridgeway Court improvements Phase II of the Ridgeway Drive Subdivision and the Fox Valley Development area per staff’s recommendations and understanding of the financial constraints

Vote: Motion made by unanimous consent

- G. Discussion/Recommendation: Town Board review and direction to staff relative to the quality of the allowable signs under the Town's Zoning Code of Ordinances.

This item was forwarded from the Board's Wednesday, May 7th, 2014 meeting. The Board asked for additional information relative to the Town's Zoning Code of Ordinances relating to signs. Attached, please find copies of the sign regulations in the Town's Zoning Code of Ordinances.

Staff will be prepared to answer any questions the Board may have relative to signs in the Zoning Code of Ordinances and how staff approves sign applications.

- XI. Upcoming Meeting Attendance:
- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
- XIV. Adjournment:
MOTION:
Motion made by unanimous consent to Adjourn at 9:13 p.m.

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant